

## **ARTICLE 46 WORK RULES**

### **A. GENERAL PROVISIONS**

1. The University has the sole right to promulgate, supplement, alter, modify, amend, and rescind, work rules. For the purposes of this Article, work rules are defined as rules promulgated by the University which regulate employees relative to and affecting their employment. Work rules may be implemented only for reasons of bona-fide business and/or health and safety necessity.
2. For the purpose of general definition under this article, work rules shall be understood to mean rules governing work determined by the University to be required for the purpose of ensuring the orderly and efficient operation of the University and for ensuring the health and safety of employees and others. Work rules promulgated by the University shall be consistent with the provisions of this Agreement.

### **B. NOTICE**

At least forty-five (45) calendar days prior to the implementation of new or changed work rules, the University shall inform UPTE. Upon receipt of a written request from UPTE received within thirty (30) calendar days of notice, the campus/hospital/LBNL shall meet and discuss the proposed work rules with UPTE prior to the proposed implementation date. The University shall provide responses to alternatives suggested by UPTE. Such responses shall be in writing if requested by UPTE.

### **C. APPLICATION AND GRIEVABILITY**

1. The University will reasonably enforce its work rules for employees during working hours and/or when they are on University premises. The University may implement work rules governing employees during non-working hours only for reasons of health and safety necessity.
2. In the event the University's enforcement/application of its work rules is inconsistent with any portion of this article, a grievance may be filed in accordance with the provisions of Article 10 - Grievance Procedure, and appealed to Arbitration in accordance with the provisions of Article 3 - Arbitration Procedure of this Agreement.
3. In the event the application of a work rule is appealed to arbitration, the Arbitrator shall have no authority to newly fashion or to modify the work rule, although she/he may consider the reasonableness of the grieved work rule when rendering her/his decision and related remedy.