

UC/UAW PX Bargaining
Article 32 – Waiver
UC Proposal #2 – with union modification
February 18, 2022
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For the University



Nadine B. Fishel



Peter Q. Nguyen

Article 32

Waiver

2-19-2022

A. The University and the UAW ~~acknowledge that during the negotiations resulting in this Agreement, each party~~ had the opportunity during negotiations to make proposals with respect to any subject matter not prohibited by law from the area of collective bargaining. ~~This Agreement sets forth the full and entire understanding of the parties regarding the matters contained herein. This Agreement supersedes and replaces any other prior or existing understanding or agreement by the parties, whether formal or informal, regarding any such matters. Except as provided in this Agreement, the University and the UAW agree and understand, that each voluntarily waives its right to negotiate.~~ Unless mutually agreed otherwise, the University and the Union, for the life of this Agreement, each voluntarily and unqualifiedly waives the right, and each agrees that the other shall not be obligated to bargain collectively with respect to any subject or matter referred to, or covered in this Agreement, or with respect to any subject or matter not specifically referred to or covered by this Agreement, even though such subject or matter may not have been within the knowledge or contemplation of either or both of the parties at the time they negotiated or signed this Agreement.

- ~~1. any matter raised in negotiations or covered in this Agreement, or~~
- ~~2. with respect to any subject or matter not specifically referred to or covered by this Agreement, even though such subject or matter may not have been within the knowledge or contemplation of either or both of the parties at the time they negotiated or signed this Agreement.~~

B. Notwithstanding Section A., above, in the event the University proposes a new policy or practice or a change in an existing policy or practice not covered by the Agreement that has a significant impact on the terms and conditions of employment for a substantial number of

Postdoctoral Scholars in the unit, the University shall notify the UAW of proposed changes thirty (30) calendar days prior to their proposed implementation.

1. The parties shall undertake negotiations regarding the impact of such changes on Postdoctoral Scholars when all three of the following exist:
 - a. The changes proposed by the University would have a significant impact on the terms and conditions of employment of a substantial number of employees in the bargaining unit;
 - b. The subject matter of the change is within the scope of representation pursuant to HEERA; and
 - c. The UAW makes a request to negotiate with the University within fifteen (15) calendar days of the date of the receipt by the UAW of the University's notice as described in Section B.
2. **If such a request is made, the University will meet with the Union within fifteen (15) calendar days of its request, when practicable.**
3. The University and the UAW shall execute in writing the agreement resulting from such negotiations, and the agreement shall become an addendum to this Agreement.
4. If the parties do not reach agreement in the negotiations, the impasse procedures pursuant to HEERA shall apply.

For the Union:
2/21/22






