



West Coast Sailors

Official Organ of the Sailors' Union of the Pacific

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SAN FRANCISCO, CALIFORNIA

Friday, August 22, 2008

U.S. Customs retreats on enforcement of passenger vessel cabotage law

A Customs and Border Protection plan to vigorously enforce the Passenger Vessel Services Act (PVSA) appears to be dead in the water.

Back in January of this year, Customs accused foreign-flag cruiseships enroute to Hawai'i of evading U.S. maritime law by making quickie (one hour or less) stops in Ensenada, Mexico.

The PVSA, enacted in 1886, provides that no foreign vessel shall transport passengers between ports in the United States, either directly or by way of a foreign port, under a penalty of \$300 for each passenger so transported and landed. The intent of the PVSA as with all other American cabotage laws—including the Jones Act—is to provide a “legal structure that guarantees a coastwise monopoly to American shipping and thereby promotes the development of the American merchant marine.”

To rectify the problem and maintain the integrity of the PVSA, Customs and Border Protection is proposing that cruise itineraries for non-qualified coastwise vessels which allow passengers to board at a U.S. port, call several Hawaiian ports, proceed to a foreign

port or ports for a brief period, and then ultimately return to the original U.S. port of embarkation for disembarkation are not consistent with the PVSA. Specifically, Customs interprets a voyage to be “solely to one or more coastwise ports” even when it stops at a foreign port, unless the stop at the foreign port is a legitimate object of the cruise. Customs, under the proposed interpretive rules, will presume that a stop at a foreign port is not a legitimate object of the cruise unless: 1) The stop lasts at least 48 hours at the foreign port; 2) The amount of time at the foreign port is more than 50% of the total amount of time at the U.S. ports of call; and 3) The passengers are permitted to go ashore temporarily at the foreign port.

Customs states that if the new interpretive rule is adopted, foreign operators who do not comply with the three criteria will be deemed to be in violation of the Passenger Vessel Services Act and fined accordingly.

However, this month the Office of Management and Budget concluded that, “This proposal presents no market failure or compelling public need, omits a statement of the costs and benefits of the rulemaking and does not include a discussion and analysis of regulatory alternatives, impacts or uncertainties. For this reason, we are return the draft proposed rule for your consideration.”

To informed waterfront observers, this strongly implies that no further PVSA actions will proceed during the rest of the Bush administration's term.

Meanwhile, the operator that the plan had aimed to protect—NCL America—has since slashed its U.S.-flag fleet cruiseship in Hawai'i from three ships to one: *Pride of America*. The *Pride of Aloha* and the *Pride of Hawai'i*, due to unfair foreign-flag competition were withdrawn from the Hawai'i trade and reflagged foreign.

Wal-Mart warns company workers of Democratic victory—Unions file complaint with federal gov't

Wal-Mart Stores Inc. is mobilizing its store managers and department supervisors around the country to warn that if Democrats win power in November, they'll likely change federal law to make it easier for workers to Unionize companies, including Wal-Mart, according to an article published in the August 1, *Wall Street Journal* written by Ann Zimmerman and Kris Maher.

In recent weeks, thousands of Wal-Mart store managers and department heads have been summoned to mandatory meetings at which the retailer stresses the downside for workers if stores were to be Unionized, reported the *Journal*.

According to about a dozen Wal-Mart employees interviewed by the paper who attended such meetings in seven states, Wal-Mart executives claim that employees at Unionized stores would have to pay hefty Union dues while getting nothing in return, and may have to go on strike without compensation. Also, Unionization could mean fewer jobs as labor costs rise.

The “human resource” managers who run the meetings don't specifically tell attendees how to vote in November's election but make it clear that voting for Democratic presidential candidate Senator Barack Obama would be tantamount to inviting the Union in, according to Wal-Mart employees who attended gatherings in Maryland, Missouri and others states, reported the *Journal*.

Wal-Mart's fears center on the Employee Free Choice Act, which companies say would enable Unions to quickly add millions of new members. “We believe EFCA is a bad bill and we have been on record as opposing it for some time,” company spokesman David Tovar told the *Journal*. “We feel educating our associates about the bill is the right thing to do.”

Other companies and groups

are also making a case against the legislation to workers. Laundry company Cintas Corp., which has been fighting a multi-year organizing campaign by UNITE HERE, relaunched a website July 14, called CintasVotes. The site instructs visitors to take action by telling members of Congress to oppose the legislation.

First introduced in 2003, the Employee Free Choice Act came to a vote last year and sailed through the Democratic-controlled House of Representatives, but was blocked by a filibuster in the Senate and faced a veto threat by the White House. The bill was taken off the floor, and its backers pledged to reintroduce it when they could get more support.

The November election could bring that extra support in Congress, as well as the White House, if Senator Obama is elected and Democrats extend their control in the Senate. Senator Obama co-sponsored the legislation, which also is known as “card check,” and has said several times he would sign it into law if elected president. Senator John McCain opposes

the Employee Free Choice Act and voted against it last year.

On August 14, organized labor struck back.

The AFL-CIO, joined by other worker rights groups, filled a formal complaint with the Federal Election Commission (FEC) demanding they look into Wal-Mart's intimidation of workers based on the *Wall Street Journal* article.

“Wal-Mart has bullied its workers and managers for years. Now it wants to bully the political process, and the FEC should take Wal-Mart's threats very seriously,” said AFL-CIO President John Sweeney. “Wal-Mart has shown exactly why our nation needs the Employee Free Choice Act — we must outlaw the kind of behavior for which Wal-Mart is famous and give workers a free and fair choice on whether to form a Union.”

The complaint states, “there is reason to believe that Wal-Mart Stores, Inc. has made prohibited corporate expenditures by expressly advocating against Senator Obama's elec-

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Labor Day festivities at Sailors' Union ports

Seattle: The Martin Luther King County Labor Council will host a Labor Day picnic at Woodland Park from 11:00 A.M. to 4:00 P.M.

Wilmington: The Annual Labor Day solidarity march will begin at Broad Ave. and E. Street at 10:00 A.M. SUP members will muster at the Union Hall at 7:00 A.M. Following the march there will be a rally and picnic at Banning Park.

Honolulu: A Labor Day Unity Picnic organized by the Hawai'i Building and Construction Trades Council will be held

at the Waikiki Shell starting from 10:00 A.M. to 5:00 P.M. Shuttle services to the Shell from auxiliary parking lots will be provided by the Teamsters. Live entertainment includes Fiji, Touch of Gold, Melueen Lee and Greg Hammer. There will be waterslides and other activities for the kids. Food provided by Iron Workers Local 625.

San Francisco: The San Francisco Labor Council will have its annual Pre-Labor Day breakfast at the Holiday Inn on Van Ness. Local politicians will speak. The cost is \$75 per ticket.



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SUP Quarterly Finance Committee Report

SUP QUARTERLY FINANCE COMMITTEE REPORT FOR THE QUARTER ENDED JUNE 30, 2008

The Quarterly Finance Committee, duly authorized to act by the regular meeting at Headquarters on July 14, hereby submits the following report:

SUMMARY OF CASH AND INVESTMENTS

General Fund	\$935,732.23
Political Fund	\$5,805.02
Strike Fund	<u>\$1,293,730.99</u>
Total Cash & Investments 2nd Qtr. 2008	<u>\$2,235,268.24</u>

GENERAL FUND

Income:	
Dues, Initiation, Assessments	\$95,088.92
Interest	27,289.11
Donations - <i>West Coast Sailors</i>	2,250.00
Tanker & Joint Committee, Hiring Hall	76,833.72
Advertising & Promotion	240.00
Miscellaneous Income, Reimbursements, Fines	1,270.04
Reimbursed Administrative Expenses	5,333.34
Field Expense	311.42
Contributions - General Fund	<u>742.00</u>
Total Income:	<u>\$209,358.55</u>
Expenses:	
Auto & Travel	\$450.25
Rent	16,272.70
Postage, Printing & Office	5,615.79
Telephone & Telegraph	3,829.41
<i>West Coast Sailors</i> Publishing Expense	13,367.62
Per Capita	11,868.00
Salaries & Payroll Taxes	180,500.41
Office Workers' Pension	7,098.00
Insurance	28,697.39
Field Expense	3,100.78
Committee & Neg., Conference & Conv.	4,636.49
Investment Expense	1,415.78
Advertising & Promotion	1,385.00
Officials Pension	1,876.20
Contributions	1,320.00
Flowers, Misc.	874.08

Legal	13,692.29
Filing Fee	10.00
Subscription	<u>7,794.88</u>
Total Expense:	<u>\$303,805.07</u>

BUILDING CORPORATION

Income:	
Assessments	\$2,212.00
Rents	100,569.02
Bldg. Utilities & Service Reimbursement	<u>1,200.00</u>
Total Income:	<u>\$103,981.02</u>
Expense:	
Building Services & Utilities	\$32,612.39
Repairs & Maintenance	1,426.16
Salaries & Payroll Taxes	16,550.25
Pension	322.44
General Tax	12,236.08
Filing Fee	1,220.00
Insurance	<u>5,822.12</u>
Total Expense:	<u>\$70,189.44</u>

POLITICAL FUND

Income:	
Contributions	\$4,094.37
Interest	<u>.95</u>
Total Income	<u>\$4,095.32</u>
Expense:	
Contributions	<u>\$4,920.00</u>
Total Expense:	<u>\$4,920.00</u>
Net Income 2nd qtr.	<u>\$(61,479.62)</u>

/s/John Perez

/s/Joseph Moitoso

/s/Romaine Dudley

/s/Gabriel Sipin

/s/Donald Cushing

ACTION BY THE MEMBERSHIP August 11, 2008. M/S/C—That we concur in the report of the SUP Quarterly Finance Committee and, as per past practice, publish in the West Coast Sailors. Carried unanimously.

NOL warns of hard times ahead for container trades as profits fall 19%

Neptune Orient Lines' second quarter profits for 2008 declined 19% as it warned of hard times ahead on the main container trades. "Deteriorating market conditions and high bunker prices will result in a significantly more challenging environment for our industry. The rest of the year will definitely be more challenging than the first half," warned NOL president and chief executive Ron Widdows. NOL is the parent company of SUP-contracted APL.

The Singapore-based liner company reported a second quarter net profit of \$76 million, down 19% year-on-year, while revenues grew 24% for the quarter to \$2.2 billion. First half net profit was up 45% compared with the previous year's \$196 million, largely driven by a strong first quarter.

Widdows said that a deceleration of earnings could be seen, particularly in container shipping. The company is forecasting a bleak outlook for both the Asia-Europe and transpacific trades. The Asia-Europe trade has seen a significant slump in growth to around 7% for the first half of 2008, compared with the 20% year-on-year growth witnessed over the last two years, driven by a deterioration in consumer demand in Europe. Full year growth is estimated at 5%, implying a further slowdown in the second half of the year. "The decline is directly linked to a very significant drop in demand, which opened up a supply demand gap, not huge, but larger than anticipated," Widdows said. He added that NOL had seen a quite significant downward movement in rates. "I think you'll find the

industry overall is not generating any return in that trade lane. Given the ship deliveries that are currently scheduled for 2009 and 2010, and the number of very large ships that are only deployable in the Asia-Europe trade you would expect that trade to remain under pressure for some time to come," he said.

On the key transPacific trade where the slowdown has been over a long period, volumes have now started to contract. "On an overall basis the US market is down, we've not seen that in recent history," Widdows said. Overall volumes on the transpacific are estimated to fall by 3% this year. Services into the US west coast have been particularly hard hit with volumes down about 10%. The overall figure for Asia to the US is boosted by 6% volume growth into the east coast. NOL has cut back its own capacity expansion plans in the face of the slowdown in the industry. Planned capacity growth of around 16% this year has been scaled back to 8%-9%.

The huge increase in bunker costs, which have nearly trebled over the last three years, is set to continue putting a substantial strain on the industry. Nevertheless, NOL reported success in recovering a greater amount of bunker costs, particularly in the transpacific trade. "A major achievement was the outcome of transpacific contracting, where we implemented floating bunker fuel surcharges on a majority of customer contracts that took effect in May. Overall, the company's bunker recovery was much higher than in the previous year," Widdows said.

