

**Buffalo & Erie County Public Library**  
**PERSONNEL POLICIES AND PROCEDURES MANUAL**

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**SUBJECT: Management Rights**

**CHAPTER: III**

**SECTION: 3**

**EFFECTIVE DATE: 1/81**

**REVISION DATE: 6/06, Modified for the B&ECPL effective 1/1/15**

**I. STATEMENT OF POLICY**

Management rights are identified as the major prerogatives which management reserves unto itself. These are not subject to negotiation with a bargaining agent, except as specifically limited by other provisions of the bargaining agreement.

A “Managements Rights” clause reaffirms that the Buffalo & Erie County Public Library and the departments will maintain management's right to manage. The clause also tends to set the parameters both for Labor-Management negotiations and for those matters which are or are not grievable.

It is therefore important that each B&ECPL administrator, manager, and supervisor know that these clauses do exist and why they exist, and know the rights that are reserved therein by management.

## II. GUIDELINES

### A. Example of a Management Rights Clause

"Except as expressly limited by other provisions of this Agreement, all of the authority, rights and responsibilities possessed by the County [B&ECPL] are retained by it, including, but not limited to, the right to determine the mission, purposes, objectives and policies of the County [B&ECPL]; to determine facilities, methods, means and number of personnel for the conduct of the County [B&ECPL] programs; to administer the merit system, including the examination, selection, recruitment, hiring, appraisal, training, retention, promotion, assignment or transfer of employees pursuant to law; to direct, deploy and utilize the work force; to establish specifications for each class of positions, and to classify or reclassify, and to allocate or reallocate new or existing positions in accordance with law and the provisions of this Agreement."

### B. Management Rights

1. Actions of individual administrators, managers, and supervisors are governed not only by all applicable laws, but also by legislative and administrative decisions made in accordance with law. Further, actions cannot be inconsistent with the provisions of bargaining agreements.
2. No individual manager or supervisor can act entirely alone without due regard for administrative decisions and for the administrative guidelines that have been established both by the Board of Trustees and by the manager's/supervisor's own department. Nor should managerial/supervisory actions violate any applicable provision(s) of the bargaining agreements.

3. When formulating internal departmental policies dealing with personnel matters, each department should consult Human Resources in order to determine if specific management actions are negotiable or not negotiable, if the policy will be consistent with law, or if it might be in conflict with other established policies, administrative guidelines, or bargaining agreements.