SIDE-LETTER ON DUE PROCESS

During the negotiations for an initial collective bargaining agreement (CBA) between the University of California at San Francisco (University) and the Committee of Interns and Residents/SEIU Healthcare (Union) the parties were unable to reach agreement on the issue of due process. In order to avoid having this issue delay attainment of a CBA, the parties have agreed to enter into a CBA on all issues other than due process.

With respect to the issue of due process, notwithstanding Article 29 – Waiver, the parties agree to jointly request that the Public Employment Relations Board submit this issue to a factfinding panel pursuant to Government Code section 3590 et. seq. Upon submission of this issue to a factfinding panel, all the provisions of Government Code section 3590 et. seq. shall apply.

The parties agree to submit the joint request for factfinding within five (5) days after the initial CBA between the parties has been fully ratified. Although only the issue of due process will be submitted to factfinding, subject to the control of the factfinding panel, either party may present evidence of bargaining history and/or other proposals in order to provide context for its position on due process. It is agreed that within the scope of the issue of due process the applicability of grievance and arbitration remains open and nothing in Article 11 – Grievance and Arbitration is intended to limit the scope of factfinding on due process.