

**2020 CITY OF SAN JOSE – POPRA NEGOTIATIONS  
TENTATIVE AGREEMENT**

**CITY PROPOSAL TO POPRA – MANAGEMENT RIGHTS**

City Proposed Language:

**ARTICLE XX MANAGEMENT RIGHTS**

XX.1 Except to the extent that the rights are specifically limited by the provisions of the Agreement or any applicable law, the City retains all rights, powers and authority granted to it pursuant to law or the City Charter including, but not limited to, the right: (a) to direct the work force; (b) to increase, decrease or reassign the work force; (c) to hire, promote, demote; discharge or discipline for cause; (d) to transfer or reclassify employees; (e) to provide merit increases; (f) to assign employees days of work, shifts, overtime and special work requirements; and (g) to determine the necessity, merits, mission and organization of any service or activity of the City or of any City Department, Agency or Unit. The City's failure to exercise a management right does not preclude the City from exercising it at some time in the future.

XX.2 Except as to the extent that the rights are specifically limited by the provisions of the Agreement or any applicable law, the City has the sole and absolute right to determine the nature and type of, assign, reassign, revoke assignments of or withdraw assignments of, City equipment, including motor vehicles, to or from employees during, after or before hours of duty, without consultation or meeting and conferring with the employee affected or the International Union of Operating Engineers, Local No. 3 representing such employee.

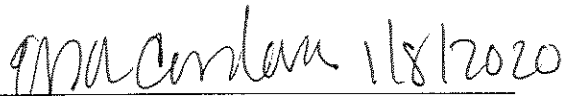
XX.3 The City has the absolute right to require that an employee return to assigned duties in the time of an emergency or to comply with the provisions of City Administrative Policy Manual Section 1.3.4, Disaster Service Workers. The City will not, during the term of this agreement enforce the Civil Service rule that City employees reside within 30 air miles of First and Santa Clara Streets.

**ARTICLE XX ADVANCE NOTICE**

Whenever the City changes work rules or workplace policies, or issues new work rules or workplace policies, the Union will be given written notice at least ten (10) working days, absent emergency, before the effective date of the rule or policy. This notice is provided in order that the Union may request to discuss or request to meet and confer regarding the rule or policy with the City before it becomes effective.

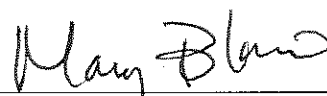
*\*This agreement is considered tentative and shall not be considered final or binding until a final agreement on all terms has been reached and both ratified by union members and approved by the City Council.*

**FOR THE CITY:**

 1/8/2020

Elsa Cordova  
Assistant to the City Manager

**FOR THE UNION:**

 1/8/2020

Mary Blando  
Business Agent  
OE#3