Pirates seize tanker off Somalia

A 32,169 dwt chemical tanker belonging to Malaysia International Shipping Company (MISC) has been hijacked on August 19, by armed pirates off the coast of Somalia. The 1997-built *Bunga Melati Dua*, with 39 mariners onboard, was carrying a cargo of palm oil from Indonesia to Rotterdam when the vessel was attacked in the Gulf of Aden.

The crew of 29 Malaysian and 10 Filipino seafarers managed to send a distress signal but Noel Choong of the Piracy Reporter Center in Kuala Lumpur said there had been no direct contact with the crew. He said an unidentified warship was searching for the tanker which is believed to be heading for Somalia waters.

The *Bunga Melati Dua* is the fourth vessel to be hijacked in the area in the past month. The Thai cargo vessel *Thor Star* and a Nigerian tug, *Yenegoa Ocean*, were seized earlier this month. The bulker carrier *Stella Maris* was attacked and hijacked on July 20.

Final Departures

Henry Zak, Book No. 241. Born in Illinois in 1924. Joined SUP in 1947. Died in Oregon, July 13, 2008. (Pensioner)

Donald Amsden, Book No. 3774. Born in California in 1927. Joined SUP in 1960. Died in California, June 8, 2008. (Pensioner)

John Ong, Book No. 2430. Born in California in 1925. Joined SUP in 1951. Died in San Francisco, California, June 30, 2008. (Pensioner)

SUP Meetings

These are the dates for the regularly scheduled SUP meetings in 2008:

	Hdq.	Branch
September	8	15
October	14*	20
November	10	17
December	8	15
*Tuesday		

West Coast Sailors

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Gunnar Lundeberg,
President/Secretary-Treasurer
Teresa Anibale, Editor

BRANCH OFFICES

Seattle, WA 98106
2414 SW Andover St. (206) 467-7944
Bldg. F, Ste. 105 FAX: (206) 467-8119
Wilmington, CA 90744
533 N. Marine Ave. (310) 835-6617
FAX: (310) 835-9367
Honolulu, HI 96813
707 Alakea St. (808) 533-2777
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Transportation Trades Dept. calls for new drug & alcohol testing rule to be rescinded

New Department of Transportation guidelines require that in "observed collection" drug tests, the individual undergoing the test must demonstrate to the observer that he or she is not wearing a "specimen alteration" or "specimen substitution" device.

The Transportation Trades Department, which the SUP is an affiliate, fired off a letter to the Secretary of Transportation in opposition.

August 7, 2008

The Honorable Mary Peters

Secretary of Transportation

U.S. Department of Transportation

1200 New Jersey Avenue, SE

Washington, DC 20590

Dear Secretary Peters:

On behalf of the Transportation Trades Department, AFL-CIO (TTD), I am writing to petition the Department of Transportation (DOT) to reconsider a section of the final rule on Procedures for Transportation Workplace Drug and Alcohol Testing Programs (OST-2003-15245) published in the *Federal Register* June 25, 2008. Specifically, we are asking DOT not to implement amendments to Section 40.67 that would expand the circumstances in which direct observation testing is mandated, and impose extremely intrusive new procedures governing the manner in which any direct observation testing is conducted.

As we have stated in the past, drug and alcohol testing procedures must preserve the safety of our nation's transportation system while also respecting the rights and dignity of individual workers. Section 40.67 and the accompanying guidance do not strike this legitimate balance.

Specifically, the regulatory changes and guidance contain new requirements that do not respect the legitimate rights of transportation workers; go beyond reasonable standards of conduct; and put unwarranted burdens on workers and employers. Furthermore, the DOT guidance appears inconsistent with the actual rules and contains serious ambiguities with respect to when direct observation may be required. Finally, DOT did not provide TTD, our member unions, and the millions of transportation workers covered by this rule adequate opportunity to comment on the particular offending provisions now contained in DOT's final rule. Given the impact of these changes and the procedural problems with their promulgation, we strongly urge that these provisions of the final rule not be implemented.

There are two specific problems with the newly-promulgated rules. First, Section 40.67(1) provides the following new instructions:

As the observer, you must request the employee to raise his or her shirt, blouse, or dress/skirt, as appropriate, above the waist; and lower clothing and underpants to show you, by turning around, that they do not have a prosthetic device. After you have determined that the employee does not have such a device, you may permit the employee to return clothing to its proper position for observed urination.

The official guidance issued by the Office of Drug and Alcohol Policy and Compliance adds that "the observer must watch the employee urinate into the collection container. Specifically the observers must personally and directly watch the urine as it goes from the employee's body into the collection container ... If it is a multi-stall restroom, the observer must enter the stall with the employee." It should also be noted that if an employee

fails to follow the observer's instructions to raise and lower his or her clothing it will be considered a refusal to test.

In the October 31, 2005 Notice of Proposed Rulemaking (NPRM), the agency made no specific proposed changes to Section 40.67. In the preamble, DOT merely asked for general comments as to the "appropriateness of having a collector make sure that the employee is not using a prosthetic device during an observed collection." The preamble asked whether, for example, it would "be appropriate to require that collectors and observers, as appropriate, check for these devices by having male employees lower their pants and underwear just before observed collections take place?" The discussion on expanding direct observation constituted five sentences of an extremely comprehensive *Federal Register* notice and proposed no actual changes to the rule with respect to this issue. DOT offered no studies or evidence of the prevalence of employees using prosthetic devices to cheat on drug and alcohol tests. The mere commercial availability of prosthetic devices or products that may mask the presence of drugs in urine does not justify subjecting numerous transportation workers to the grossly intrusive direct collection testing required by this final rule.

Despite the brief and limited treatment of the issue in the NPRM, DOT nonetheless made far-reaching changes to Section 40.67 that go well beyond what was specifically proposed in the NPRM. We submit that this approach violates the letter and spirit of the Administrative Procedures Act. Moreover, given the extreme sensitivity of this issue and the great burden DOT's new procedures would impose on both individuals and employers, the failure to provide such notice and an opportunity for public comment is especially disturbing.

In promulgating Section 40.46(b), which now mandates collection under direct observation for return-to-duty or follow-up tests, DOT's failure to provide notice and opportunity for comment is even more blatant. Nowhere in the NPRM or its preamble did DOT even discuss expanding direct observation for these types of tests. As such, DOT failed to put the public on notice that it was considering this regulatory change; failed to offer any rationale for expanding the circumstances in which this most intrusive form of testing will be required; and failed to allow any public comment on the matter. Greatly expanding the number of direct observation collections required, as this new provision will do, is even more onerous in light of the changes DOT has made to the manner in which direct observation testing must now be performed. Additionally, this new requirement will add burdens to employers who, under these provisions, will need to have trained individuals of the appropriate gender available to conduct these collections. By failing to provide the requisite notice and opportunity for comment, DOT deprived interested parties of any opportunity to discuss these issues or the impact expanded direct collections will have on the industry.

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Arizona Voyager



Chevron Shipping Company's gas turbine tanker Arizona Voyager in Pascagoula, Mississippi, on July 30, from left are Bosun Scott Oliphant, SUP Vice President Dave Connolly, Machinist Cesar Finones, AB Shawn Gately, AB Ken Dooley, AB and delegate John McAuliffe, AB Jay Dillon and OS Gina Moore in front. The Steward Department is not pictured as they were all working. Photo by Captain Oscar Prada.

Humanitarian use approved for Ready Reserve Fleet by MarAd

The Maritime Administration announced on August 15, that it has signed an agreement with the U.S. Department of Defense's United States Transportation Command to use National Defense Reserve Fleet (RRF) ships, particularly the Ready Reserve Force fleet, to support government response to civil emergencies at home, as well as for defense sealift and humanitarian response overseas.

The agreement, signed by Maritime Administrator Sean T. Connaughton and General Norton A. Schwartz, commander of the U.S. Transportation Command, formalizes using the ships in ways that have been tested under emergency conditions. During the hurricane season of 2005, RRF ships in Beaumont, Texas, provided the template for one use of the ships: emergency vehicles were driven on board two RRF ships berthed in Beaumont, where they were sheltered from Hurricane Rita, and were thus ready to respond to local emergencies when the storm was over. Other RRF ships provided food and shelter for recovery workers and first responders on the Gulf Coast during Hurricane Katrina and its aftermath.

Since its inception in 1976, the primary purpose of the RRF is to provide the U.S. Transportation Command with strategic sealift support for combatant commanders. The 44 ships of the RRF are owned by the Maritime Administration, crewed by civilian merchant mariners, and managed by commercial U.S. companies. The new agreement details the procedures the agencies will use for civil contingencies and national disasters such as the safe storage of emergency vehicles, providing fuel for local emergency services, or berthing and feeding of first responders.

Obama to Bush administration: enforce federal labor statutes

The Bush administration's Department of Labor has a clear record of protecting powerful corporate interests at the expense of workers. Senator Barack Obama is speaking out against this anti-worker record.

In a July 25 letter to U.S. Secretary of Labor Elaine Chao, Obama urges the department to address serious failures in enforcing labor law and demands the Labor Department stop dragging its feet when it comes to protecting workers.

The situation Obama is addressing is a serious one. The Labor Department's Wage and Hour Division is launching and completing fewer and fewer investigations of employers refusing to pay minimum wage, overtime or even those alleged to engage in child labor, according to studies by the Government Accountability Office (GAO). Another GAO study shows that the Wage and Hour Division isn't carrying out investigations into wage theft. According to this study, the division has laid off staff, failed to impose civil penalties against bad employers and shut out outside groups from input.

Obama says protecting workers and ensuring that their rights are protected should be the top priority of the Department of Labor. Without proper enforcement, laws protecting workers are meaningless. Writes Obama: It is important that the department put procedures into place that will lead to improvements in the enforcement of workers' rights. This is the core mission of the department and fail-

ing to adequately enforce the Fair Labor Standards Act (FLSA) is unacceptable.

Obama notes that Chao and department officials must address the GAO reports: GAO's conclusions about how the department exercises its responsibilities to working Americans raise serious, but addressable, issues. Fixing these problems may require bipartisan cooperation, or in some cases additional funding, but other needed reforms are in the sole discretion of the department, and can be implemented unilaterally.

Chao's Labor Department has been consistently anti-worker. Chao has even tried to outsource Labor Department staff jobs to non-Union contractors. Bush appointees in the Labor Department have been handsomely rewarded for their lack of concern for workers' rights, getting cushy jobs at Union-busting law firms and corporate lobbying groups. Appointments to federal departments and agencies matter for workers because the people in these jobs have a lot of power to implement policy. They oversee not just wage and hour protections but also workplace safety, mine safety and a host of other issues.

This fall, voters won't just be electing a new president, they'll be electing a new administration whose priorities and interests will affect real people's lives. The record of the Wage and Hour Division under Bush shows how important this choice is.

Source: AFL-CIO

SUP Honor Roll

Voluntary contributions from the membership to the following funds:

Organization/ General Fund

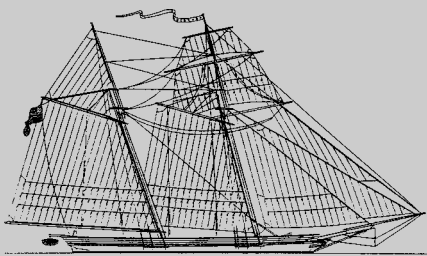
- Rick Pangan 25.00
- Pio Aujero 50.00
- Peter Brag 25.00
- Charles Bulmer 20.00
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- Nick Cooper 30.00
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- David Fadoul 50.00
- James Flaherty 50.00
- David Green 30.00
- James Hall 20.00
- Sedek Idris 30.00
- Gunnar Lundeborg 50.00
- Virgilia Managbanag 25.00
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- Ralph Senter 200.00
- Mike Soper 20.00
- Patrick Weisbarth 20.00
- Edward Zoobrick 50.00

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- Pio Aujero 25.00
- Archie Bickford 25.00
- Richard Crowell 50.00
- David Fadoul 25.00
- James Flaherty 50.00
- Norman Kurtz 25.00
- Brian McCarthy 25.00
- Joseph Meehan 25.00
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of Eugene Shultz 30.00
- Loren Voss 10.00
- Colin Walker 25.00
- Charles Weber 25.00
- Carl Ziegeler 20.00
- Edward Zoobrick 50.00

Dues-Paying Pensioners

- Robert Copeland Book #4763
- Romaine Dudley Book #2593
- Duane Hewitt Book #5748
- Knud Jensen Book #3940
- John Jewett Book #4291
- Tony Jones Book #4305
- Kaj E. Kristensen Book #3120
- Eli Lalich Book #4062
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- Joseph Napier Book #2299
- John Pedersen Book #3834
- John Perez Book #3810
- Alex Romo Book #3193
- Cliff Rouleau Book #3144
- Ralph Senter Book #7323
- Richard Sexton Book #6986



Canadian Navy offers food aid protection

Canada has volunteered to provide naval escorts for World Food Program (WFP) shipments of humanitarian aid to Somalia between now and September, as a stop-gap solution until more permanent arrangements can be put in place. The move will, at least for the time being, still fears that the United Nations agency could be forced to suspend vital food deliveries to the troubled African nation, after the Royal Netherlands Navy pulled out of a similar role earlier this year.

