

## ARTICLE 4 - DISTRICT RIGHTS

- 4.1 All matters not specifically enumerated as within the scope of negotiations in Government Code 3543.1, and all rights not limited by the clear and explicit provisions of the other articles of this Agreement, are reserved to the District. It is agreed that such reserved rights include, but are not limited to, the exclusive right and power to determine, implement, supplement, change, modify or discontinue in whole or in part, temporarily or permanently any of the following:
- 4.1.1 The legal, operational, geographical and organizational structure of the District, including the chain of divisions and subdivisions; external and internal boundaries of all kinds; and advisory commissions and committees.
  - 4.1.2 The financial structure of the District, including all sources and amounts of financial support; income; funding; taxes and debt; and all means and conditions necessary or incidental to the securing of the same, including compliance with any qualifications or requirements imposed by law or by funding sources as a condition of receiving funds; all investment policies and practices; all budgetary matters and procedures, including the budget calendar; the budget formation process; accounting methods; fiscal and budget control policies and procedures; and all budgetary allocations, reserves and expenditures apart from those expressly allocated to fund the wage and benefit obligations of this Agreement.
  - 4.1.3 The acquisition, disposition, number, location, types and utilization of all District properties, whether owned, leased or otherwise controlled, including all facilities, grounds, parking areas and other improvements; and the personnel, work, service and activity functions assigned to such properties.
  - 4.1.4 All services to be rendered to the public and to district personnel in support of the services rendered to the public; the nature, methods, quality, quantity, frequency and standards of service; and the personnel, facilities, vendors, supplies, materials, vehicles, equipment and tools to be used in connection with such services; the lawful subcontracting of services to be rendered and functions to be performed, including educational support, construction, maintenance and repair services.
  - 4.1.5 The lawful utilization of personnel not covered by this Agreement, including substitutes, limited or short-term employees, student workers, noon supervision aides, GATE aides, consultants, confidential, supervisory or managerial personnel and the methods of selection and assignment of such personnel.
  - 4.1.6 The educational policies, procedures, objectives, goals and programs, including those relating to educational equipment and supplies; pupil transfers; records; pupil health and safety; pupil conduct and discipline; transportation; food services; racial and ethnic balance; extra-curricular and curricular activities and emergency situations; and the substantive and procedural rights and obligations of students, parents, teachers, other personnel and the public with respect to such matters.
  - 4.1.7 The selection, classification, direction, promotion, demotion, discipline, retirement and termination of all personnel of the District, subject to Education Code restrictions; affirmative action and equal employment policies and programs to improve the District's employees to any location (subject to Article 18 –Transfers & Reassignment), and also to any facilities, work sites, functions, activities, tasks

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or equipment; and the determination as to whether, when and where there is a job opening.

- 4.1.8 The job classifications and requirements, content and qualifications thereof.
  - 4.1.9 The duties and standards of performance on the job for all employees and whether any employee adequately performs such duties and meets such standards.
  - 4.1.10 The dates, times and hours of operation of District facilities and work sites, functions and activities, subject to Article 8, Hours;
  - 4.1.11 Safety and security measures for students, the public, properties, facilities, vehicles materials, supplies and equipment, including the various rules and duties for all personnel with respect to such matters.
  - 4.1.12 The rules, regulations and policies for all employees, students and the public, subject to the other articles of this Agreement.
  - 4.1.13 The termination or layoff of employees, consistent with law, as the result of the exercise of any of the rights of the District not limited by the clear and explicit language of this Agreement.
  - 4.1.14 All other rights of the District not expressly limited by the clear and explicit language of this Agreement.
- 4.2 The exercises of any right reserved to the District herein in a particular manner or the non-exercise of any such right shall not be deemed a waiver of the District's right or preclude the District from exercising the right in a different manner.
- 4.3 Notwithstanding any other provisions of Article 4 – District Rights, the parties agree that this Article is not intended as a general or specific waiver of any right of the Association or Bargaining Unit Members, nor shall it be applied to reduce or restrict, in any way, any right or privilege of the Association or Bargaining Unit Members which are derived from other provisions of this Agreement or from the law.