

ARTICLE 3: DISTRICT RIGHTS

3.100 Management Rights and District Powers

The District retains all of its powers and authority to direct and control to the full extent of the law. Included in but not limited to those duties and powers are the rights to: direct the work of its employees; determine the method, means and services to be provided; establish the educational philosophy and the goals and objectives; insure the rights and educational opportunities of students; determine the staffing patterns; determine the number and kinds of personnel required; determine the classification of positions; maintain the efficiency of the District operation; determine the curriculum; build, move or modify the facilities; develop a budget; develop and implement budget procedures; determine the methods of raising revenue; and contract out work subject to the provisions of section 15.500 of this agreement and Education Code section 45103.1. The determination as to whether the District has violated the provisions of Education Code section 45103.1 as described herein shall not be subject to the grievance procedure of this agreement. In addition, the Board of Education retains the right to hire, assign, transfer, reassign, assign overtime and workweek, evaluate, promote, terminate and discipline employees.

3.200 The exercise of the foregoing powers, rights, authority, duties and responsibilities by the District, the adoption of policies, rules, regulations and practices in furtherance thereof, and the use of judgment and discretion in connection therewith, shall be limited only by the specific and express terms of this Agreement, and then only to the extent such specific and express terms are in conformance with the law.

3.300 The exercise of the discretionary powers reserved to the District by this provision shall not be subject to review by an arbitrator nor subject to the grievance procedure, except that an arbitrator shall have the authority to determine the applicability of this article to any dispute regarding the violation or application of this Agreement.

3.400 The District reserves the right to file a grievance through binding arbitration against CSEA based on violations of Articles 2, 3, and 15. This shall not be considered an exclusive remedy for the District with respect to alleged violations of these articles.