The WFP has been appealing for another country to fill the breach since the middle of June, and was quick to welcome Canada's assistance. "WFP is grateful for Canada's leadership in protecting our maritime lifeline from piracy," said WFP country director Peter Goossens in a statement. "This is a critical moment when more food is needed for a growing number of hungry."

The Canadian frigate *HMCS Ville de Quebec* was scheduled to arrive by mid August, after being diverted from a NATO mission in the Mediterranean. Speaking at a press conference in Halifax, Canadian defense minister Peter MacKay added, on a patriotic note: "When the world calls, Canada steps up, and, when appropriate, steps in."

Canada's intervention comes after a resolution carried by the UN Security Council in May which authorizes international navies to intervene in piracy incidents, with the full permission of Somalia's weak transitional government. Between 80%-90% of food aid for Somalia arrives by sea, with 220,000 tons scheduled between June and December this year. However, there have been several instances in which WFP-chartered ships have been taken captive for ransom. Land-based alternative routes are possible but problematic. It can take three weeks to get a truckload of food from Mombasa to Mogadishu. Roads are extremely dilapidated and the lack of security is once again an issue.

More than 2.6 million Somalis are now dependent on food aid, according to UN estimates. That figure may reach as high as 3.5 million —almost half the population— by the end of the year. Somalia has been without a functioning central government since the 1991 ousting of Mohamed Siad Barre. Hundreds of thousands of Somalis have been displaced within the country by fighting between Islamists and government forces, which are supported by Ethiopian soldiers.

Politics sink German Navy pirate action

Recent pirate attacks off Somalia's coast have led to a dispute within the German government of whether the German Navy is allowed to fight pirates. Germany's governing grand coalition of Social and Christian Democrats agrees on the use of its naval forces against pirates, but is divided over the question of - whether the country has to change the constitution first.

The issue entered the political realm when the German-controlled vessel *Lehman Timber* (see the July *West Coast Sailors*) and four passengers of a private yacht, among them three Germans, were taken hostage by Somali pirates.

As the law stands, combating pirates is the job of the police and not the navy. Navy vessels are only permitted to intervene during an attack, but may not pursue pirates after they have seized a ship. However, the German federal police are not equipped to operate off Somalia. The navy is currently active in the region of the Horn of Africa with its frigate *Emden*, which is on duty as part of Operation Enduring Freedom.

German owners are pushing for a decision. "We would like to see the German Navy in the same position as the navies of other countries," a spokesperson for the German shipowners' association (VDR) said. "By now, the German navy is in a peculiar situation."

Defense Minister Franz Josef Jung said that the situation can only change after an amendment to the constitution. But others said that the navy could be deployed immediately. They fear that a change to the constitution would allow the armed forces to be active within Germany. So far, this is only allowed in very exceptional circumstances. The government's maritime coordinator Dagmar Wöhrle has also called for the navy to fight piracy in international waters. But she has so far not taken any stand on the question whether a change of the constitution would be necessary. "If, and on which basis, the German Navy is able to intervene has to be decided fast and efficiently," Wöhrle said in a statement.

LA official convicted in port bribe case

A former Los Angeles City official has been convicted of taking bribes from Evergreen Marine to secure extra space for the line at the port in 2005. Leland Wong, who was a city commissioner at the time, faces up to 10 years in jail after a jury found that Evergreen had paid \$100,000 into a Hong Kong bank account for Wong. Wong was found guilty on 14 charges involving bribery and associated offenses and innocent of another seven charges of corruption.

In his defense, he argued that the payments had been to pay for consulting work with Evergreen and that he had kept associates informed about them.

Finland exposes crew-change scam

Authorities in Finland have foiled three attempts by persons trying to enter the European Union illegally by posing as seafarers, the Finnish Border Guard says. In each case, a foreign shipping company contacted Finnish authorities to arrange visas for seafarers supposedly on crew change via Helsinki airport. It emerged that the ships either did not exist or were sailing on the other side of the world. As soon as the scam was confirmed, the visas were not issued. The ships involved were Bangladeshi and Syrian, and the largest group applying for a visa comprised 24 people.

Sami Paila, captain at the gulf of Finland Boarder Guard, said that the authorities cooperated with local shipbrokers and other members of the shipping community to expose the illegal activity. The procedure for seafarers on crew change to obtain a transit visa is easier, due to EU rules, than that for other types of applicants, which encourages some to try to enter EU this way, he said.

Wal-Mart continued from page 1

tion to employees who were not in its restricted class in violation of 2 U.S.C. § 441b. We request that the Commission immediately open an investigation to determine whether a violation occurred and, if so, to take all appropriate steps to remedy that violation of federal election law."

The complaint explains that "informing employees that it is imperative that the Employee Free Choice Act not be enacted and, simultaneously, that their voting for Senator Obama and other Democrats would lead to its enactment constitutes express advocacy" that Wal-Mart cannot finance. It goes on to say: "The Employee Free Choice Act is strongly opposed by Wal-Mart because it would, in fact, go a long way toward rectifying the imbalance that currently exists between workers seeking to form Unions and employers that oppose them. Currently, the law fails to effectively protect workers seeking to organize, and employers are able to violate the law with virtual impunity. This legislation would allow workers throughout the United States to decide whether or not to form a Union. If an employer intimidates or obstructs a workers free choice, it would incur increased penalties. Senator Obama is a co-sponsor of the legislation, while his Republican opponent, Senator John McCain, opposes the bill and voted against bringing it to the Senate floor last year."

The complaint was filed on behalf of the AFL-CIO, American Rights at Work, Change to Win, and WakeUpWalMart.com.

**"Republicans can hear the whispers of business,
but not the yells and screams of working people."**

President Harry S. Truman

Transportation Worker Identification Credential (TWIC) Enrollment Centers as of August 2008

You can pre-enroll online at www.tsa.gov/twic or call 1-866-347-8942. The enrollment process requires applicants to visit an enrollment center to provide biographic information, sign a disclosure form, provide the neces-

sary identity verification documents, provide a complete set of fingerprints, sit for a digital photograph and pay the enrollment fee. For a complete list of disqualifying crimes and offenses, visit www.tsa.gov/twic.

