



Legislation Details (With Text)

File #: 2020-0280 **Version:** 1 **Name:**

Type: Action Item **Status:** Consent Agenda

File created: 7/23/2020 **In control:** Board of Port Commissioners

On agenda: 9/10/2020 **Final action:**

Title: APPOINTMENT OF SAN DIEGO UNIFIED PORT DISTRICT PERSONNEL ADVISORY BOARD:
 A) RESOLUTION REAPPOINTING STEPHEN CASCIOPPO, ANTHONY CHARTRAND AND TRACI BECERRA TO THE SAN DIEGO UNIFIED PORT DISTRICT (DISTRICT) PERSONNEL ADVISORY BOARD FOR A SECOND TERM OF THREE YEARS' DURATION COMMENCING SEPTEMBER 10, 2020
 B) RESOLUTION APPOINTING LISA RICHER BENDER, AGNES GENEROSO, BRIGID HERNANDEZ, HAROLD RUCKER AND JANICE SPEROW TO THE PERSONNEL ADVISORY BOARD FOR A TERM OF THREE YEARS' DURATION COMMENCING SEPTEMBER 10, 2020
 C) RESOLUTION APPOINTING ANTHONY CHARTRAND AS CHAIRPERSON OF THE PERSONNEL ADVISORY BOARD FROM SEPTEMBER 10, 2020 TO SEPTEMBER 1, 2021

Sponsors:

Indexes:

Code sections:

Attachments: 1. 2. 2020-0280 Attachment A, 2. 2. 2020-0280 Attachment B, 3. 2. 2020-0280A Draft Resolution, 4. 2. 2020-0280B Draft Resolution, 5. 2. 2020-0280C Draft Resolution

Date	Ver.	Action By	Action	Result
9/10/2020	1	Board of Port Commissioners		

DATE: September 10, 2020

SUBJECT:

APPOINTMENT OF SAN DIEGO UNIFIED PORT DISTRICT PERSONNEL ADVISORY BOARD:
A) RESOLUTION REAPPOINTING STEPHEN CASCIOPPO, ANTHONY CHARTRAND AND TRACI BECERRA TO THE SAN DIEGO UNIFIED PORT DISTRICT (DISTRICT) PERSONNEL ADVISORY BOARD FOR A SECOND TERM OF THREE YEARS' DURATION COMMENCING SEPTEMBER 10, 2020
B) RESOLUTION APPOINTING LISA RICHER BENDER, AGNES GENEROSO, BRIGID HERNANDEZ, HAROLD RUCKER AND JANICE SPEROW TO THE PERSONNEL ADVISORY BOARD FOR A TERM OF THREE YEARS' DURATION COMMENCING SEPTEMBER 10, 2020
C) RESOLUTION APPOINTING ANTHONY CHARTRAND AS CHAIRPERSON OF THE PERSONNEL ADVISORY BOARD FROM SEPTEMBER 10, 2020 TO SEPTEMBER 1, 2021

EXECUTIVE SUMMARY:

San Diego Unified Port District Personnel Rules and Regulations, Rule 3 - Personnel Advisory Board¹ provides that the Personnel Advisory Board (PAB) is the administrative appeals body for personnel matters. The PAB shall consist of up to eight (8) members to be appointed by the Board of Port Commissioners (BPC), 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 of Port

Commissioners shall designate the Chair of the PAB for that year.

Presently serving their first term on the PAB ending on September 1, 2023~~2020~~, and being recommended for a second term, are the following members: Stephen Cascioppo, Anthony Chartrand and Traci Becerra.

In July 2020, Human Resources advertised the PAB Hearing Officer Public Service Opportunity to replace hearing officer(s) whose second term ends ~~ended~~ on September 1, 2020.

