

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 #14

Submitted on: 03/11/2026 @_____

AEA, AMSP, CAMP**Article 10.6 -- Working in a Higher Classification**

10.6.1 Upon specific written assignment by the Department Director, or their designated representative, with prior written approval, a full-time employee may be required to perform the duties of a full-time position in a higher classification. Such assignments shall be made to existing authorized positions that are not actively occupied due to the temporary absence of the regularly appointed employee.

10.6.2 As an alternative to making appointments to vacant positions, a Department may, upon the approval of the Office of the City Manager, assign an employee to work in a higher classification for a period of time not to exceed twelve (12) months. At the expiration of the period of assignment (not to exceed twelve months), the assigned employee shall return to their regular assignment. The Department may then request authorization to fill the position on a regular basis or return it to vacant status. By mutual written agreement between the City and the Union, an employee assigned to work in a higher classification may be extended in their specific assignment past the aforementioned twelve (12) month limitation.

Declining such a higher-class extension shall not adversely affect the employee's performance evaluation, promotional opportunities, future acting assignments, work assignments, or any other terms and conditions of employment.

10.6.X Acting higher class assignments shall not be used to avoid filling a vacant position on a permanent basis.

10.6.3 Employees specifically assigned in writing to duties of a higher classification as specified above shall be compensated at the same step rate in the salary range of the higher class, which is or at least five percent (5%) eleven and one half (11.5) percent higher than the rate received by the employee in the employee's present class, whichever is greater, for all compensation calculations. Notwithstanding any other provision of this section, in no event shall an employee receive any amount in excess of the top of the salary range of the higher classification. The employee shall not receive

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the rate of compensation, however, unless the assignment is for a minimum of 14 days one day.

Time served in an acting higher classification assignment of three (3) months or more shall be considered qualifying experience for purposes of meeting minimum qualifications and salary step placement if the employee is later promoted or appointed to that classification.

10.6.X – When an employee is assigned to perform the duties of a higher classification, the City shall ensure that the employee is not required to perform the regular duties of their classification in addition to the duties of the higher classification. The employee’s regular duties shall be reassigned or backfilled for the duration of the acting assignment.

10.6.X -- For all purposes in which an employee’s rate of pay is used to determine compensation or accruals, including but not limited to overtime, premium pay, and other wage-based benefits, the employee’s acting higher-class rate shall apply.

10.6.X --The City shall provide the Union with a list of all IFPTE Local 21-represented employees currently working in a higher-class assignment. The list shall be provided no more frequently than every other month, and shall include employee names, permanent classification, the name of the higher classification where work is being performed, the employee’s department, and start and anticipated end date.