



Legislation Text

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DATE: September 13, 2022

SUBJECT:

RESOLUTION APPOINTING JANICE SPEROW AS CHAIRPERSON OF THE PERSONNEL ADVISORY BOARD FROM SEPTEMBER 13, 2022 TO SEPTEMBER 1, 2023

EXECUTIVE SUMMARY:

San Diego Unified Port District Personnel Rules and Regulations, Rule 3 - Personnel Advisory Board (Attachment A) provides that the Personnel Advisory Board (PAB) is the administrative appeals body for personnel matters. The PAB consists of up to eight (8) members to be appointed by the Board of Port Commissioners (Board), per Resolution 2002-149, adopted June 18, 2002. Each PAB member may only serve a maximum of two (2) consecutive terms of three years. Annually, the Board shall designate the Chair of the PAB for that year.

RECOMMENDATION:

Resolution appointing Janice Sperow as Chairperson of the Personnel Advisory Board from September 13, 2022 to September 1, 2023.

FISCAL IMPACT:

Funds for this expenditure are budgeted in the FY 2023 Human Resources Non-Personnel Expense Budget.

COMPASS STRATEGIC GOALS:

Appointing a new PAB Chairperson ensures that there is continuity, efficiency, and fairness in handling disciplinary and other matters for the District.

This agenda item supports the following Strategic Goal(s).

- A Port that the public understands and trusts.
- A Port with an innovative and motivated workforce.

DISCUSSION:

The principal role of the Personnel Advisory Board (PAB) is to hear administrative appeals by employees in the classified service relative to any removal, demotion or reduction in pay. The PAB's

primary duty is to ensure that disciplinary actions taken by District staff are fair, equitable and in conformance with the San Diego Unified Port District Personnel Rules and Regulations (Rules) and sound personnel management practices. The PAB acts as a review board, and its proceedings result in recommendations to the Board of Port Commissioners, who make final decisions. The rules governing the appointment of qualified persons to the PAB are described in Rule 3 - Personnel Advisory Board.

There are eight current members of the PAB. A brief summary of their experience is listed below. The Department of Human Resources (Human Resources) last advertised this opportunity in 2020 and received twenty-nine applications/resumes from throughout southern California. Staff from Human Resources and the General Counsel's office screened and interviewed the applicants. The Rules require PAB members have a minimum of seven years' experience (in addition to related education and training) in personnel administration, human resources management, or senior management experience with authority over a personnel or human resources department. No individuals shall be recommended or appointed to the PAB who hold any salaried public office or employment with one of the District's member cities or the County of San Diego.

The Chairperson of the PAB rotates between the PAB members and is typically selected from those who have the most seniority as a member. Currently, Ms. Janice Sperow is one of the most senior members who has not previously served as chair. Ms. Sperow has agreed to serve as Chair for the next term. Her full resume is attached (Attachment B).

PAB Summary of Experience

Janice Sperow: Ms. Sperow is a full-time arbitrator, mediator, workplace investigator, dispute prevention specialist, and Judge *Pro Tem* with organizations including the San Diego Superior Court and the American Arbitration Association. She was Managing Partner of Ruiz & Sperow and trial attorney for Morrison & Foerster where she specialized in employment, commercial, and alternative dispute resolution matters on behalf of several public Ms. Sperow was appointed as a Hearing Officer for all public transportation disputes for the City and County of San Francisco. Ms. Sperow served as the President of the National Association of Women Lawyers and Vice President of the California Women Lawyers. She graduated from UCSF Hastings College of the Law after graduating *summa cum laude* from UC Berkeley. After law school, she externed for Chief Judge J. Clifford Wallace of the United States Court of Appeals for the Ninth Circuit in San Diego and clerked for Judge Richard J. Cardamone of the United States Court of Appeals for the Second Circuit in New York. Ms. Sperow is on her first term.

Traci Becerra: Ms. Becerra is California-licensed attorney who has served as an EEO attorney, labor and employment law attorney, Inspector General attorney, contracted administrative law judge, arbitrator, mediator, college administrator and compliance officer. Ms. Becerra currently serves as a full-time labor, employment and Equal Employment Opportunity neutral for public, private, educational and government contractor organizations providing employment-based investigations, arbitration, mediation and neutral decision writing/adjudication services. Ms. Becerra is serving on her second term.

Lisa Richer Bender, Ph.D.: Ms. Bender is a Human Resource Executive with 35 years of experience. She last served as Chief Human Resources Officer for a not-for-profit technology company, MITRE, serving government agencies. MITRE was named by Fortune as a Best Company

to Work for ten years in a row. Prior to this position, Ms. Bender performed organization development work in the computer industry. Since retirement, she has engaged in the following volunteer activities: Court Appointed Special Advocate, Red Cross Disaster Mental Health, mediation in Orange County Superior Court and as Chair of a Homeowners Association board in her community. Ms. Bender is on her first term.