<p>Alabama Tenn. Valley Trng. Ctr. 115 Woodall Rd. Ste. 105</p> <p>Decatur 250 North Water St.</p> <p>Mobile</p> <p>Alaska 619 E Ship Creek Ave.</p> <p>Anchorage Native Village of Eyak 110 Nicholoff Way</p> <p>Cordova 3200 Hospital Dr. #202</p> <p>Juneau KPD Shelikof, 405 Marine Way</p> <p>Kodiak 50097 Kenai Spur</p> <p>Nikiski 223 Harbor Way</p> <p>Petersburg Harrigan Hall, 330 Harbor Dr.</p> <p>Sitka 501 E. Bremner St.</p> <p>Valdez Wrangell Harbor Ofc. Shakes St.</p> <p>Wrangell</p> <p>American Samoa Clarion Tradewinds Hotel Main Road, Ottoville</p> <p>Pago Pago</p> <p>Arkansas 2005 E 17th Street</p> <p>Little Rock</p> <p>California 2050 Park Road</p> <p>Benicia 301 E. Ocean Blvd. Ste. 500</p> <p>Long Beach 2000 Marina Vista Dr.</p> <p>Martinez 1830 Embarcadero Ave. #104</p> <p>Oakland Oakland Maritime Support Svcs. 11 Burma Road</p> <p>Oakland 2102 W. Vineyard Ave.</p> <p>Oxnard 13201 San Pablo Ave. #300</p> <p>Richmond 1025 W. Laurel St., Ste. 103</p> <p>San Diego 1900 Bendixsen St. Bldg 12</p> <p>Samoa 500 Sansome St., Ste. 202</p> <p>San Francisco 1931 North Gaffey St. Ste. B</p> <p>San Pedro 17 Fyffe St.</p> <p>Stockton 1401 Halyard Drive</p> <p>West Sacramento</p> <p>Connecticut 850 Grand Ave. New Haven</p>	<p>75 Crystal Ave. New London 300 Long Beach Blvd #2A</p> <p>Stratford</p> <p>Delaware 102 Quigley Blvd. New Castle 1 Hausel Road</p> <p>Wilmington</p> <p>Florida Port Everglades Badging Ofc. 1030 Taylor Rd.</p> <p>Dania Beach</p> <p>955 Tallyrand Ave. Jacksonville Habana Plaza (rear) 3125 Riviera Dr.</p> <p>Key West 975 North America Way</p> <p>Miami Manatee County, Port Auth. 3604 Reeder Road</p> <p>Palmetto 707 Mullet Road, Stes. 117/118</p> <p>Port Canaveral 2051 Dr. Martin King, Jr. Blvd., Ste. 303</p> <p>Riviera Beach 2604 E. 7th Ave.</p> <p>Tampa</p> <p>Georgia Georgia Power Plant McManus 1 Crispen Island Dr.</p> <p>Brunswick 5214 Augusta Rd.</p> <p>Garden City</p> <p>Hawai'i Kahului Shopping Center 65 West Kaahumanu Ave. Unit 14</p> <p>Kahului, Maui 970 Kele Street, Ste. 102</p> <p>Lihue, Kauai Hilo Hawaiian Hotel 71 Banyan Dr.</p> <p>Hilo 1347 Kapiolani Blvd. Ste. 204</p> <p>Honolulu</p> <p>Illinois 8741 South Greenwood Dixon Building</p> <p>Chicago 111 W. Washington St. Ste. 346</p> <p>East Peoria 1635 W. First St.</p> <p>Granite City Three Rivers Safety Council 1615 W. Jefferson St. Ste. TWIC</p> <p>Joliet</p> <p>Indiana 4849 University Dr.</p> <p>Evansville 200 Russell Street, Ste. 110</p> <p>Hammond 3602 Northgate Ct. Ste. 37C</p> <p>New Albany</p>	<p>Kansas Commerce Plaza 1, 7th Floor 7300 West 110th Street</p> <p>Overland Park</p> <p>Kentucky 322 Harrison Ave.</p> <p>Paducah</p> <p>Louisiana Safety Council for Louisiana Capital Area, 8180 Siegen Ln.</p> <p>Baton Rouge 1300 N. Bertrand Dr. #306</p> <p>Lafayette 1340 W. Tunnel Blvd. Ste. 550</p> <p>Houma 700 W. McNeese Street</p> <p>Lake Charles LaPlace Shopping Center 1933 West Airline Hwy.</p> <p>LaPlace 512 Roderick Street</p> <p>Morgan City Port Fourchon Harbor Police 108 A.O. Rappelet Road</p> <p>Port Fourchon 170 James Drive E. Ste. 104</p> <p>St. Rose</p> <p>Maine 163 Hildreth St. North</p> <p>Bangor 236 Oxford Street, Suite 12</p> <p>Portland</p> <p>Maryland 2200 Broening Hwy., Ste. 220</p> <p>Baltimore 213 W. Main St., Ste. 204C</p> <p>Salisbury 3225 Old Washington Rd. Ste. 2106</p> <p>Waldorf</p> <p>Massachusetts 28 Damrell Street, Suite 104</p> <p>Boston 300 Tremont Street, Unit #5</p> <p>Carver</p> <p>Michigan 200 W. Erie St., Ste. 1</p> <p>Calcite Delray Mechanical 667 S. Post St.</p> <p>Detroit 906 Ludington St., Ste. 1</p> <p>Escanaba 863 North Pine Rd.</p> <p>Essexville 430 S. Water St.</p> <p>Marine City Old City Hall Bldg. 220 W Washington St., Ste. 120</p> <p>Marquette 800 East Ellis Road, Ste. 122</p> <p>Norton Shores Amer. Inn of Silver City 120 Lincoln Ave.</p> <p>Ontonagon 115 N. First Ave.</p> <p>Presque Isle 511 Ashmun St.</p> <p>Sault Ste. Marie 396 N. State St.</p> <p>St. Ignace</p>	<p>1020 Hastings St., Ste. 105</p> <p>Traverse City</p> <p>Minnesota 1310 Port Terminal Road</p> <p>Duluth-Superior Holiday Inn, 1500 Hwy. 71</p> <p>International Falls 34 13th Ave., NE</p> <p>Minneapolis 2161 University Ave.</p> <p>St. Paul</p> <p>Mississippi 800 Dr. Martin Luther King, Jr. Blvd.</p> <p>Greenville 1223 30th Ave.</p> <p>Gulfport Ergon Refining 227 Industrial Drive</p> <p>Vicksburg</p> <p>New Hampshire 30 Mirona Road</p> <p>Portsmouth</p> <p>New Jersey 33 Wood Ave. So. Ste. 665</p> <p>Iselin Quality Inn Conf. Center 531 Route 38 W</p> <p>Maple Shade 89 Beuning Street, Suite G</p> <p>South Hackensack 400 Grove Road</p> <p>Thorofare</p> <p>New York 102 Smith Boulevard</p> <p>Albany 2680 Grand Island Blvd. Ste 9</p> <p>Grand Island Sheraton Long Island 110 Motor Parkway</p> <p>Hauppauge 178 W. Hoffman Ave.</p> <p>Lindenhurst Whitehall Ferry Terminal 4 South Street Room 210</p> <p>New York One East 2nd St.</p> <p>Oswego 800 West Ave. Suite 323</p> <p>Rochester 700 Hummel Ave.</p> <p>Southold Howland Hook Marine Term. 241 Western Ave.</p> <p>Staten Island</p> <p>North Carolina 311 Atlantic Beach Causeway</p> <p>Atlantic Beach 5704 Oleander Dr. Ste. 107</p> <p>Wilmington</p> <p>Ohio 4830 State Road</p> <p>Ashtabula 8044 Montgomery Road, Suites 754,755</p> <p>Cincinnati</p>	<p>3100 E 45th Street, Ste. 226</p> <p>Cleveland 401 Broadway Ave., #D, Ofc. B</p> <p>Lorain 444 W. Perkins Ave., Ste. 102</p> <p>Sandusky Star Center One Maritime Pl. 720 Water St.</p> <p>Toledo</p> <p>Oklahoma 5350 Cimarron Road</p> <p>Catoosa</p> <p>Oregon 400 Virginia Ave. Ste. 112</p> <p>Coos Bay 7025 North Lombard Ste. 100</p> <p>Portland</p> <p>Pennsylvania 50 West Powhattan Ave.</p> <p>Chester 1723 Woodbourne Road</p> <p>Levittown 601 Upland Ave. Ste. 120D</p> <p>Marcus Hook Philadelphia Regional Port 3460 North Delaware Ave.</p> <p>Philadelphia 701 North Point Dr. Ste. 104</p> <p>Pittsburgh</p> <p>Rhode Island 17 Virginia Ave., Ste. 105</p> <p>Providence</p> <p>South Carolina 4600 Goer Drive, Suite 112</p> <p>North Charleston</p> <p>Tennessee 5959 Shallowford Rd. Ste 427</p> <p>Chattanooga 3865 Viscount Ave. Ste. 2</p> <p>Memphis 3200 West End Ave. Ste. 510</p> <p>Nashville</p> <p>Texas Ford Conv. Ctr Tyler Room 5155 IH-10 So.</p> <p>Beaumont 1000 Foust Road</p> <p>Brownsville 7433 Leopard St.</p> <p>Corpus Christi 6000 Broadway Ste. 103</p> <p>Galveston West Gulf Maritime Assoc. 1717 Turning Basin</p> <p>Houston Gulf Gate, Ste. 314 2900 Woodridge Dr.</p> <p>Houston 621 W. Main St.</p> <p>LaPorte Brazos Mall, Ste. 1039 100 Hwy 322 West</p> <p>Lake Jackson</p>	<p>3800 Highway 365, Ste. 123</p> <p>Port Arthur 411 West Main St.</p> <p>Port LaVaca 301 Highway 146 N.</p> <p>Texas City 1750 FM 1432</p> <p>Victoria</p> <p>Vermont 145 Pine Haven Shores Rd.</p> <p>Shelburne</p> <p>Virginia 814 Greenbrier Cir., Ste. F</p> <p>Chesapeake 11815 Fountain Way Ste. 300 Rm 359</p> <p>Newport News</p> <p>Washington 8327 Summit Park Rd., Ste.D</p> <p>Anacortes Port of Everett Marina Marina Conf. Ctr. 404 14th St.</p> <p>Everett Red Lion Hotel, 510 Kelso Dr.</p> <p>Kelso Read Lion Hotel Rm 2110 2515 N. 20th Ave.</p> <p>Pasco Fraternal Order of Eagles AERIE #1 205 Carson Ave. S.</p> <p>Seattle 5009 Pacific Hwy. E Ste. 17 Fife Business Park</p> <p>Tacoma 1421 SW Tech Ctr. Dr. Rm. 114/116</p> <p>Vancouver 33rd Place Bldg. Ste. 107 3305 Main St.</p> <p>Vancouver</p> <p>West Virginia Tri-State Fire Academy 4200 Ohio River Road</p> <p>Huntington</p> <p>Wisconsin 425 South Military Ave.</p> <p>Green Bay 3073 South Chase Ave. Suite 620 Building 28 Fl. 1</p> <p>Milwaukee</p> <p>Puerto Rico Prima Piso, Salon de Conf. Ave., Santiago de los Caballeros final, Edificio Turismo</p> <p>Playa Ponce Navy Frontier Base Suite 1 408 Ave. Fernandez Juncos</p> <p>San Juan</p> <p>Virgin Islands 8000 Niksy Ctr, #202a</p> <p>Charlotte Amalie Renaissance Park Estate Anguilla</p> <p>Kingshill</p>
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ESU Office Assignments

For the month of September, John Straley will be in the Seabrook office and Kevin Conroy will be in the Benicia office.



AUGUST 2008

Official Publication of the Exxon Seamen's Union

Membership approves new contract

On the afternoon of August 18, 2008, the ESU was notified by the American Arbitration Association in New York that the 2008 MOU between the ESU and SeaRiver Maritime had been approved by the membership. The official results of the referendum showed that out of a total of 136 ballots received there were 105 for ratification of the Contract and 28 against. Three ballots received were blank.

The new three-year Contract will be in effect from September 1, 2008, through August 31, 2011. Here are some highlights from the new Agreement:

- 1) A 5.25% increase on base wages, CSB, SSHOT, and OT effective September 1, 2008.
2. A \$5000.00 lump sum bonus to be paid to all active unlicensed employees upon ratification.
3. A 4.5% increase on base wages, CSB, SSHOT, and OT effective September 1, 2009.
4. A 3.75% increase on base wages, CSB, SSHOT, and OT effective September 1, 2010.
5. A special increase to Maintenance Seaman of 2% to base wages, CSB, SSHOT, OT in the first year effective September 1, 2008.
6. An increase in subsistence amounts from \$40.00 a day to \$44.00 a day (increase lunch from \$10.00 to

\$12.00 and dinner from \$20.00 to \$22.00)

7. An increase in ground transportation when joining and departing vessels from \$20.00 to \$30.00 without receipts and from \$50.00 to \$75.00 when providing receipts.

8. The present seven (7)-day call back will be reduced to a four (4)-day call back.

9. The Company will now provide for just one (1) Union officer to be assigned ashore at any time down from two. This will necessitate the ESU to close one of our offices and we have chosen to close the Benicia office. To help make up for this reduction the new Contract provides that the Company will pay airfare for up to 10 round trips a year for the purpose of visiting ships over 500 miles from the Union office. It also provides up to 25 days a year that two (2) Union officers can overlap assignments.

New wage tables effective September 1, 2008

The tables below represent this year's pay increase of 5.25% on base wages, CSB, SSHOT and overtime. The Maintenance Seamen rating will reflect an extra 2% for a total of 7.25%. The complete wage tables for the entire contract package will appear in the new contract books.

Total Monthly Wages - Base + CSB - eff. 9/1/08

	Start	1	2	3	5	10	15	20	25	30
Pumpman	4040	4292	4462	4495	4584	4754	4796	4833	4876	4918
MM/2nd Pumpman	3813	4049	4210	4242	4324	4480	4520	4561	4602	4645
QMED- Oiler	3331	3538	3685	3714	3786	3933	3969	4003	4036	4072
Maint. Man/AB	2863	3042	3160	3184	3242	3356	3386	3417	3446	3478
Able Seaman 1	2873	3056	3175	3202	3267	3390	3421	3451	3481	3511
Able Seaman	2539	2696	2808	2829	2884	2996	3021	3049	3074	3103
Maint. Seaman	2297	2442	2541	2568	2620	2728	2751	2777	2803	2831
Fleet Chef	3805	4032	4184	4213	4294	4443	4481	4521	4556	4594
Cook	2844	3014	3127	3150	3209	3324	3353	3380	3408	3438

Overtime-Penalty & Tank Cleaning Rates eff. 9/1/08

	OT	PT	TC/In	TC/Out
Pumpman	26.06	7.92	31.46	23.83
MM/2nd Pumpman	24.59	7.47		
QMED- Oiler	23.22	7.63	27.97	23.83
Maint. Man/AB	19.86	7.32	23.83	23.83
Able Seaman 1	18.67	7.76	23.83	23.83
Able Seaman	17.60	7.32	23.83	23.83
Maint. Seaman	15.29	5.70	19.60	19.60
Fleet Chef	24.50	7.47		
Cook	18.29	7.32		

Monthly Sum for SSHOT-eff. 9/1/08

	Monthly	Hourly
Pumpman	1102	4.61
MM/2nd Pumpman	1039	4.34
QMED- Oiler	980	4.09
Maint. Man/AB	837	3.50
Able Seaman 1	788	3.29
Able Seaman	745	3.12
Maint. Seaman	646	2.71
Fleet Chef	1030	4.30
Cook	770	3.23

Important disability plan change for members with less than 5 years

The ESU recently received the good news that the Short Term Disability plan will be improved to provide more pay benefits to employees with less than 5 years service. Below is a table that shows the number of weeks of full and half pay now available compared to the old schedule. Keep in mind that restrictions apply as to how often the benefits renew. If you have any questions consult the benefits booklet available at the ExxonMobil Family website or call Chris Matteson in the Houston office at (713) 656-2746.

Year of Benefit Service	CURRENT SCHEDULE		NEW SCHEDULE	
	Weeks of Pay		Weeks of Pay	
	Full	Half	Full	Half
less than 1	2	0	6	0
1	4	2	6	4
2	8	3	8	6
3	8	8	10	6
4	8	13	12	8

The schedule for employees with five or more years of Benefits Service and the Industrial Disability schedule remain unchanged. This new schedule became effective with July payrolls. No retroactive adjustments will be made for disability days which occurred prior to the last day of the June payroll.

ESU office elections begin soon

Two new Board positions created

Elections for the Ship Representative positions on the *Baytown*, *Sierra*, *Kodiak* and *Wilmington* and for the two new offices of Executive Board Member at Large will begin soon. The Executive Board Member at Large spots were created by the recent changes to the Constitution and By Laws which call for the offices of President and Recording Secretary to be combined into a single new position and for the Vice President and Secretary Treasurer offices to be combined into a single new position. The Board Members at Large are being added to make up for the two positions that will be lost when the previous four positions are combined. The ESU Executive Board will continue to be made up of seven officers but will now consist of a President/Recording Secretary a Vice President/Treasurer, two Board Members at Large and the three Department Trustees.

