

RESOLUTION 2014-168

**RESOLUTION TO AFFIRM, RESCIND OR MODIFY
FINDINGS OF THE SAN DIEGO UNIFIED PORT
DISTRICT'S PERSONNEL ADVISORY BOARD
REGARDING THE SUSPENSION OF JAMES
SAMPANG, MAINTENANCE WORKER I**

WHEREAS, the San Diego Unified Port District (District) is a public corporation created by the Legislature in ~~1062~~ pursuant to Harbors and Navigation Code Appendix I, (Port Act); and ¹⁹⁶²

WHEREAS, District Personnel Rules and Regulations, Rule 3 – Personnel Advisory Board (PAB) provides that the PAB is the administrative appeals body for personnel matters with the PAB consisting of eight (8) members to be appointed by the Board of Port Commissioners (BPC); and

WHEREAS, on January 13, 2014, Mr. James Sampang was suspended without pay from his position as a Maintenance Worker 1 in the District's General Services and Procurement Department for being insubordinate, absent without leave and incompetent or inefficient in the performance of his duties; and

WHEREAS, the Appointing Authority recommended a suspension of eighty (80) hours, which was reduced to forty (40) hours by the Skelly Hearing Officer; and

WHEREAS, a Final Order of Suspension was issued to Mr. Sampang on January 9, 2014; and

WHEREAS, pursuant to District Rule 14, Section 8, Mr. Sampang appealed his suspension to the PAB and a hearing was conducted by PAB Chair Kimberlee Eskierka on March 25, 2014; and

WHEREAS, pursuant to District Rule 14, Section 11, at the conclusion of the hearing, and after hearing argument and evidence presented by the District and Mr. Sampang, Ms. Eskierka prepared a report of her findings and presented it to the full PAB;

WHEREAS, the PAB review upheld the Skelly Hearing Officer's recommendation of a forty (40) hour suspension; and

WHEREAS, Section 11 also provides that the BPC shall review the findings of the PAB and affirm, rescind, or modify the findings and recommendations as warranted; and


WHEREAS, Mr. Sampang has requested that the BPC consider this matter in open session; and

WHEREAS, the BPC has been provided with a complete copy of the record in this matter in order to make its determination and a copy of the complete record is available for review in the Office of the District Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Board of Port Commissioners of the San Diego Unified Port District as follows:

That the findings of the San Diego Unified Port District's Personnel Advisory Board regarding the suspension of James Sampang, Maintenance Worker I, are hereby affirmed.

APPROVED AS TO FORM AND LEGALITY:
GENERAL COUNSEL


By: Assistant/Deputy

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 12th day of August 2014, by the following vote:

AYES: Bonelli, Castellanos, Moore, Nelson, and Valderrama.

NAYS: None.

EXCUSED: Malcolm, Merrifield.

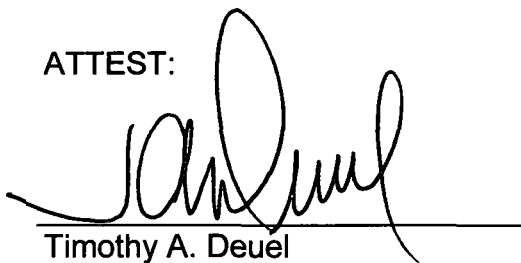
ABSENT: None.

ABSTAIN: None.



Robert E. Nelson, Chairman
Board of Port Commissioners

ATTEST:



Timothy A. Deuel
District Clerk

(Seal)