Stephen Cascioppo: Mr. Cascioppo has an extensive background in labor and employee relations, personnel management and human resources. He began his career with the County of San Diego in the Labor Relations Office. He later became Deputy Director of Human Resources for the County of El Dorado before moving into Court Management, first at Court Executive Officer and then Assistant Executive Officer for the San Diego Superior Court. Also, during his career, Mr. Cascioppo acted as Personnel and Labor consultant for the City of Placerville. Over the course of his career Mr. Cascioppo has negotiated dozens of collective bargaining agreements, handled numerous grievances, unfair practice charges and mediations. Additionally, Mr. Cascioppo has appeared before Public Employment Relations Board, arbitrators and civil service commissions. Mr. Cascioppo is on his second term.

Anthony (Tony) Chartrand: Mr. Chartrand is a seasoned human resources professional with over 30 years in the field. He is accomplished in all facets of human resources including talent acquisition, compensation and benefits, learning and development, and employee relations. Over the course of his career, he has negotiated and administered labor relations contracts, grievances, arbitration, and labor disputes. Mr. Chartrand also developed, implemented and administered employee appeal panels for two tribal organizations in San Diego. Appeals were permitted for terminations, suspensions, demotions, compensation matters, etc. Mr. Chartrand retired in January of 2017 and is currently an Adjunct Professor at UCSD, as well as a consultant within the San Diego area. Mr. Chartrand is on his second term.

Agnes Generoso: Ms. Generoso is a retired 30-year career professional with the City of San Diego who spent 21 years in water and wastewater operations. She began her career with the City working in Personnel, Labor Relations and Human Resources before moving into operations management in the Public Utilities Department. Her areas of expertise ranged from human resources to operations program management before she became interim Deputy Director of the Wastewater Treatment and Disposal Division. She was subsequently appointed to Deputy Director of the Wastewater Collection Division, the position she held for five years until her retirement. Ms. Generoso has a bachelor's degree in Psychology with a minor in Management. Ms. Generoso is on her first term.

Brigid Hernandez: Ms. Hernandez is an experienced director of human resources with 16 years of progressive management and human resources responsibilities with Fortune 500 companies. With experience in both retail and medical field sectors, Ms. Hernandez manages the human resource department for the largest private oncology medical group in California, California Cancer Associates for Research & Excellence. Ms. Hernandez manages investigations, benefit administration, recruiting, on and off boarding, credentialing, payroll, business insurance, workers' compensation, leaves of absence and COVID-19 response. She previously held the positions of Human Resource Director/Compliance Officer at Valley Radiology Consultants Medical Group; and Store Director with Target Corporation. Ms. Hernandez is on her first term.

Harold Rucker: Mr. Rucker graduated from Cal State Long Beach. He obtained a Master of Arts

degree from San Diego State University and a law degree from University of San Diego. He worked for Pacific Bell for 7 years and his legal experience includes working as a Deputy District Attorney in San Diego for 4 years. Mr. Rucker worked in private practice for the law firm of Williams and Rucker where he represented individuals and employers in criminal and civil matters. In 1987, he was appointed to the position of administrative law judge with the California Unemployment Insurance Appeals Board (CUIAB). In 2000, he was appointed to the position of presiding administrative law judge for CUIAB. He continued in that position until 2014 when he retired. In 2018, Mr. Rucker began working as a part-time attorney representing clients in Social Security Disability appeals. He also is an adjunct professor, teaching administrative law for paralegals and business law at Cuyamaca College. In addition, he is an adjunct professor, teaching business law and organizational leadership at Southern States University. Mr. Rucker is on his first term.

Staff recommends that the Board of Port Commissioners adopt a resolution appointing Janice Sperow as Chairperson of the Personnel Advisory Board from September 14, 2022 to September 1, 2023.

General Counsel's Comments:

The Office of the General Counsel has reviewed this agenda as presented to it and approves the same as to form and legality.

Environmental Review:

The proposed Board action, including without limitation, a resolution appointing Janice Sperow as chairperson of the personnel advisory board from September 13, 2022 to September 1, 2023, does not constitute a project under the definition set forth in California Environmental Quality Act (CEQA) Guidelines Section 15378 because there is not a potential to result in a direct or indirect physical change in the environment. Therefore, the proposed Board action is not subject to CEQA and no further action under CEQA is required.

The proposed Board action complies with Sections with Sections 21 and 35 of the Port Act, which allow the Board to pass resolutions; and to do all acts necessary and convenient for the exercise of its powers. The Port Act was enacted by the California Legislature and is consistent with the Public Trust Doctrine. Consequently, the proposed Board action is consistent with the Public Trust Doctrine.

The proposed Board action does not allow for development, as defined in Section 30106 of the California Coastal Act, or new development, pursuant to Section 1.a. of the District's Coastal Development Permit Regulations. Therefore, issuance of a Coastal Development Permit or an exclusion finding is not required.

Diversity, Equity, and Inclusion Program:

This agenda sheet has no direct impact on District workforce or contract reporting at this time.

PREPARED BY:

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Manager, Human Resources

Attachment A: San Diego Unified Port District Personnel Rules and Regulations - Rule 3 - Personnel
Advisory Board

Attachment B: Janice Sperow Resume