

**ARTICLE 17
OUT OF UNIT MOVEMENT**

A. GENERAL CONDITIONS

1. The University and the Union agree that the title codes covered in the bargaining unit have been certified by the Public Employment Relations Board identified in Article 1 - Recognition.
2. In accordance with the Higher Education Employee-Employer Relations Act (HEERA), supervisors, managers and/or confidential employees are excluded from the bargaining unit.
3. Academic Researchers who are in the title codes covered in the bargaining unit on the date of ratification are considered appropriately classified as bargaining unit members.
4. The University shall provide the Union a list of Academic Researchers in the title codes contained in the Recognition Article no later than thirty (30) calendar days from the date of ratification.

B. OUT OF UNIT MOVEMENT - INDIVIDUAL ACADEMIC RESEARCHERS

1. Should the University identify Academic Researchers who it contends are no longer appropriately classified as bargaining unit members, the campus or health system location shall:
 - a. Provide the Union notice no later than thirty (30) calendar days in advance of the effective date of the out of unit movement;
 - b. Identify the name(s) and in unit title(s) of the Academic Researcher(s);
 - c. Identify the new duties or circumstances which constitute an out of bargaining unit designation;
 - d. Identify the new title code(s) the Academic Researcher(s) will be moved into;
 - e. Provide the union the opportunity to meet and discuss the decision within ten (10) calendar days from the date of the notice and whom to contact in the event the union requests to meet.
2. The Academic Researcher(s) shall be moved out of the unit on the effective date in the notice.
3. If the Union decides to pursue a challenge after the meeting in Section B.1.e above, the Union shall do so through the grievance procedure. The

date of the meeting, shall be considered the date the Union knew or should have known, in accordance with the provisions of Article 7 - Grievance and Arbitration Procedures, Section D.2.a.

4. If the Union pursues the matter to arbitration, the arbitrator is limited to the following remedies:
 - a. Grant the grievance and place the Academic Researcher(s) back into bargaining unit in the appropriate title code; or
 - b. Deny the grievance in which case there shall be no further action and the Academic Researcher(s) remains in a title code out of the bargaining unit.
5. If the Arbitrator grants the grievance, the Academic Researcher(s) is solely responsible for any back dues owed to the Union.

C. OUT OF UNIT MOVEMENT - TITLE CODES

1. If the University proposes to move a title code out of the bargaining unit, it shall provide at least thirty (30) calendar days' notice to the Union prior to the effective date.
2. The Union shall have ten (10) calendar days from the date of the notice to notify the University it wishes to meet and discuss the decision to move the title code out of the bargaining unit.
3. If the Union does not respond to the notice within ten (10) calendar days, the University shall move forward with the action to move the title code out of the unit on the effective date.
4. When the title code is moved out of the bargaining unit, all incumbents, if any, shall also be moved out of the bargaining unit on the effective date.
5. Disputes over the movement of title codes out of the bargaining unit shall be submitted to PERB for resolution. Until there is a final ruling, the title code and its incumbents, if any, shall remain in the bargaining unit.