

Article 4 - Management Rights

It is recognized that the Board has and will continue to retain the rights and responsibilities to operate and manage the ESD and its programs, facilities, properties, and activities of its employees. [The enumeration of Management rights in this Article shall not constitute and express or implied waiver of the Union's statutory right to bargain under PECBA. The Employer retains the obligation to bargain with the Union to the extent required by law prior to implementing changes in mandatory subjects of bargaining.](#) Except as limited by this Agreement and applicable state and federal law, and without limiting the generality of the foregoing above, it is expressly recognized that the Board's retained operational and managerial rights include:

1. The right to determine the location of the ESD's facilities, including the right to establish new facilities and to relocate or close old facilities.
2. The determination of the financial policies of the ESD, including the general accounting procedures, inventory of and procedures related to supplies and equipment.
3. The determination of the management, supervisory or administrative organization of each facility in the system and the selection of employees for promotion to supervisory, management or administrative positions.
4. The maintenance of discipline and control or use of the ESD property and facilities.
5. The determination of safety, health, and property protection measures.
6. The right to enforce the policies, rules, and regulations now in effect and to establish new policies, rules, and regulations from time to time not in conflict with this Agreement.
7. The direction and arrangement of all the working forces in the system, including the right to hire, suspend, discharge, discipline, or transfer employees.
8. The creating, combination, modification, of elimination of any position.
9. The determination of the size of the working force, the allocation and assignment of work to employees, the determination of policies affecting the selection of employees, and the establishment of quality standards and judgment of employee performance.

10. The determination of the layout, the equipment to be used, and the right to plan, direct, and control ESD activities.
11. The determination of the processes, techniques, methods and means of instruction, and the subjects to be taught.
12. The right to establish and revise the ESD's calendar, determine days of work, establish hours of employment, to schedule work, and to assign workloads.
13. The right to select textbooks, teaching aids, and materials.
14. The right to determine policies and procedures related to public relations and communications.

Nothing in this Agreement shall limit in any way the Board's contracting or subcontracting of work except as provided for in Article 24 - Contracting Out or shall require the Board to continue in ~~Tentative Agreement May 17, 2022~~ existence of any of its present programs in their present form or location or on any other basis. However, the Union reserves the right to exercise its bargaining rights under the provisions of Oregon Law and/or Administrative Rule.