

CHAPTER 3
MANAGEMENT RIGHTS
TABLE OF CONTENTS

<u>MANAGEMENT RIGHTS</u>	3-3
Scope	3-3
Management Rights Clauses	3-3
Restriction on Management Rights	3-3
<u>MANAGEMENT PHILOSOPHY</u>	3-4
Management/Labor Relationship.....	3-4
California Highway Patrol Philosophy.....	3-4
<u>DUTIES AND RESPONSIBILITIES OF MANAGEMENT</u>	3-4
Responsibilities	3-4
Obligations	3-4
Working with the Employee Representative	3-5
<u>ROLE OF THE SUPERVISOR</u>	3-6
Link Between Employees and Management	3-6
Member of the Management Team	3-6
Providing Feedback from Employees.....	3-7
Authority of Supervisors	3-7
Decision Making	3-7

THIS PAGE INTENTIONALLY LEFT BLANK

CHAPTER 3

MANAGEMENT RIGHTS

1. MANAGEMENT RIGHTS.

a. Scope. Prior to collective bargaining, the only restrictions imposed on managerial authority were those which were set by statute. As a result of collective bargaining, some of those rights have been abridged by the various contract provisions. Management looks to the contracts not to determine its rights, but rather to find out which rights have been relinquished or are shared with the exclusive representatives. Those rights not surrendered or limited by the contract are retained by management.

b. Management Rights Clauses. The various contracts essentially set forth the following management rights or prerogatives:

- (1) Determine the methods, means, organization, and personnel by which operations are to be carried out.
- (2) Maintain the efficiency of governmental operation.
- (3) Direct the work of its employees and assign tasks consistent with the employees' classifications.
- (4) Hire, promote, demote, transfer, assign, and retain employees.
- (5) Discipline, suspend, or discharge employees for proper cause.
- (6) Relieve employees from duties because of lack of work.
- (7) Set standards of service.
- (8) Do whatever is reasonably necessary to carry out the duties and responsibilities of the Department.

c. Restrictions on Management Rights. Management's authority is not absolute; it is dictated by the laws and rules governing state civil service and personnel administration, by the terms of the negotiated contracts, and by the responsibility to act reasonably in exercising authority over employees. Management representatives at all levels within the Department are responsible for encouraging open and constructive communication with employees, as well as employee organization representatives, where appropriate, on matters relating to terms and conditions of employment.

2. MANAGEMENT PHILOSOPHY.

a. Management/Labor Relationship. Historically, the relationship between management and labor has been one of conflict. The root of the problem is the employer's desire to remain as free as possible to make unilateral decisions without interference from employees or other outside influences. With the introduction of collective bargaining, the employer often fears a loss of control to the exclusive representative when it involves wages, hours, and other terms and conditions of employment. Unfortunately, during this transition, many on both sides expect the worst.

b. California Highway Patrol Philosophy. It is the philosophy of the California Highway Patrol to cast aside these preconceived ideas and use the collective experience, ideas, and energy of its employees to make this Department the best it can be, no matter what the task. Collective bargaining is about people and not about particular contracts. It involves ideas and not prejudices or animosities. The goal is to do the best job possible through responsible administration of the contracts. Based upon these ideals, the Commissioner expects all involved in the process to keep in mind that success is not measured by winning or losing, but by giving it your best effort. To spend all energy and resources in a negative vein will only divide the Department and weaken its foundation. For these reasons, it is every participant's responsibility, irrespective of their position, to make the collective bargaining process work through cooperation.

3. DUTIES AND RESPONSIBILITIES OF MANAGEMENT.

a. Responsibilities. Managers and supervisors have certain duties and authorities that set them apart as members of the management team. Managerial and supervisory employees are responsible for developing sound, positive employee relations practices in their work units and ensuring that departmental policies, procedures, and the terms of the negotiated contracts are administered properly and consistently.

b. Obligations. Management shall accord fair treatment to employees, employee organizations and their representatives. Positive relationships among managers, supervisors, employees, and employee organizations contribute significantly to the effectiveness of the Department and its employee relations program. Each party must respect the rights and responsibilities of the others and pledge mutual, good faith efforts to resolve any differences that may arise. The following are considered essential techniques for managers and supervisors to utilize:

- (1) Understand and exercise management's rights for the efficiency and effectiveness of the Department.