The Members at Large will be assigned to the fleet similar to the department trustees but unlike the trustees can come from any department. They will also serve on the Union negotiating committee thus maintaining the Union's negotiating strength and can fill in for the President/Recording Secretary or the Vice President/Treasurer in the event of illness or disability.

Nomination forms for Ship Representative are due into the ESU Seabrook office by October 1, 2008. In order to provide for a 60 day nomination period, nomination forms for the Board Member at Large positions will not be due into the ESU Seabrook office until October 21, 2008. If more than 2 candidates run for the Board member at large positions, then the two candidates with the most votes will be considered the winners. The election for all the positions will run from October 25 through December 23, 2008 and the terms of office will be from January 1, 2009 until December 31, 2011.

Candidates for the Executive Board positions must obtain 25 signatures from members in good standing on their nomination forms and candidates for Ship Representative are required to have 15 signatures. To be eligible for an Executive Board position, a candidate must be a member in good standing and have at least two years of continuous service with the company. He or she must possess a valid driver's license and have been a member of the ESU for at least one year. It is a good idea that nomination forms be sent to Seabrook via certified mail with return receipt requested as any nomination form received after the cut off date will not be accepted. Once a nomination form is received it will be reviewed and if all is in order the candidate's name will be placed on the ballot. The ballots will be then sent to the membership around October 23. To ensure fairness and oversight the ballots, once marked by the voter, will be mailed to and counted by the American Arbitration Association in New York, which is among the oldest and most reputable organizations of its kind.

Job descriptions of all offices are described in our Constitution and By-Laws. Candidates will find that serving the Union provides an enormous amount of self-satisfaction from assisting fellow members. Everyone is urged to participate.

ESU NEWS on the internet

You may view the *ESU NEWS* on the internet. Go to www.sailors.org and click on *West Coast Sailors*.

ESU News

Jeremiah Morrison and David Pope promoted

ESU members Jeremiah Morrison and David Pope were promoted to Pumpman and QMED-Oiler respectively on August 1, 2008. The promotions of these two members were required as a result of the vacancies which opened up on both the QMED and Pumpman seniority lists by the recent retirement of Pumpman Jeff Straley. Jeremiah and Dave have demonstrated their ability to competently perform the duties of their new positions during numerous step-up assignments over the last several years.

The promotions were contractually mandatory to satisfy the minimum 2.0

manning level that is required in each rating by our labor agreement. A review of the current rating seniority lists indicate that these promotions satisfy the bare minimum numbers required for the QMED and Pumpman ratings so any further decrease in the number of members on those lists will require more promotions to maintain the 2.0 manning factor.

Jeremiah and Dave have been waiting patiently for these promotions since having acquired the necessary endorsements years ago and the ESU membership congratulates them on their well deserved advancements.

Advanced Stewards Department training

A new advanced Stewards Department training class was held at the STAR center in Toledo, Ohio the week of August 18. This new class is different from the Basic Food Safety and Nutrition classes held in April of this year and in October of last year in that the basic course concentrated solely on safe food handling and sanitation. This new course however, will provide training in actual food preparation, menu planning and ordering. Attendance at the new advanced class was limited to members already on the Fleet Chef seniority list and those on the Cook list who are eligible for step up to Fleet Chef. They included Keith Francis, Ben Ramirez, Butch Berrios, Brian Gilbert, Joel Mitchell and David Franklin.

As the ESU News went to press the course had just begun and we will report back next month on the evaluations the course received. Stewards Department training at the STAR center began last year after discussions between the ESU and SeaRiver management. At that time it was the general opinion of both sides that the earlier shipboard based Stewards Department training was both inadequate and difficult to implement. An outside training facility was therefore sought out and the STAR center was chosen to be that training facility as it is one of the only training centers in the country that offers food service training specifically geared toward shipboard galley operations. We were very pleased with the positive reports received on the Basic Food Safety courses and hope that the advanced course will prove as successful.

Ship reports

S/R American Progress

An ESU Board officer visited the ship on August 17, 2008, at the ExxonMobil facility in Beaumont, TX. Ship Representative Rudy Benavides and Steward Dept. Trustee Kurt Kreick were aboard. Rudy and Kurt report all is well. The vessel continues trading between Beaumont and Florida.

S/R Baytown

A Board officer visited the vessel at the ExxonMobil docks in Baytown, TX, on August 16, 2008. The vessel spent a week at anchor before finally taking a load of clean product in Houston for delivery to Florida. As the ESU News went to press, plans for a possible trip to Nova Scotia after Florida were being discussed. Ship Representative Joe Bernavich reports everything running smoothly, no beefs.

Kodiak

The *Kodiak* continues in her Valdez to Puget Sound trade. Both regular Ship Rep. Tim Williams and Deck Trustee Pat Campbell are aboard but Pat due off soon. Tim has reported that a meeting between vessel management and the Stewards Dept. was held to discuss duties and contractual guidelines. It appears that meeting went well. The ship is scheduled for 3 or 4 days at anchor in Port Angeles after the regular split discharge in Cherry Point and Anacortes.

S/R Long Beach

An ESU Board officer visited the

Long Beach at the Valero Dock in Benicia on August 15. Some last minute contract vote ballots were collected and sent overnight to the AAA in New York. The ship spent several days at anchor before entering Long Beach last trip and another couple of days at anchorage 9 in San Francisco before heading up to Benicia. Ship Rep. Wayne Dymont was aboard and reported everything running smoothly.

Sierra

The *Sierra* was heading south for Puget Sound as the ESU News was being written. Regular Ship Rep Thor Floreen was still onboard but was expecting his relief down south. Thor reports no beefs. The *Sierra* continues in her Valdez to Puget Sound circuit and is presently scheduled for a few lay days at anchor before completing her discharge in Anacortes. Final word on when and where her next shipyard period will be held is expected soon.

Wilmington

A Union visit was conducted July 30 at the ExxonMobil dock in Baytown, TX. AB John McCarthy is filling in as the Temporary Ship Representative. The vessel continues on her Gulf/East coast clean oil trade. Once again the vessel called on to Nederland, Texas with no shore leave allowed, a grievance has been filed and the ESU board is addressing the issue through channels ashore. Regular Ship Rep. Jeff Harris is due back soon.

New Hire Orientation



Six new hire candidates at the first day of orientation at the California Maritime Academy in Vallejo, CA, are (from left) Matthew Wooley, Jonathan Straley, James Saling, William Wickerd, John Saling and Emanuel Eshun.

The second new hire class of 2008 began in Vallejo, California on Monday, August 18. The official dates of the class given to the ESU by Fleet Manning were Monday, August 18, through Sunday, August 31. It was originally believed that there would be seven potential new unlicensed employees attending the class but due to unforeseen circumstances only six were eventually accepted.

On the first day of orientation ESU President Kevin Conroy met up with the group at the California Maritime Academy in Vallejo (see photo). Due to the busy schedule on that first day there was only enough time to snap a quick photo and speak with the attendees for a short period of time. A longer meeting with the new hires will be conducted toward the end of the program when President Conroy will give them the full ESU recruitment presentation and encourage all of them to join our ranks. We will report back on that meeting in the next edition of the ESU News. The current class members are (in alphabetical order): Emanuel Eshun, James Saling, John Saling, Jonathan Straley, William Wickerd and Matthew Wooley.

The orientation course, which is being run by Captain Nils Knutstad, Bill Schaefer, Mr. Michael Harris and instructors from California Maritime Academy, will cover not only the obligatory company policy overviews and benefit seminar, but also a host of shipboard operational topics. Among the topics to be presented are safety, occupational health, deck operations and marlinspike seamanship. As most of the participants have little or no previous seagoing experience a basic safety-training (BST) course was also included in the class.

Twenty percent still without TWIC

All members are reminded that the deadline for obtaining their TWIC card is April 15, 2009. In an email sent to all ships on July 31, Fleet Manning Head Ron Floyd reported that approximately 80% of the roughly 300 Ocean Fleet employees had already obtained their TWIC and he thanked the Masters for their efforts in encouraging all officers and crew to do so. Eighty percent, however, still means that 20% are without a TWIC. The ESU also emphasizes that if you haven't already got your TWIC it is of utmost importance that you do so now. Any person not having a TWIC by the deadline date will not be allowed to sail.

In his email Mr. Floyd said that in general, employees who were not born in the United States, regardless of their current citizenship status, were facing the longest process times and in some rare cases had even had their initial applications denied. He went on to ask that the Masters continue to emphasize to their crews that obtaining the TWIC will require them to be proactive and persistent. If you are having difficulty with your application please contact either Fleet Manning or Mr. Rick Dunn in the Houston office for assistance. Mr. Dunn's phone number is (713) 656-3119.

In a related matter several ports around the nation including Beaumont/Port Arthur have announced that they will begin TWIC enforcement early. Beaumont will supposedly begin in November. This does not mean that mariners will be required to have a TWIC to enter the port at that time but some restrictions may be imposed on those who do not have one. For example a non TWIC credentialed person may be required to be escorted by someone who does have a TWIC when going to or from the ship; another reason to get your TWIC as soon as possible. After April 15, 2009, TWIC will be required to join any ship, escorted or not.

EXXON SEAMEN'S UNION

Founded March 28, 1941

Affiliated with the Sailors' Union of the Pacific

1320 5th Street, Suite A
Seabrook, TX 77586
Tel (281) 474-2430
Fax (281) 474-2463
E-Mail: esusea@sbcglobal.net

P.O. Box 792
Benicia, CA 94510
Tel (707) 746-5713
Fax (707) 746-7859
E-Mail: esuben@sbcglobal.net

President Kevin Conroy

Vice President John Straley

Secretary/Treasurer Leo DeCastro

Recording Secretary Thomas Thompson III

Deck Trustee Pat Campbell

Engine Trustee William Ackley

Steward Trustee Kurt Kreick

USNS Hayes in Florida



SUP members AB Scott Weideman, AB and Delegate Dennis Belmonte and AB Dave Hoffman break for a photo aboard the USNS Hayes at the Cape Canaveral Air Force Base in Port Canaveral, Florida, on July 31, 2008. The Hayes is operated by Patriot Contract Services for the Military Sealift Command.

TTD protests drug testing rule *continued from page 3*

Another matter of serious concern is the ambiguity within DOT's Guidance document as to when an employer is authorized to require an employee to submit to testing under direct observation. Specifically, the guidance states that "an observed collection is required when the employer or DER directs the collector or (collection site) to conduct a collection under direct observation." This provision appears to give employers, at their sole discretion, the authority to require direct observation tests. Any such broad grant of employer authority is in direct conflict with the regulations that carefully specify the enumerated circumstances in which this most invasive form of testing may be required. If the intent of the guidance is to specify the procedures for direct observation tests required under the regulations, as well as any such testing employers may order under other independent (i.e., non-DOT) authority, that intent should be clarified. We would, of course, have grave concerns if the guidance is intended to expand the scope of direct observation testing beyond the scope of the regulations.

The final rule also appears to violate constitutional and statutory protections limiting the scope of drug and alcohol testing. Specifically, in *Skinner v. Railway Labor Executives' Association*, 489 U.S. 602 (1989), the Court upheld the Federal Railroad Administration's testing regulations and found that the rules posed only limited threats to covered employees justifiable expectations of privacy. But at the same time, the Court noted that the 'regulations endeavor to reduce the intrusiveness of the collection process. The regulations do not require that samples be furnished under direct observation of a monitor, despite the desirability of such a procedure to ensure the integrity of the sample.'

The Omnibus Transportation Employee Testing Act of 1991, which grants DOT the authority to conduct its drug and alcohol testing program, requires the use of procedures that promote, to the maximum extent practicable, individual privacy in the collection of specimen samples. We would argue the DOT's final rule goes beyond this statutory limit and that the DOT did not adequately explore nor consider alternative means to ensure the integrity of specimen collections.

For these reasons, TTD requests DOT to reconsider these provisions of the final rule and suspend their implementation until these concerns are fully addressed.

