

ARTICLE XVIII: CONTRACT CLAUSES

- 18.1 **SAVINGS PROVISION:** If any provision of this Agreement or any application of this Agreement to any Unit Member or group of Unit Members is held invalid by operation of law or by a court or other tribunal of competent jurisdiction, such provision shall be inoperative, but all other provisions shall not be affected thereby and shall continue in full force and effect.

The parties shall meet no later than ten (10) days after notification of such written decision by a court or tribunal to negotiate on the provisions affected.

18.2 EFFECT OF AGREEMENT

18.2.1 It is understood and agreed that the specific provisions contained in this Agreement shall prevail over District practices and procedures and over state laws to the extent permitted by state law.

18.2.2 It is understood and agreed by both the District and the Association that throughout the process of negotiating this Agreement, each party has made and withdrawn proposals that relate to existing practices outside of the provisions of the present contract. Each party agrees that the making and withdrawing of these proposals does not constitute a modification of their existing rights and benefits.

18.3 RE-OPENERS

18.3.1 Upon written notice and completion of the Public Notice requirements set forth in Government Code Section 3547, the Association and District may re-open negotiations on compensation, health and welfare benefits (including such benefits for retirees), and two additional non-economic Articles selected by each party in each fiscal year of the Agreement.

18.3.2 The parties acknowledge that state finance information is not finalized until late summer of each fiscal year, and that the District reports unaudited actuals on the Annual CCFS 311 on October 10 of each fiscal year. The parties agree to keep these facts in mind while acknowledging the requirements of Government Code Section 3543.7.

- 18.4 **COMPLETION OF MEET AND NEGOTIATION:** This Agreement shall constitute the full and complete commitment between both parties and shall supersede and cancel the previous agreement. This Agreement may be altered, changed, added to, deleted from, or modified only by the voluntary consent of the parties in a written and signed amendment to this Agreement.

- 18.5 **RATIFICATION:** Both the District and the Association shall exercise due diligence in ratifying this Agreement within a reasonable time frame and shall not unreasonably delay in approving, signing and returning the Agreement.