- (2) Be familiar with the contracts covering their staff.
- (3) Develop relationships with employee organization representatives. Treat them in a professional manner as equals when dealing with employee relations issues.
- (4) Remain alert to problems which may be brewing. Attempt to resolve them before they become formal grievances or complaints.
- (5) Keep the Office of Employee Relations informed of significant employee relations issues and problems with contract language.

c. Working with the Employee Representative. By law, employee organization representatives have the right to vigorously act to represent their employees. When an employee representative is acting in that capacity, they are on equal ground with management. A representative's representational activity may not be the basis for discipline or discharge. The following information is provided to assist managers and supervisors in working with employee representatives:

- (1) Establish a Constructive Working Relationship. Managers and supervisors will benefit by establishing a working relationship with the representative. If contacts between management and representatives are professional, cordial and respectful, petty complaints will be minimized. An adversarial, counterproductive environment most likely will develop if a manager or supervisor fails to recognize the legitimate role of the representative. When meeting with a representative who is a subordinate, clearly establish the purpose at the beginning of the meeting. Remember, when a representative meets with management, they are equal.
- (2) Communicate. Keep the representative informed. Whenever possible, meet and discuss scheduled changes with the representative. Soliciting input from the representative can provide valuable feedback on how the change will be viewed by the employees and ways to alleviate any problems with acceptance.
- (3) Cooperate. Make every effort to provide nonconfidential information which is requested. By working with the representative in developing solutions to problems, employees may be more willing to accept a change.
- (4) Provide Reasonable Time. When determining the amount of time to which a representative is entitled, always refer to the contract and Chapter 6, Release Time/Use of State Time for Representation, of this manual. Other considerations are the legitimate needs of the employer (workload of the unit, ability of other employees to perform the work), departmental policy and practices, and how much time is needed (where the representative must go to

obtain information). Keep records of the amount of time the representative spends away from regular work assignments by utilizing the CHP 610, Representation Reporting. If it becomes necessary to deny time off for operational reasons, it may be necessary to provide documentation which shows management has permitted reasonable use of state time in the past and made accommodations for the future.

(5) Establish Ground Rules. Ground rules are parameters. Ground rules are established by management for the conduct of employee organization business. An example would be requiring the representative to complete work assignments. Another general rule is that permission must be obtained before entering or leaving a work site, as well as before using state time to communicate with employees on other than work-related matters.

(6) Management's Representative. As a representative of management, it is important to properly administer contract provisions and policies within the framework of the Department's management philosophy. This will not only establish credibility, but will also provide consistency and gain the representative's respect. Avoid taking grievances or other issues presented by the representative personally. Stick to the subject at hand when meeting with the representative. Do not allow peripheral issues to distract from the purpose of the meeting. Be attentive and reasonable, but do not allow the discussion to degenerate to a point where resolution is impossible. It may be better to adjourn and reconvene when both sides have had a chance to reevaluate their positions and meet again under more favorable circumstances.

4. ROLE OF THE SUPERVISOR.

a. Link Between Employees and Management. One of the most important relationships in any organization is between the employee and the immediate supervisor. As the primary link between the employee and the upper levels of management, every action that a supervisor takes could have future ramifications- either good or bad, right or wrong.

b. Member of the Management Team. The supervisor directs the work force toward accomplishing the Department's goals and serves as management's contact with departmental employees. Employees identify the attitude and actions of the supervisor with that of management and react accordingly. Thus, it is important for the supervisor to clearly understand their integral role as a member of the management team, as well as the influence of their actions in effectively advocating management's rights.

c. Providing Feedback from Employees. The supervisor is management's main source of information regarding employee reactions to the contract and the

implementation of the negotiated provisions on a day-to-day basis. A supervisor should be well acquainted with all the provisions of the contracts and know management's policies and rules relating to the intent and application of the negotiated language. Because management's interpretations of the contracts are often tested through the grievance procedure, it is important that the supervisor thoroughly understand the rights of management and also those imparted to the employee and/or the exclusive representative.

d. Authority of Supervisors. As the front line of management, a supervisor must know their authority to adjust grievances, be a fact-finder and decision-maker, as well as an attentive listener. They must judge each case on its individual merits and be able to articulate a reason for the decision based upon a sound interpretation of the contract or policy.

e. Decision Making. A supervisor is responsible for making decisions, as well as following through on those made. They should endeavor to advise employees and/or representatives of decisions which affect them and the reasons behind them.

THIS PAGE LEFT INTENTIONALLY BLANK