Sincerely, Edward Wytkind, President

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Welfare Notes

August 2008

Unfit For Duty

If you are Unfit for Duty, your eligibility for coverage may be extended; however, you must inform the Plan office of your Unfit for Duty status with documentation from your attending physician. Periodic updates of your status should be submitted if your disability continues.

Unfit for Duty status does not automatically add time onto the eligibility period. The extension of eligibility due to Unfit for Duty status is dependent upon the Unfit for Duty dates and the Fit for Duty date.

When an eligible member becomes Fit for Duty, he has three months starting in the month after becoming Fit for Duty to work 60 days to continue his eligibility.

As an example, if a member's eligibility period is May 1, 2008 through April 30, 2009, and he becomes Unfit for Duty in July 2008 and becomes Fit for Duty in September 2008, his eligibility is not extended. In this example the Fit for Duty date would make October, November, and December the time frame for him to work the 60 days needed to keep eligibility from lapsing. The eligibility period, however, covers him through April 2009 so the Unfit for Duty time would not affect the eligibility period.

If a member with an eligibility period of May 1, 2008 through April 30, 2009, became Unfit for Duty in April 2009 and Fit for Duty in July 2009, his eligibility would be extended for May, June, and July 2009, as well as, the months of August, September, and October 2009 during which he would have to work at least 60 days to keep his eligibility from terminating.

If the member in this example failed to work 60 days between August through October 2009, eligibility would terminate in the month following the last extension month (November) and the member must work 120 days within 12 months to become eligible again.

Time worked in the extension months after becoming Fit for Duty does not count in the 120 days within 12 months required if eligibility is terminated. Participants who regain eligibility after being terminated must re-enroll in a plan.

Please check with the Plan office if you have any concerns about your eligibility.

Michelle Chang, Administrator mcsupsiupd@sbcglobal.net

Patty Martin martinpatty59@sbcglobal.net

Virginia Briggs Claims vbriggs80@sbcglobal.net

Michael Jacyna Eligibility mjacyna67@sbcglobal.net

Training Representative Berit Eriksson 415-957-1816

Phone Numbers: 415-778-5490 or 1-800-796-8003 Fax: 415-778-5495

SIU-PD Supplemental Benefits Fund 415-764-4991

SIU-PD Pension Plan 415-764-4987

Attention Mariners!

The September 25, 2008 deadline for all U.S. Coast Guard credentialed mariners has been extended to April 15, 2009. By law, all U.S. Coast Guard-credentialed mariners with an active Merchant Mariner's Document (MMD), License, and/or Certificate of Registry (COR), with or without an STCW endorsement, must hold a valid Transportation Worker Identification Credential (TWIC) to maintain their mariner credentials. Failure to obtain and continue to hold a valid TWIC may result in suspension or revocation of your mariner credentials. After April 15, 2009, the Coast Guard will not issue a merchant credential to an applicant who does not hold a valid TWIC.

To apply for a TWIC, you must first enroll at any TWIC enrollment center. Pre-enrollment through the TSA website, www.tsa.gov/twic, will expedite processing time at the center. You will need to pick up your TWIC, after being notified that it is ready, at the same enrollment center where you applied. In order to ensure the information on your TWIC application is forwarded to the U.S. Coast Guard of the processing of your merchant mariner credential application, you must identify yourself as a mariner at the TWIC enrollment center. You must also provide proof of citizenship and/or alien status and your Social Security Number.

For now, you must still apply separately for your original or renewal merchant mariner credential through the U.S.

Coast Guard in person at a Regional Exam Center. In the future, TWIC holders may be able to conduct their merchant mariner credential transactions with the Coast Guard entirely by mail.

If your MMD was issued after February 3, 2003, or your License was issued after January 13, 2006, you are eligible for a reduced-fee TWIC because those credentials are based on similar threat assessments. However, a reduced-fee TWIC will expire at the same time as your mariner credential. The full-fee TWIC will be valid for five years after issuance. To get the most for your money, we suggest that you only choose to receive the reduced-fee TWIC if your MMD or License was issued less than 14 months prior to the date of your TWIC enrollment.

The requirement to obtain a TWIC was established by the Maritime Transportation Security Act of 2002 (MTSA) and is outlined in Title 46, Code of Federal Regulations, Sections 10.113 and 12.01-11. The TWIC program is administered by the Transportation Security Administration (TSA) and the U.S. Coast Guard.

Mariners may use their valid Coast Guard-issued MMD, License or COR, along with a valid photo ID, to be eligible for unescorted access in secure areas of any MTSA-regulated facility that has a compliance date earlier than April 15, 2009.

Matson Navigation Company Wage Rates

effective July 1, 2008

071, Roll-On/Roll-Off, C-8, C-9, CV-2500 and CV-2600 Class Vessels

Rating	Wages*		Supp. Benefit Base		Supp. Benefit		Money Purchase Pension Plan
	Monthly	Daily	Monthly	Daily	Monthly	Daily	Daily
Bosun	\$4,969.03	\$165.63	\$5,120.86	\$96.73	\$2,901.90		\$25.00
A.B.	\$3,519.51	\$117.32	\$3,843.23	\$72.59	\$2,177.70		\$25.00
O.S.	\$2,713.95	\$90.47	\$3,032.93	\$57.29	\$1,718.70		\$18.51

OVERTIME AND OTHER RATES

The hourly overly overtime rate for all ratings except the Ordinary Seaman shall be \$28.21
 Ordinary Seamen (overtime rate) \$21.16

CARGO RATES

The hourly cargo rate for all ratings shall be:
 Straight Time \$21.16
 Overtime \$34.86

SHORTHANDED (SECTION 7. SUP Work Rules)

Bosun \$48.16
 A.B. \$36.29

STANDBY RATES (Section 43 SUP Work Rules)

Bosun
 Straight Time \$33.31 \$25.00
 Overtime \$53.43

A.B.
 Straight Time \$27.51 \$25.00
 Overtime \$44.99

SHIFT SHIP GANGS (Section 44 SUP Work Rules)

Bosun
 Straight Time \$23.89 \$25.00
 Overtime \$39.72

A.B.
 Straight Time \$22.47 \$25.00
 Overtime \$37.92

DECK PORT WATCHES (SECTION 55. SUP Work Rules)

Bosun
 Straight Time \$32.11
 Overtime \$48.16

A.B.
 Straight Time \$24.19
 Overtime \$36.29

FUEL OIL SPILL CLEANUPS

All Ratings: Straight Time \$16.43

SHOREGANG: MAINTENANCE AGREEMENTS

Working Bosun
 Straight Time \$33.00
 Overtime \$53.55

General Maintenance
 Straight Time \$27.19
 Overtime \$45.09

Spraying, Sandblasting enclosed spaces: additional per hour \$1.70

Moku Pahu Wage and Overtime Rates

Effective September 1, 2008

RATING	Money Purchase Plan
Bosun	
Monthly Base Wage	\$4,074.03
Daily Base Wage	\$135.80
Daily Supplemental Wage	\$50.11 \$23.00
A.B.	
Monthly Base Wage	\$2,734.61
Daily Base Wage	\$91.15
Daily Supplemental Wage	\$39.07 \$19.00
Overtime	\$26.27
CARGO RATES	
Straight Time Hours:	\$19.69
Overtime Hours:	\$32.47
FUEL OIL SPILL CLEANUPS	
All Ratings: Straight Time	\$15.33

Supplemental wages at 10 days per month.

Ships off California's coast must adhere to world's strictest diesel emission regulation

The California Air Resources Board (ARB) on July 24, adopted a regulation that is estimated to eliminate 15 tons of diesel exhaust daily from ocean-going vessels, substantially reducing the cancer rates and premature deaths associated with living near seaports and trade corridors along California's coast.

The new measure requires ocean-going vessels within 24 nautical miles of California's coastline to use lower-sulfur marine distillates in their main and auxiliary engines and auxiliary boilers, rather than the dirtier heavy-fuel oil called bunker fuel. About 2,000 ocean-going vessels visiting California ports annually are subject to this restriction.

"This regulation will save lives," said Air Resources Board Chairman Mary Nichols. "At ports and all along the California coast we will see cleaner air and better health."

The regulation will be implemented in two steps, each requiring lower sulfur content in the fuel- first in 2009 and final in 2012. Both U.S.-flagged and foreign-flagged vessels are subject to the regulation which is the most stringent and comprehensive requirement for marine fuel-use in the world.

Using the cleaner fuels required in 2009 will result in immediate and significant reductions in the emissions from ocean-going vessels. Reductions will increase as the fuel sulfur content is progressively lowered through the regulation's phase-in. In 2009 about a 75% percent of the diesel PM, over 80% of the sulfur oxides and 6 percent of the nitrogen oxides will be eliminated. In

2012, when the very low sulfur fuel requirement is implemented, reductions of diesel particulate matter will be 15 tons daily, an 83 percent reduction compared to uncontrolled emissions. Sulfur oxides will be reduced by 140 tons daily, a 95 percent reduction and nitrogen oxides will be reduced by 11 tons per day, a 6 percent reduction.

An estimated 3,600 premature deaths between 2009 and 2015 will be avoided, and the cancer risk associated with the emissions from these vessels would be reduced by over 80 percent. In addition, the measure will aid the South Coast Air Quality Management District meet its federal clean air requirements for fine particulate matter by 2014 and move California closer to its goal of reducing diesel particulate matter 85 percent by 2020.

Diesel exhaust contains a variety of harmful gases and over 40 other known cancer-causing compounds. Currently in California, diesel PM emissions from ocean-going vessels expose more than twenty-seven million people or 80% of California's total population, to cancer risk levels at or above 10 chances in a million.

This fall the ARB will consider further measures to reduce emissions from heavy-duty diesel trucks. Over the past 10 years ARB has adopted regulations affecting cargo-handling equipment, transport refrigeration units, truck idling, off-road equipment, harbor craft, port drayage trucks, onboard incineration, and ships at-berth. ARB's cleaner fuel requirements for on-road diesel trucks, railroad and ship engines have reduced pollution around rail yards and ports.

Ready Reserve Force Vessels

Matson and Patriot Contract Services

Full Operating Status (FOS)

Rating	Wages		Overtime Rate	Penalty Rate	Money Purchase Plan
	Monthly	Daily			Daily
Bosun	\$4,007.70	\$133.59	\$31.19	\$17.69	\$10.93
A.B.	\$3,163.20	\$105.44	\$26.62	\$13.55	\$10.93
A.B. Maint.	\$3,163.20	\$105.44	\$26.62	\$13.55	\$10.93
O.S.	\$2,169.30	\$72.31	\$15.92	\$10.74	\$10.93

Reduced Operating Status (ROS)

Rating	Wages		Overtime Rate	Money Purchase Plan
	Weekly	Daily		Daily
Bosun	\$1,254.19	\$179.17	\$31.19	\$10.93
GVU	\$647.22	\$92.46	\$15.92	\$10.93
O.S.	\$647.22	\$92.46	\$15.92	\$10.93

Hundreds escape BC Ferries fire

More than 500 passengers on a Canadian BC ferries vessel escaped serious injury when a van loaded with mattresses caught fire. The ship, *Coastal Inspiration*, was leaving Vancouver's Tsawwassen ter-

minal when the blaze started. It was forced back to the mainland where its 562 passengers were evacuated. No one was hurt, the cause of the August 15 fire is as yet unknown.



SUP President's Report

August 11, 2008

MATSON NAVIGATION COMPANY

Collective Bargaining Agreement

As reported in last month's *West Coast Sailors*, the membership of the SUP voted overwhelmingly at the coastwise and Honolulu Branch meetings to ratify the new collective bargaining agreements with Matson. The memberships of the MFOW and SIU-Marine Cooks took the same action.

Matson notified the Unions that the new rates reflecting a 3% increase in wages, overtime, and other rates, began being paid on August 1, with retroactive increases for the period beginning July 1 through July 31 paid, by mail, to the member's address of record with the company, by August 29. If presently employed, members will be paid aboard ship. The new wage rates reflect parity in all Matson liner vessels, a major bargaining victory.

The 3% Supplemental Benefits (vacation pay) increase will be paid by the Plan office upon submission of discharges. It should be noted that the Supplemental Benefit rate for those working in the *Manukai*, *Maunawili*, *Manulani* and *Maunalei* will be increased from 16 to 17 days per month in addition to the 3% increase, another result of achieving parity.

