

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 article 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:

- a. The legal, operational, geographical and organizational structure of the District, including the chain of command, division of authority, organizational divisions and subdivisions, external and internal boundaries of all kinds and advisory commissions and committees;
- b. 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 same, including compliance with any qualifications or requirements imposed by law or by funding sources as a condition of receiving budgetary matters and procedures, including the accounting methods, fiscal and budget control policies and procedures and all budgetary allocations, reserves and expenditures apart from benefit obligations of this Agreement;
- c. 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;
- d. The kinds and levels of service to be rendered to the public, the need for and the manner of subcontracting for services;
- e. The lawful utilization of personnel not covered by this Agreement, including substitutes, short-term employees, student workers, noon supervision aides, consultants, confidential, supervisory or managerial personnel and the methods of selection and assignment of such personnel;
- f. 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, extracurricular 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;
- g. 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 utilization of women and minorities; the assignment of employees to any location (subject to Article 17, Transfers), and also to any facilities, work sites, functions, activities, tasks or equipment; and the determination as to whether, when and where there is a job opening;

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- h. The initial job classification structure and job requirements, job contents, job qualifications, and selection of new hires;
 - i. The duties and standards of performance for all employees and whether any employee adequately performs such duties and meets such standards;
 - j. The dates, times and hours of operation of District facilities and worksites, function and activities, subject to Article 8, Hours;
 - k. 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;
 - l. The rules, regulations and policies for all employees, students and the public, subject to the other articles of this Agreement;
 - m. The termination or layoff of all 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;
 - n. All other rights of the District not expressly limited by the clear and explicit language of this Agreement.
- 4.2 This article is not intended to expand the rights of the District beyond statutory or constitutional limits, or to waive or diminish the rights of unit members or the Association as expressly provided in the other articles of this Agreement. If there is direct conflict between the retained rights of the District under this Article and the rights of unit members or the Association as provided elsewhere in this Agreement, the latter shall prevail.
- 4.3 The exercise 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.