

ARTICLE 5: MANAGEMENT RIGHTS AND RESPONSIBILITIES

- 5.1 In the administration of all matters covered by this Agreement, the Employer is governed by:
- a. Existing and future laws;
 - b. Government-wide rules and regulations;
 - c. Department of Agriculture (USDA) rules and regulations; and,
 - d. The terms and conditions of this Agreement.
- 5.2 The Employer retains the right to:
- a. Determine the mission, budget, organization, number of employees, and internal security practices of the Agency, and the number of individuals in the Foreign Service (FS) or the Agency;
 - b. Hire, assign, direct, layoff, and retain individuals in the FS or in the Agency; to suspend, remove, or take other disciplinary action against such individuals;
 - c. Determine the number of individuals in the FS to be promoted, and to remove the name of or delay the promotion of any individual in accordance with prescribed regulations;
 - d. Conduct reduction in force and to prescribe regulations for the separation of individuals pursuant to prescribed regulations;
 - e. Assign work, to make determinations with respect to contracting out, and to determine the personnel by which the Employer's operations shall be conducted;
 - f. Fill positions from any appropriate source;
 - g. Determine the need for uniform personnel policies and procedures between or among the Foreign Affairs Agencies;
 - h. Take whatever actions may be necessary to carry out the Agency's mission during emergencies (an emergency shall be defined as an unexpected, serious event or situation requiring prompt action); and,

- i. Designate the Employer's representative(s) or point(s) of contact for any single issue taking into account the uniqueness of individuals in the FS in that they can serve as management's representative while remaining a bargaining unit member. Accordingly, care will be taken to minimize any potential conflict when designating a bargaining unit member as the Employer's point of contact or representative.
- 5.3 Management agrees to exercise these rights and responsibilities in a fair and equitable manner to all employees in the bargaining unit.