

SIDE LETTER
SYSTEMWIDE SUPERVISORS UNIT MODIFICATION

Currently there are over 700 employees in job classifications set forth in Section A of Article 01 – Recognition who are in dispute as to whether they are supervisory, managerial or confidential employees appropriately in the unit (hereinafter referred to as “the exclusion disputes”). In the event the parties execute a Collective Bargaining Agreement before the exclusion disputes are resolved and if the parties cannot reach a mutual agreement regarding the exclusion disputes, the parties agree to jointly submit a joint petition for unit modification to resolve the disputes under 32781(b)(4). Or, if the parties have already submitted the disputes to PERB prior to the execution of the Collective Bargaining Agreement, the parties agree to continue to process the disputes in that forum. If PERB declines jurisdiction under PERB regulations, the dispute will be referred to arbitration.

If upon a mutual agreement of the parties or a final resolution of the exclusion disputes through PERB unit modification procedure or arbitration, a disputed employee is determined to be non-supervisory, non-confidential, and non-managerial within the meaning of HEERA, the University agrees to make the employee whole for lost pay and benefits, including simple interest at a rate of seven percent (7%) per annum, as provided for in applicable law, solely through a financial payment no later than the first paycheck issued ninety (90) days after the final agreement or resolution. The parties agree that this will be the sole remedy for the exclusion disputes.

Upon this payment, the Union agrees to withdraw any existing grievances, unfair practice charges, or other actions related to the exclusion disputes and agrees that it will not file any future grievances, unfair practice charges, or other actions related to the exclusion disputes.