For members who have applied for, or will apply for, a pension benefit on or after July 1, 2008, will be paid the increased benefit as negotiated. Members who retired prior to July 1, 2008, the October 1 pension check will reflect the 3% cost-of-living increase retroactive to July 1. Chevron Shipping Company and the San Francisco Bar Pilots have been notified of the increase to the pension benefit both for current and future retirees.

ITB Moku Pahu

The Special Agreement, originally entered into on July 15, 1999, between the SUP and MFOW covering the *ITB Moku Pahu* expires on August 31. Accordingly, MFOW President Anthony Poplawski and your secretary notified Matson on July 31, of our desire to renew the agreement to coincide with the terms of the Offshore and Maintenance Agreements by providing the same percentage wage and wage-related increases negotiated in those agreements.

On August 1, signed a Memorandum of Understanding, subject to membership approval, covering the *Moku Pahu*. Effective September 1, 2008, a 3% increase in wages and wage-related items; effective July 1, 2009, a 3% increase; effective July 1, 2010, a 3% increase; effective July 1, 2011, a 3.5% increase; and effective July 1, 2012, a 3.5% increase. The agreement covering the *Moku Pahu* will also expire on the same date as the Offshore and Maintenance Agreements: July 30, 2013.

Recommend membership ratification of the *Moku Pahu* agreement.

Paint & Rigging Gang

Following ratification of the Maintenance and Extra Maintenance Agreements on July 21, there have been several requests for clarification on the requirements to work on the Paint & Rigging Gang in Honolulu. Details of the requirements were published in the July *West Coast Sailors* but are reprinted for clarification purposes.

1. Rotating employees of the Paint & Rigging Gang shall possess a valid U.S. Merchant Mariner Document with an AB's endorsement, a valid medical card, a valid U.S. passport, and any other documents required by federal or state authorities.

It is also advisable, but not a requirement, that rotating employees have a valid Chinese visa in case a sailor is needed to fill a job in one of Matson's China-bound vessels. The cost of the visa will be reimbursed by the company when the sailor joins a ship in that trade.

2. To be eligible for dispatch to the Paint & Rigging Gang an SUP member shall have had 90 days seagoing employment on an SUP-contracted vessel during the 12 calendar months preceding the em-

ployment start date. Proof of seetime shall be presented at the time of dispatch.

Since this provision did not go into effect until July 21, those dispatched as rotating employees to the Paint & Rigging Gang prior to that date are "grandfathered" in under the old rules. Those dispatched after July 21, shall comply with the seetime requirement. For example, if a rotating job is dispatched on August 18, 2008, a sailor must have 90 days seagoing employment in an SUP-contracted vessel during the 12 calendar month period beginning on August 18, 2007.

3. If no member has the seetime requirement at the time of dispatch, the job shall be dispatched for ten (10) working days only.

It must be noted that a member with Class "A", Class "B" or Class "C" seniority with an AB ticket has preference in being dispatched either to a rotating job with the Paint & Rigging Gang or as a casual standby under the Extra Maintenance Agreement. In other words, a Class "B" member with an AB ticket has preference over a Class A member who does not; or for example, a Class "C" member with an AB ticket shall have preference if Class "A" or Class "B" members do not possess an AB ticket at the time of dispatch.

Class "D" registrants shall also have preference in being dispatched for casual standby jobs under the Extra Maintenance Agreement if they possess an AB ticket. Class "D" registrants are only eligible for ten (10) working day job dispatches as they have not been in the Union long enough to have accumulated 90 days seetime in an SUP-contracted vessel to qualify for a rotating job.

If no ABs are available at the time of dispatch, an experienced Ordinary Seaman may be dispatched according to seniority.

4. Rotating employees with Class "A" seniority shall be dispatched for one calendar year of employment. Class "B" and "C" shall be dispatched for four (4) calendar months of employment.

If for example a Class "A" member quits the Paint & Rigging gang prior to his/her one-year dispatch, he/she is eligible to be dispatched again as a rotating employee of the Paint & Rigging Gang if the seetime requirement is met and he/she complies with the other requirements. Class "B" and Class "C" members may be eligible for more than one four (4) month dispatch if the seetime requirement (90 days seetime in an SUP-contracted vessel during the 12 calendar months preceding the employment start date) is met.

Casual sailors employed by the Company shall not have to comply with the seetime requirement. All casual sailors shall hold a valid U.S. Merchant Mariner's Document, a valid medical card, a valid U.S. passport and other documents required by federal or state authorities. Preference in employment, regardless of seniority, shall be for sailors with valid U.S. Merchant Mariner Documents, with an AB's endorsement, a valid medical card, a valid U.S. passport, and any other documents required by federal or state authorities. Casual sailors shall be dispatched for no more than ten (10) working days.

If a vacation relief is ordered by the company, such relief shall be dispatched and have the same qualifications stipulated in Section 1. 1, 2, and 3. The vacation relief shall be dispatched for ten (10) working days. If the rotating employee returns from vacation in less than ten (10) working days, the vacation relief employment shall terminate.

When a rotating employee is on sick leave, if a relief is ordered by the company, such relief shall be dispatched and have the same qualifications stipulated in Section 1. 1, 2, and 3. The sick relief shall be dispatched for ten (10) working days. If the rotating employee returns from sick leave in less than ten (10) working days, the sick relief's employment shall terminate.

MIKE DUVALL

Honolulu Branch Agent Mike Duvall is currently on the binnacle list but is expected to be back in the saddle

after breaking in his new wheel. In the interim, Brother Patrick Weisbarth is serving as Acting Agent.

READY RESERVE FORCE

The *s/s Cape Girardeau* (ex-*President Adams*, ex-*Alaska Mail*), which was operated for the Maritime Administration by SUP-contracted Patriot Contract Services and homeported in Alameda, was towed up to Suisun Bay this month to join the National Reserve Fleet. Built in Newport News in 1968 for American Mail Line, this C-5 Class breakbulk vessel underwent a multi-million dollar retrofit to transform her into a Modular Cargo Delivery System Ship. Why the government cannot see the usefulness of this type of vessel is beyond comprehension. Her demise does not bode well for the *s/s Cape Gibson* (ex-*President Jackson*, ex-*India Mail*) another C-5 also managed by Patriot.

The remaining RRF vessels managed by Patriot are the *m/v Cape Orlando* and *GTS Admiral Callaghan*, homeported at Alameda and the LASH ships *s/s Cape Farewell* and *s/s Cape Flattery*, moored at Beaumont, Texas, in Reduced Operating Status-10 without a crew.

The *s/s Cape Jacob*, managed by Matson for MarAd, will operate for at least another year in the Western Pacific.

CALIFORNIA LABOR FEDERATION

Along with SUP delegates Bill Berger, Dave Connolly, Berit Eriksson, Diane Ferrari, attended the 27th biennial convention of the California Labor Federation, AFL-CIO in Oakland on July 22, and 23.

Delegates took action on a variety of policy statements and resolutions that affect workers. Included in the policy statement of the Federation is a section on maritime submitted by the SUP.

The Federation reiterates its support for the protection of jobs in the maritime industry. The Federation supports statutes that ensure that vessels engaged in the coastwise and international trades are built and crewed by U.S. workers. The Jones Act, the Maritime Security Act, the Passenger Vessel Services Act and U.S. cargo preference laws are key to maintaining the U.S. Merchant Marine.

The Federation condemns the "flag-of-convenience" system in which avaricious ship owners around the world register their vessels in phony flag states to evade labor, safety, environmental and tax laws. This corrupt system has resulted in the global exploitation of seagoing maritime labor.

The Federation supports tough security measures that protect U.S. ports and maritime workers from terrorist attack, but opposes any measures that treat workers as suspects and infringes on their constitutionally guaranteed civil rights. The federal government should be less focused on low-risk American workers and more focused on 100% container screening on imports, foreign mariner documentation and other security initiatives.

When the convention recessed in the afternoon of July 22, delegates joined thousands of Teamsters port drivers, rank-and-file Union members and elected officials in a march and rally for good jobs and clean air at the Port of Oakland. Sisters Eriksson and Ferrari served as volunteer marshals for the march and rally.

The current working conditions at the Port of Oakland are deplorable. Drivers sit in their idling trucks for hours in line, inhaling the heavily polluted air. Despite the drastically increased rate of cancer among those who live and work in West Oakland, the drivers have little or no health benefits, and earn as little as \$8 per hour.

The Federation and the Alameda Labor Council worked closely with the Coalition for Clean and Safe Ports, the Teamsters and Change to Win to orchestrate the largest action in Oakland since the General Strike of 1946.

continued on next page

President's Report continued

On the second day of the convention, delegates voted on recommendations by the Federation's Executive Council on candidates for the U.S. House of Representatives, California State Senate and Assembly as well as propositions for the November ballot. The recommendations of the Federation will be published in the October issue of the *West Coast Sailors*.

Delegates also re-elected Art Pulaski, Executive Secretary-Treasurer, and Connie Leyva, President. Also re-elected were all members of the Executive Council, who serve as Vice Presidents of the Federation. Your secretary, a member of the Council since 1990, was re-elected to a new four-year term.

LABOR DAY

All SUP halls will be closed on Monday, September 1, in observance of Labor Day, a holiday under all SUP agreements.

ACTION TAKEN

M/S to extend the *Mohu Pahu* agreement to coincide with the term of the Off-shore and Maintenance Agreements with the same wage and wage-related increases. Carried unanimously.

Quarterly Finance Report — M/S to concur with Quarterly Financial Report. Carried unanimously.

M/S to concur in the President's report. Carried unanimously.

Gunnar Lundeborg

Bush's Labor Department politicizes the regulation of workplace health

For seven-and-a-half years, the Labor Department has neglected the workers it's supposed to protect. Now it is rushing to make its pro-industry stand official policy. The *Washington Post's* Carol D. Leonnig reported that the Labor Department has fast-tracked a proposal that would make it more difficult to regulate workplace safety.

A last-minute policy push is nothing new to presidential administrations, but the Labor Department's proposal is particularly bold. The plan is an attempt by Labor's policymakers to wrest control of the risk assessment process from scientists at the Occupational Safety and Health Administration (OSHA). Doing so would add another layer to a byzantine regulatory process that would be difficult for future administrations to untangle. It would also undermine OSHA, an agency that already has too many procedural hurdles to clear.

The Office of Management and Budget (OMB) released a report in 2006 stating that risk assessment should focus on actual, rather than possible, harm caused by toxins. This sounds reasonable, but Congress intended for risk assessment to be a preventive measure; by the time the dangers of toxins are apparent, it's often too late to protect workers. At the request of the OMB, a National Academy of Sciences committee reviewed the proposal. The scientists gave the report an "F" and described it as "fundamentally flawed." The OMB shelved the report, but the Labor Department's proposal resurrects much of its substance. Meanwhile, Labor has adopted one major health rule for a chemical in the workplace since President Bush took office—and that was under court order.

OSHA's problems did not begin with the Bush administration. The Supreme Court ruled in 1980 that OSHA could regulate a toxin only if it posed a "significant risk" to workers' health, a difficult standard to satisfy. The judiciary and Congress have continued to pare OSHA's authority. And while the nation's working population doubled from 1975 to 2006, OSHA's workforce dropped by 240 employees, to 2,165.

Some believe Congress should grant OSHA broader decision-making power. Others believe that the Environmental Protection Agency should handle the regulation of workplace toxins. But it is clear that the wrong way to fix an agency overburdened by procedure is to add another layer of regulation. The Labor Department should withdraw its proposal.

Source: *Washington Post* editorial August 18, 2008

Record of SUP Shipping July 2008

	Hdqs	.....	Seattle	.....	Wilm	.....	Hono	.....	Total
Bosun	8	.....	3	.....	4	.....	0	.....	15
Maint. Man	12	.....	0	.....	0	.....	0	.....	12
Watchman	0	.....	0	.....	0	.....	2	.....	2
A.B. Dayworker	0	.....	0	.....	5	.....	4	.....	9
A.B.	11	.....	11	.....	18	.....	0	.....	40
O.S.	6	.....	1	.....	2	.....	1	.....	10
Standby	13	.....	0	.....	57	.....	19	.....	89
TOTALS	50	.....	15	.....	86	.....	26	.....	177

Vice President's Report

August 2008

What is a seaman?