RECOMMENDATION:

- A) Resolution Reappointing Stephen Cascioppo, Anthony Chartrand and Traci Becerra to the Personnel Advisory Board for a second term of three years' duration commencing September 210, 2020.
- B) Resolution appointing Lisa Richer Bender, Agnes Generoso, Brigid Hernandez, Harold Rucker and Janice Sperow to the Personnel Advisory Board for a term of three years' duration commencing September 10, 2020.
- C) Resolution appointing Anthony Chartrand as Chairperson of the Personnel Advisory Board from September 10, 2020 to September 1, 2021.

FISCAL IMPACT:

Funds for this expenditure are budgeted in the FY 20/21 Human Resources Non-Personnel Expense Budget.

COMPASS STRATEGIC GOALS:

Appointing new PAB Hearing Officers and a Chairperson ensures that there is continuity, efficiency, and fairness in handling discipline ~~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 PAB serves as the administrative appeals body for personnel matters. The rules governing the ~~appointment of qualified persons to the~~ PAB are described in Rule 3 - Personnel Advisory Board of the San Diego Unified Port District Personnel Rules and Regulations.

Stephen Cascioppo, Anthony Chartrand and Traci Becerra are first term PAB members in good standing and desire to serve a second term of three years duration. Staff is recommending that the Board of Port Commissioners reappoint Stephen Cascioppo, Anthony Chartrand and Traci Becerra to the PAB. A brief summary of their experience follows:

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 PERB, arbitrators and civil service commissions.

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 HR 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; and is consulting within the San Diego area.

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 EEO neutral for public, private, educational and government contractor organizations providing employment-based investigations, arbitration, mediation and neutral decision writing/adjudication services.

With three reappointments, five vacant positions remain to be filled. 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 person shall be recommended or appointed to the PAB who holds any salaried public office or employment with one of the District's member cities or the County of San Diego.

Human Resources advertised the opportunity and received twenty-nine applications/ resumes. Staff from Human Resources, Executive Office and the General Counsel's office screened and interviewed the applicants. As a result, staff now recommends the appointment of the Lisa Bender, Agnes Generoso, Brigid Hernandez, Harold Rucker, and Janice Sperow to maintain a full PAB. Resumes for these candidates are attached (Attachment B). A brief summary of their experience follows:

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 NFP [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 [Home Owners Association](#) board in her community.

Agnes Generoso: ~~Mr~~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.

Brigid Hernandez: Ms. Hernandez is an experienced Human Resources Director 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 OAbsence and COVID response. She previously held the positions of HR Director/Compliance Officer at Valley Radiology Consultants Medical Group; and Store Director with Target Corporation.

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.

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 & 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.

Staff also recommends that the Board of Port Commissioners adopt a resolution appointing Anthony Chartrand (Attachment B) as Chairperson of the Personnel Advisory Board from September 210, 2020 to September 1, 2021.

General Counsel's Comments:

The Office of the General Counsel has reviewed the issues set forth in this agenda sheet **and resolutions as presented to it and approves same as to form** and there are no legality concerns. The Board may analyze the issues presented and take appropriate action.

Environmental Review:

The proposed Board actions, including without limitation, resolutions re-appointing members, appointing new members, and appointing the Chair of the Personnel Advisory Board do not constitute a "project" under the definition set forth in California Environmental Quality Act (CEQA) Guidelines Section 15378 because they will not have a potential to result in a direct or indirect physical change in the environment and are, therefore, not subject to CEQA. No further action under CEQA is required.

The proposed Board actions comply with Sections 21 and 35, which allow the Board to pass resolutions for regulation of the District and to do all acts necessary and convenient for the exercise of its power. The Port Act was enacted by the California Legislature and is consistent with the Public Trust Doctrine. Consequently, the proposed Board actions are consistent with the Public Trust Doctrine.

The proposed Board actions do 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 exclusion is not required.

Equal Opportunity Program:

It is the goal of the Board of Port Commissioners to achieve diversity on the PAB (Rule 3, Section 3.)

PREPARED BY: Anita Reichert
Manager, Human Resources

Attachment(s):
Attachment A: Rule 3 - Personnel Advisory Board
Attachment B: Resumes - PAB Candidates

¹ Rule 3 - Personnel Advisory Board