

Proposal made by IFPTE Local 21 to the City of San Jose

The provisions contained herein are individual proposals. Language not changed herein will remain unchanged. The Union reserves the right to amend, withdraw, or add to this proposal.

**Proposal #13**

Submitted on: 03/11/2026 @\_\_\_\_\_

**AEA, AMSP, CAMP**

**Article [NEW]: Vacancy Posting and Backfilling**

**1. Purpose**

The Parties recognize that prolonged vacancies can create workload challenges for employees, increase reliance on external contractors, and affect the continuity and quality of public services. It is therefore in the mutual interest of the Parties to promote timely recruitment and filling of vacant positions.

**2. Recruitment**

- a) When a vacancy occurs in a classification represented by IFPTE Local 21, the City shall initiate the recruitment process within sixty (60) days of the vacancy occurring. A vacancy shall be deemed to occur when a position becomes unfilled due to resignation, retirement, promotion, transfer, termination, or the creation of a new position.
- b) Such positions shall be posted and remain posted until filled, unless the City provides written justification to the Union for delaying or canceling the recruitment.
- c) Qualified candidates in classifications represented by IFPTE Local 21 shall be given priority consideration for promotion or transfer, consistent with applicable Civil Service Rules.

**3. Contracting**

- a) The City shall not utilize consultants, contractors, or temporary staffing to perform the ongoing duties of a vacant IFPTE Local 21 classification except for temporary coverage during an active recruitment process. Such use shall not exceed the duration reasonably necessary to fill the vacancy during an active recruitment process.

**4. Notice and Meet and Confer Obligations**

- a) The City shall provide the Union notice of IFPTE Local 21 vacancies within ten (10) business days of the vacancy occurring and shall provide updates on recruitment status upon request.
- b) If a vacancy remains unfilled for more than one hundred twenty (120) days after posting, the City shall meet with the Union within thirty (30) days to review

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recruitment efforts and confer over alternatives for filling the position, including but not limited to the City performing a classification and compensation study for the unfilled classifications.

This Article shall be interpreted and applied consistent with applicable law, including AB-339.