

ARTICLE 1

RECOGNITION AND EFFECT OF AGREEMENT

1.1 The District hereby recognizes ACE (herein referred to as the Union) as the **exclusive bargaining representative in ACE for all classified workers** holding those positions listed in Appendix E and all classified hourly workers holding those positions listed in Appendix E.1.

1.2 This Agreement shall supersede any rules, regulations, policies or practices of the District. In the absence of specific provisions of this Agreement, the adoption or modification of rules, regulations, policies, and practices is discretionary with the District; provided, however, the District shall notify ACE prior to any implementation, and shall afford sufficient time to negotiate over the effects of such a change, or to meet and confer.

1.4 This Agreement expresses the entire understanding between the parties with respect to all matters within the scope of representation **as defined by the Government Code Section 3543.2 and supersedes all previous agreements between the parties, whether written or oral.**

ARTICLE 2

NO DISCRIMINATION

2.1 Neither the District nor the Union shall interfere with, intimidate, restrain, coerce, or discriminate against members of the bargaining unit because of the exercise of rights to engage in or refuse to engage in Union activities. The District shall not discriminate against a worker because of race, gender, political activity, sexual orientation, age, mental or physical disability or religion. Allegations of discrimination, which may be referred to a state or federal administrative agency, shall not be subject to the grievance procedure.

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**California Government Code Section 3543**

(a) Public school employees shall have the right to form, join, and participate in the activities of employee organizations of their own choosing for the purpose of representation on all matters of employer-employee relations. Public school employees shall have the right to represent themselves individually in their employment relations with the public school employer, **except that once the employees in an appropriate unit have selected an exclusive representative and it has been recognized pursuant to Section 3544.1 or certified pursuant to Section 3544.7, an employee in that unit shall not meet and negotiate with the public school employer.**

**California Government Code Section 3543.1**

(a) Employee organizations shall have the right to represent their members in their employment relations with public school employers, except that once an employee

organization is recognized or certified as the exclusive representative of an appropriate unit pursuant to Section 3544.1 or 3544.7, respectively, **only that employee organization may represent that unit** in their employment relations with the public school employer.

**California Government Code Section 3543.2**

(a) The scope of representation shall be limited to matters relating to **wages, hours of employment, and other terms and conditions of employment**. "Terms and conditions of employment" mean health and welfare benefits as defined by Section 53200, leave, transfer and reassignment policies, safety conditions of employment, class size, procedures to be used for the evaluation of employees, organizational security pursuant to Section 3546, procedures for processing grievances pursuant to Sections 3548.5, 3548.6, 3548.7, and 3548.8, the layoff of probationary certificated school district employees, pursuant to Section 44959.5 of the Education Code, and alternative compensation or benefits for employees adversely affected by pension limitations pursuant to Section 22316 of the Education Code, to the extent deemed reasonable and without violating the intent and purposes of Section 415 of the Internal Revenue Code.

Last modified: January 15, 2011

<http://law.onecle.com/california/government/3543.2.html>

*Source: California Government Code Sections 3540 – 3549.3 (EERA)*

*Source: California Government Code Sections 3560 – 3599 (HEERA)*

*Source: California Government Code Sections 3500 – 3510 (MMBA)*

**Enforcement: Violations of the EERA are addressed by the filing of Unfair Practice Charges with PERB.**