

MANAGEMENT COMMUNICATION
CX BARGAINING
CONTRACT EXPIRATION AND THE STATUS QUO
Updated 12/14/2016

On December 9, 2016 the agreement between UC and the Teamsters for Clerical (CX) employees expired.

Upon the contract expiration, there is a transition to the status quo of terms and conditions of employment for represented employees. The status quo period requires the University to maintain the same wages, hours and terms and conditions of employment for represented bargaining unit employees that existed at the time the contract expired.

Many of these "status quo" conditions are reflected in contract language, but some are not. Thus, once a contract has expired, the University cannot change anything related to wages, hours and terms and conditions of employment without giving notice to the union and negotiating the change. That includes things like: changes in hours, changes in sick leave procedures, changes in performance evaluation procedures, etc.

UC's position is that the current terms and conditions for employees in the CX bargaining unit will continue, with special notes for selected Articles of the current contract(s) as follows:

Article 1 – Access/Union Rights -- With respect to union rights contained in this Article, the University will continue to offer use of e-mail for grievances as the contract currently provides, to allow the use of meeting rooms according to local access rules, new employee orientation as currently provided at each location, use of the telephone, and union business leave according to the current contract. Existing release time arrangements for designated union representatives shall remain in place, and new requests for release time should be granted (or denied) in accordance with the contract.

Article 3 – Arbitration Procedure -- There will be no employee or union access to the arbitration process for those grievances which arise after the expiration of the contract. However, individual employees who are dismissed or suspended for more than five days may elect to access the local "post-deprivation" procedures in lieu of arbitration.

Article 5 – Corrective Action, Discipline and Dismissal
The notice obligations to the union as provided under this Article continue.

Article 7- Grievance Procedure -- The grievance procedure will continue as the terms and conditions of employment for employees. The University will provide paid leave for grievance representatives as described in the contract.

Article 10 - Hours of Work – Teamsters have confirmed that they agree to continue the provisions of compensatory time-off for overtime payment (CTO) where it currently exists.

Article 13 - Layoff and Reduction in Time -- The notice obligations to the union as provided in this Article continue. Also, the severance benefits continue as part of the status quo.

Article 23 – Parking – Parking rates may not be changed without express agreement from the union, which is unlikely to be achieved with an expired contract.

Article 25 - Payroll Deductions -- The University will continue collecting agency fees and dues through payroll deductions.

Article 39-Transfer/Promotion/Reclassification – If you are contemplating assigning significant new duties to, or requesting a reclassification for a Clerical Unit position, please contact your labor relations manager as we cannot reclassify employees unilaterally.

Article 42 – University Benefits -- The University will continue to treat bargaining unit employees as eligible for benefits subject to any changes to benefits that are consistent with the dynamic status quo. Teamsters have confirmed that they agree to 2017 rates and benefits provided in Open Enrollment.

Article 48 - Work Rules – Generally changes in work rules post contract expiration need to be bargained. If you are planning to change a work rule, please contact your labor relations manager who will advise you how to proceed.

This list describes the main issues about terms and conditions that are affected by the contract expiration.

Having an expired contract and being in the status quo period can be a difficult situation for management. However, not everything related to wages, hours and terms and conditions of employment is subject to bargaining. Some of these issues are beyond the scope of bargaining and they continue to remain within management's prerogative during the status quo period. The obvious include, but are not limited to: decisions about reorganizing services; decisions about the organization of activities or programs, decisions about hiring, discipline, termination, layoff, decisions that go to the mission of the University, etc.

While certain management decisions are beyond the scope of bargaining, the effects of those decisions may be negotiable.

If you have any questions about what you can and cannot do during the status quo period, please consult with Labor & Employee Relations before implementing changes of the nature described above.