

ARTICLE 23

WAIVER PROCEDURES

The unit members at a school site or a group of unit members may request that the Association and the District agree to waive provisions of the Collective Bargaining Agreement. All requests shall follow the following procedures: *Revised 2005-06*

23.1 Submission of Waiver

The request for a waiver shall be submitted to the CUTA President and the District Superintendent. The President and the Superintendent shall, if required, seek approval of the waiver request from the CUTA Executive Board and the District. *Revised 2005-06*

23.2 Waiver Request

A waiver request shall include the specific provision(s) of the Collective Bargaining Agreement to be waived, the replacement language that will be in effect in place of the waived language, and a certification that the waiver request is submitted in compliance with the criteria contained in 23.4.1, 23.4.2 and Appendices G-1, and G-2. *Revised 2005-06*

23.3 Verification

Either the Association or the District may request verification that the requirements contained in 23.4.1, 23.4.2 and Appendices G-1, and G-2 have been met. *Revised 2005-06*

23.4 Waiver Application Requirements *Added 2005-06*

23.4.1 One (1) Year Pilot Waiver

A one (1) year waiver may be submitted for approval by the CUTA Executive Board and the District when all points of view have been heard, at least 85% of the unit members at a site support an option, and the will of the group is evident—even to those who most oppose it.

A. Voluntary Transfer Rights

If a one (1) year waiver is approved, those opposed will be granted voluntary transfers to other sites if requested in writing and if an appropriate placement is available.

Added May 2000

23.4.2 Three (3) Year Waiver

A three (3) year waiver may be submitted for approval by CUTA and the District when one hundred percent (100%) of unit members at a school site support an option, and each can say (1) that consensus was reached fairly and openly, (2) that it was the best solution for us at this time, and (3) that even though it might not be my preferred option, my point of view was heard and understood, and I will not block the option.

23.4 Approval of Waiver Request

The waiver does not become effective until it is approved in writing by CUTA and the District. As a general rule, and whenever possible, the District and CUTA shall decide whether to approve or deny a waiver request within thirty (30) calendar days after receiving the request.

23.5 Waiver Renewal Language

23.5.1 One (1) Year Waiver

Unit members at a school site may request a renewal of the one (1) year waiver provided they have met the conditions for application in 23.4.1. The one year waiver renewal must be approved by the District and CUTA. Application for the renewal may be made within sixty (60) days of the end of the school year.

23.5.2 Three (3) Year Waiver

Unit members at a school site may request a renewal of the three (3) year waiver providing they have met the conditions for application in 23.4.2. The three (3) year waiver renewal must be approved by the District and CUTA. Application for the renewal may be made within sixty (60) days of the end of the school year.

23.6 Record of Waivers

All approved waivers shall be reduced to writing and numbered for record keeping.

23.7 Past Practice

Implementation of replacement language shall not establish a past practice.