

City TA:

Union TA:

Article 38. Savings Clause

- 38.1 Should any part hereof or any provision herein contained be rendered or declared invalid by reason of any existing or subsequently enacted legislation or by any decree of a court of competent jurisdiction, such invalidation of such part or portion of this Agreement shall not invalidate the remaining portions hereof; provided, however, upon such invalidation the parties agree immediately to meet and negotiate **mandatory subjects'** such parts or provisions affected. The remaining parts or provisions shall remain in full force and effect.
- 38.2 The parties recognize that both **the City and the Union** are subject to the Americans with Disabilities Act (ADA) and that nothing in this Labor Agreement may supersede the requirements of that Federal Law. The parties agree to meet and confer regarding circumstances where the ADA and the Labor Agreement appear to conflict. A showing that a person is disabled, and that action taken as a reasonable accommodation is an absolute defense to a contract violation claim.