

Article 28 – Contract Waiver Procedures

28.1 A Contract Waiver shall be required when one (1) or more of the bargaining unit members and the administrator(s) of a District work site or a District-based Program wish to implement changes, policies and/or programs that conflict with the collective bargaining agreement (CBA).

28.1.1 If a concept is presented to the site/district-based program administrator(s) who do(es) not support the concept of the waiver, there shall not be a waiver election and the site administrator(s) shall put in writing and distribute to the bargaining unit members the rationale for the denial of support within five (5) days of said denial. The TEA site/program representative shall also forward a copy of the rationale to the TEA president/designee.

28.1.2 If the site/district-based program administrator(s) is/are in support of the concept, there shall be a waiver if one or more of the bargaining unit members is/are interested in implementing the concept.

To ascertain the need for a Contract Waiver election, the TEA site representative(s) and the administrator shall present the concept of the change to the contract at a staff meeting and ask if any bargaining unit member is interested in implementing that change. If one (1) or more bargaining unit members indicates an interest in implementing the change, the following procedures shall commence:

28.1.2.1 The TEA site/program representative(s) and site/program administrator shall present to the Association President/designee a signed and dated written proposal of the waiver. The proposal shall include:

28.1.2.2 Specific contract language to be waived

28.1.2.3 Specific contract language to be put in place

28.1.2.4 Rationale for request

28.1.2.5 Statement of the impact on the site budget, workload, personnel and instruction

28.1.2.6 Period of time for which the waiver is requested, not to exceed one school year

28.2 Bargaining unit approval or rejection of the proposed waiver shall be determined by an election by secret ballot run by the TEA site/program representative(s).

28.2.1 The election shall be run according to one of the procedures in the current CTA “Guidelines for Chapter Elections Procedures”, Section VII.

- 28.2.2 The proposed waiver shall be posted on the site TEA bulletin board for not less than ten (10) working days prior to the secret ballot.
- 28.2.3 A general meeting of the bargaining unit members shall be held by the TEA site/program representative(s) and the site/program administrator not less than five (5) work days prior to the secret ballot.
- At the meeting, the TEA site/program representative(s) and the site/program administrator shall present the terms of the waiver proposal and answer questions, after which the site/program administrator shall leave the meeting and the bargaining unit members may continue to discuss the waiver proposal.
- 28.2.4 Voting procedures, including dates, times and locations of the election shall be posted on the site TEA bulletin board for not less than ten (10) working days prior to the election.
- 28.2.5 A minimum of three (3) consecutive days shall be provided for voting.
- 28.2.6 Site ballots shall be turned in to the TEA Elections chair/designee to be counted. The results of the election shall be communicated in writing to the TEA site/program representative(s) for posting on the TEA bulletin board at the site within five (5) work days after the ballots are counted. The TEA site/program representative shall also inform the site/program administrator of the results of the election.
- 28.2.7 A waiver shall be subject to a minimum of 70% approval of votes cast by those TEA members potentially affected by the proposed change.
- 28.3 Waiver proposals for implementation at the beginning of the subsequent school year shall be submitted to the Association President no later than April 15th of the current school year.
- 28.4 Waiver proposals for implementation at the semester shall be submitted to the Association President no later than October 1st of the current school year.