

## ARTICLE 38

### SEVERABILITY AND SAVINGS

#### Section 1.

If any Article, Section, Clause or Appendix of this Agreement shall be held invalid by operation of law, or held invalid by any tribunal or court of competent jurisdiction, or if compliance with any Article, Section, Clause or Appendix shall be restrained by any such tribunal or court pending a final determination as to its validity, the remainder of this Agreement, or the application of such Article, Section, Clause or Appendix, to persons or circumstances other than those to which it has been held invalid or to whom compliance has been restrained, shall not be affected thereby. In the event that any provision of this Agreement is held invalid, as set forth above, the parties shall enter into immediate collective bargaining negotiations for the purpose of arriving at a mutually satisfactory replacement for the provisional provisions held invalid.

#### Section 2.

The execution of this Collective Bargaining Agreement shall be without prejudice to any grievances timely filed or any arbitration proceedings timely initiated pursuant to the former contract, or proceedings pending pursuant to Civil Service procedures or other pending litigation, except this Agreement shall supersede any and all grievances or litigation, pending or heretofore resolved, where the specific provisions of this Agreement would have application; however, such supersession shall be prospective in application only.