"SEAMAN: This is a term seldom bestowed among seafaring men upon their associates, unless they are known to be pre-eminent in every duty of the thorough-paced tar; one who never issues a command which he is not competent to execute himself, and is deemed an authority of every matter relating to sea-craft. — The able seaman is the seafaring man who knows all the duties of common seamanship, as to rig, steer, reef, furl take the lead, and implicitly carry out the orders given, in a seamanlike manner. His rating is A.B.; pay in the navy, 24s. to 27s. per month."

Among the thousands of seagoing definitions and phrases in the 1867 classic *The Sailor's Lexicon*, by Admiral W.H. Smyth, the entry under "seaman" is unlike most others. When a lexicographer begins an entry "This is a term..." he is ringing a bell, saying readers take note: it is a book of terms but this is a term requiring special observation. It is a grand opening to a definition and it is easy to imagine the British captain at the end of a long table raising his voice and lifting a glass with one arm while raising a pointed finger with the other to emphasize the point.

Despite the drama, the descriptive grammar is relevant and instructive. The term "seaman" is something "seldom bestowed," and not merely on those proficient to rig, steer and reef. Seldom bestowed despite automatic eligibility, a seaman is "pre-eminent in every duty of the thorough-paced tar," and "an authority of every matter relating to sea-craft." A broad scope of competency there, containing, as much as the technical aspects of our ancient craft, metaphysical matters. For example, it might be said that the elusive ability of a bosun to confidently handle the gang or a problem mate, or the ability of a delegate to interpret a sometimes inexact contract, or the highly refined mental skills necessary to tolerate intolerable shipmates, all qualify as matters relating to sea-craft.

Moreover, the term "seaman" here defined is clearly earned and an authority grants the title, but not from the Coast Guard; nor is any captain or school qualified to judge. There is no certificate issued, you can't find it on the back of your z-card, or listed among the endorsements on an STCW. It is not a tattoo. "Bestowed among seafaring men upon their associates" means that under this old definition you are not qualified to make the assessment of yourself. It is conferred upon you by your shipmates (a term also defined in the *Lexicon* as "once dearer than brother..."). Finally, it is a designation not of one to another, or by one to the many, but by the many to one, which is to say that a seaman can only be recognized as such by a collective of sailors.

From its grandiloquent opening to its matter-of-fact closing, the term "seaman" in this dictionary draws seas from a large fetch of meaning. And that is how a long dead captain, spanning over the demise of the age of sail, over the decline of steam, across the rise and fall of the fleets of empire, and even discernible through the incessant chatter of law and regulation, speaks to us now.

Ships Checked

President Jackson: Delegate Gerry Marshall. Made her in New York. Clarification on gangway security watchstanding. Minor issues resolved, one benefit payments issue being pursued.

Arizona Voyager: Delegate John McAuliffe doing a bang-up job and Bosun Scott Oliphant has things well in hand in this fine ship.

USNS Hayes: Delegate Dennis Belmonte. Made the ship in Florida. Washer/Dryer issue resolved. Investigated termination of two Ordinary Seamen.

USNS Waters: Delegate Joel Schor. Wheelhouse chair issue unresolved. Bosun and crew did a great job getting the ship out of the shipyard and back into action. Calls at San Diego and Port Hueneme.

Cape Jacob: Delegate Ben Hulsey. Clarification on cargo rate application in various situations.

APL China: Delegate Joe Marusak. Made this ship with Bill Berger in Oakland to investigate China restriction. See Bill's report.

Lurline: Delegate George Simpier off in China. Issues related to restriction to be handled on arrival in Long Beach.

Foss Maritime Company: Delegates Mike Worth, Tom Tynan, and Mel Jackson. To ensure a wider coverage of Union representation the Union appointed this month Sean Gaddis as the interim fourth delegate.

Dave Connolly



On the bridge of the Ready Reserve Force vessel s/s *Cape Flattery* in Tampa, Florida, on July 17, is the SUP deck gang. Left to right: AB Will Bowns, OS Mike Cogan, OS Ray Minor, AB James Buster, AB Mike Staley, AB Cordell Bendeck, Bos'n Jesper Pfeil, AB Denny Silva, and OS Eric Mees.

SUP Branch Reports

Seattle

July 21, 2008

Shipped during the period: 2 Boat-swains shipped to RRF and Navy bottoms; both jobs filled with B-cards; 12 Able Seaman berths filled with 4 A-cards, 3 B-cards; 2 C-cards and 3 D registrants; and 1 Ordinary Seaman job filled with a C-card.

Registered during the period: 11 A cards for a total of 27; 4 B cards for a total of 25; and 4 C cards for a total of 7.

Ships Checked

Matson ships *Kauai* and *Manoa* in twice with little or no problems. *President Truman* in New York and checked out okay. *Washington Voyager* and the *Colorado Voyager* in the shipyard in Swan Island. Good visits on these ships and with everyone on day work, we were able to field and answer many questions from the crew. Many thanks to SUP delegates David Fadoul and Wil Williamson for having Union affairs in good order aboard these vessels. The *USNS Watters* also in Swan Island and called the gang back. Paul Harsany is the serang and Joel Schor is the delegate. The 'wheelhouse chair' is still an open issue with the company.

I attended meetings with the King County Labor Council; the Puget Sound Area Maritime Security Committee; the Marine Exchange of Puget Sound; the Port of Seattle; and the City of Seattle Master Shoreline Advisory Council.

Members must be aware that renewing and processing Merchant Mariners Document is taking far longer periods of time with the move to Virginia for final approval. Start early and expect delays. I have three sailors who have been waiting for several weeks now and all three have expected to be working at this time.

Vince O'Halloran
Branch Agent

Wilmington

July 21, 2008

Shipped 5 bosuns, 22 ABs, 4 ABDs, 4 STOS, 1 OS, and 71 standbys for a total of 105.

Registration: Class A 42, Class B 24, Class C 2.

Ships Checked

Singapore, Manulani, Philippine, Maunawili, China, Maunalei, Korea, Thailand, Manukai, Matsonia, Mahimahi.

Brothers, it is now common again to have OS on some of our ships. They work for the bosun. A smart OS will keep an open ear when the ABs talk about the work also he will watch and learn. A good Union AB will teach by example not only the practical work but also the spirit of Union brotherhood.

Brothers, on another note, there is S.961 Veterans' benefits for some of the merchant mariners who served during WWII. This a good, though let's pray that you don't have to wait till you're dead to get it. Brothers, our value is the work we do. The more pride we put into our work the more we are valued which most of the time translates into more OT for you.

Yours in struggle,

Paul Calais
Branch Agent

Honolulu

July 21, 2008

Shipped during July: 1 AB watchman, 2 AB daymen, 2 AB daymen returns, 1 OS and 1 AB watch relief. These jobs were filled by 4 A cards, 2 B cards, and 1 C card. Also shipped 19 standby jobs, filled by 5 A cards, 6 B cards, 4 C cards and 1 D card for a total of 26 jobs shipped.

During the month of July, registered the following: 11 A members, 8 B members, 4 C members and 2 D registrants for a total of 25 registered.

Ships Checked

Manukai, Matsonia, Manoa, Manulani, Maunalei, Maunawili, Mokihana, Mahimahi, and Kauai. All with few or no beefs. Paint & Rigging Gang checked.

Mike Duvall
Branch Agent

New fax number and email address for the Honolulu Branch

The Honolulu Branch office has a new fax number: 808 533-2778, effective immediately.

The new email address for the hall is: sup.hnl@gmail.com.

Mexico to expand port at Veracruz

Two container terminals and other upgrades are planned in Mexico at Veracruz on the Gulf of Mexico, the major port nearest Mexico City.

Alejandro Dominguez Chacon, the government's ports and maritime chief, announced this month plans to seek bids for the expansion, even though most of the country's shipping attention has been focused on a new port development at Punta Colonet on the Pacific coast. Chacon said he expects the two container terminals to cost about eight billion pesos (\$785 million), of which the government plans to pay about 55%, with developers paying the balance.

Last year, Veracruz handled 730,000 teu, plus 18 million tons of general cargo (mainly grain) and 650,000 cars and trucks.

Egyptian court hears of master's actions during disaster

New details have emerged about the sentencing in Egypt of a ferry captain for his failure to rescue the survivors of the *Al Salam* disaster. More than 1,000 people were killed and nearly 400 were injured two years ago when *Al Salam* sank in the Red Sea between Safaga, Egypt, and Diba, Saudi Arabia.

Expert testimony indicated that weather conditions and the proximity of the *St.*

Catherine ferry put its Captain Salah Gomaa in a prime position to help, but he was allowed to escape jail by paying a fine of 10,000 Egyptian pounds (\$1,883) on July 27.

Gomaa, according to a translation of a court account, defended his failure to attempt a rescue while en route to Diba by claiming that he feared for the safety of the 1,800 people aboard his ship. He

indicated they might have gone on to one side of the deck to watch the rescue, thereby causing his ferry to capsize.

The court declared that Gomaa could have ordered his passengers to remain inside, then order the rescue.

Evidence indicated that Gomaa was in contact with Abdul Menem Al Sayyed, the *Al Salam's* second officer, who told him —while clinging to a life raft along with other victims near the *St. Catherine*— that the *Al Salam* was sinking. "But the accused left the victims mercilessly, giving all sorts of devious excuses, to face their fate fighting the waves. His action as an act of the devil as he left them to die," a translation of the court account read.

SUP members join pension ranks

The following SUP members joined the rank of pensioner, bringing the total number of SUP members to 608:

Thomas R. Gustin, 60, Book No. 3007, joined SUP in 1983, 21 years seetime.

Alexander M. Earle, 55, Book No. 1885, joined SUP in 1969, 28 years seetime.

San Francisco Business Agent

August 11, 2008

Visited and paid off the following ships:

Kauai— Joe Ginez, delegate: In from Seattle. Problems with equalization overtime. This is a difficult problem with no solutions; every ship differs.

Mahimahi— Manny Roxas, delegate: Coastal run. No disputes; good gang. Made twice.

Manoa— Volkert Lolie, delegate: Going off the coastwise run and going on the China run for a trip or two; no problems. Mike McDevitt relief captain.

Mokihana— John Hamann, delegate: Visited at Howard Terminal. Question on overtime, which was payable. Repairs will be turned over to labor relations.

APL China— Joe Marusak, delegate: Very good delegate: Everything up to par. Had two disputes, delayed sailing and restriction to ships. Both disputes turned down by APL labor relations. We talked to the captain about time back, he agreed to give them their time back when possible.

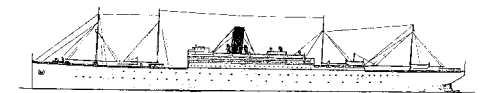
APL Singapore— John Kerlin, delegate: Voyage pay off. Clean ship, no disputes. John does a good job as a delegate.

Cape Gibson— Steve Campbell, delegate; Daniel Foster, bosun: Voyage pay off. Back from RIMPAC exercises. Clean pay off. Lots of overtime for the crew.

Mississippi Voyager— Mark Jones, delegate: Made the ship at Long Wharf. This ship is always a hassle. One of the worst gangways in the Chevron fleet, or any other fleet. This company always harps on safety, they should check this gangway.

Worked in the front office.

Bill Berger



Dispatcher's Report

Headquarters—July 2008

Deck	
Bosun	8
Carpenter	0
MM	12
AB	11
OS	6
Standby	13
Total Deck Jobs Shipped	50
Total Deck B, C, D Shipped	12
Engine/Steward	
QMED	0
Pumpman	0
Oiler	0
Wiper	0
Steward	0
Cook	0
Messman	0
Total E&S Jobs Shipped	0
Total E&S B, C, D Shipped	0
Total Jobs Shipped - All Depts. ...	50
Total B, C, D Shipped-All Depts. .	12
Total Registered "A"	48
Total Registered "B"	46
Total Registered "C"	5
Total Registered "D"	5



Three old salts from left: John Linderman, Arthur Thanash and Frank Portanier posing for a photo at a barbecue in the s/s *Maui* on August 8, at sea.