

**ARTICLE 16
MANAGEMENT RIGHTS**

- A.** Management of the University is vested exclusively in the University. The parties agree that all rights not specifically granted in this Agreement are reserved solely to the University. Except as otherwise provided in this Agreement, UPTE agrees that the University has the right to make and implement decisions relating to areas including, but not limited to those enumerated below. Although the University may upon request consult with UPTE concerning the following areas, the University is not obligated to bargain with UPTE as to such areas during the term of this Agreement.
- B.** Examples of the rights reserved solely to the University administration and its agents and officials include, but are not limited to, the right:
1. To establish the University's missions, programs, objectives, activities, and priorities;
 2. To plan, supervise, direct and control the use of resources to achieve the University's missions, programs, objectives, activities, and priorities;
 3. To develop, implement and administer affirmative action programs;
 4. To establish and administer procedures, rules and regulations and determine the methods and means by which operations are to be carried on;
 5. To introduce new or improved methods, programs, equipment, or facilities or change or eliminate existing methods, equipment, or facilities;
 6. To determine the location or relocation, reorganization, or discontinuance of operations; to determine where employees shall work; or subcontract all or any portion of any operation;
 7. To assign, reassign, and schedule work; to determine the need for overtime;
 8. To establish the size, composition, and qualifications of the work force;
 9. To recruit, hire, develop, train, evaluate, promote, transfer, demote, or layoff limited appointment, career, or probationary employees;
 10. To determine the basis for, and to determine the amount granted for merit increases;
 11. To establish, modify, and enforce standards of performance, conduct, and safety for employees; and to determine the process by which employee performance is evaluated;
 12. To reprimand, suspend, release, or otherwise discipline or discharge employees for misconduct or failure to perform satisfactorily;

- 13. To maintain safety standards and programs;
 - 14. To determine and modify job classifications and job descriptions.
- C.** The above enumerations of management rights are not inclusive and do not exclude other management rights not specified, nor shall the exercise or non-exercise of rights retained by the University be construed to mean that any right is waived.
- D.** No action taken by the University with respect to a management right shall be subject to the grievance or arbitration procedure or collateral suit, unless the exercise thereof violates an express written provision of this Agreement.