



West Coast Sailors

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The Baltimore Sun reports U.S. Coast Guard justice stacked against mariners

An investigative report by *The Baltimore Sun*—based on evidence in federal court records, computer data files, internal memos and the sworn testimony of a former Coast Guard judge—strongly suggests that the agency's administrative court system isn't merely tough on American mariners but is stacked against them.

The charge was made in a detailed piece of investigative journalism, published under the heading "Justice Capsized," in the June 24 issue of *The Baltimore Sun*. The article was researched and written by one of the newspapers staff reporters, Robert Little. *The Sun* published an editorial on the same topic, "A Listing Court," in its June 26 edition.

Fallout from the news reports has spread quickly throughout the maritime community and beyond. In Washington, Representative Elijah Cummings (D-Maryland) Chairman of the House Subcommittee on Coast Guard and Maritime Transportation, said he will convene a hearing to investigate the allegations that the agency's administrative law system is not impartial and that its judges are under pressure to rule in favor of the Coast Guard.

Chairman Cummings also said he will ask U.S. Coast Guard Commandant Thad W. Allen to look into whether it is necessary to take immediate action to protect the rights of defendants whose cases are now before USCG courts. "This needs to be looked at quickly. Even the appearance of injustice or impropriety cannot be tolerated."

Much of the article in *The Sun* is based on a sworn statement given by Jeffie J. Massey, who worked until recently as a USCG administrative law judge. Massey, who reports she was pressured into retiring from the Coast Guard, said in a sworn statement that she was instructed by Chief Judge Joseph N. Ingolia not to act as a judge but rather as a tool to assure rulings favorable to the USCG. "I was specifically told [by Ingolia] that I should always rule for the Coast Guard," she testified.

An excerpt from the article provides more details on her testimony: "According to Massey, court records and internal memorandums obtained by *The Sun*, Ingolia told other judges how to

rule in cases and dictated policy through private memos that were never shared with defendants or their lawyers, a practice that could violate federal laws requiring that agency judicial procedures be published and subject to challenge," wrote *Sun* reporter Robert Little. "And staff attorneys for the chief judge and the commandant's office discussed cases with Coast Guard investigators, possibly violating mariners' right to an impartial hearing."

"I practiced law for 20 years, and I can't imagine some of this stuff happening," said Representative Cummings. "You don't have investigators and judges' staff talking to each other, not if what you're looking for is fair-

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Maritime labor testifies at TWIC oversight hearing

In a testimony before the House Transportation and Infrastructure's Subcommittee on Coast Guard and Maritime Transportation on July 12, the Sailors' Union of the Pacific, the Masters, Mates & Pilots, the Marine Engineers Beneficial Association, the Marine Firemen's Union, the International Longshore and Warehouse Union, the International Longshoremen's Association, the Seafarers International Union-Atlantic, Gulf, Lakes and Inland Waters District/NMU and the American Maritime Officers, told members of Congress that the implementation of the long-delayed Transportation Worker Identification Credential (TWIC) program must enhance the security of the Nation's transportation system, but must also preserve the legitimate rights of workers.

Subcommittee members from both political parties sharply criticized the Bush Administration during the hearing for the many delays and problems that have plagued the TWIC program. Transportation and Infrastructure Chairman James Oberstar (D-Minnesota) said that "It is frustrating that we're five years from the law mandating TWIC and we still don't have a card. Extremely frustrated doesn't quite go far enough to describe how I feel." Representative Frank LoBiondo (R-New Jersey) agreed and added that "The Transportation Security Administration (TSA) has gotten so very little right so far that I'm concerned that the people in the real world who are going to have to live with this card are going to have some very great obstacles to overcome."

Speaking on behalf of the Bush Administration was TSA's Maurine Fanguy, who directs the TWIC program. Rear Admiral Brian Salerno of the Coast Guard also testified. Fanguy said the numerous delays in implementation of the TWIC card were due in part to TSA's desire to "be in alignment with the latest

and greatest that America has to offer in terms of technology."

Mike Rodriguez, Executive Assistant to MM&P President Tim Brown, who presented the jointly drafted Union statement, countered that one of the reasons the TWIC program is falling so far behind lies with the policy decision to use the unproven FIPS-201 standard for the biometric identity cards, rather than the widely used and internationally recognized International Civil Aviation Organization (ICAO) standards, which are used, for example, on electronic passports.

The full statement as presented to the Subcommittee follows:

We wish to make clear that all the maritime unions have a vital interest in, and an unwavering commitment to, the enhancement of America's maritime security. We want an effective and realistic system for controlling access to facilities and vessels because our members are on the front lines. The members of our respective organizations will almost certainly be among the first American citizens directly affected, injured and killed in the event of such an incident or breach of maritime security. Therefore, we desire to be regarded by our government as an ally here at home, in the same way that we sail and work in support of our armed forces overseas in the war against terror.

At the same time, we have another obligation to our nation: to safely and economically move America's foreign and domestic commerce. We strongly believe strengthening maritime security and facilitating the movement of cargo to strengthen our economic security are not mutually exclusive goals and objectives. Rather, we can achieve both goals provided the Transportation Security Administration (TSA) understands that a poorly designed and implemented program will unnecessarily burden our industry and seriously diminish our ability to

do our jobs without providing any real maritime security benefits to our nation.

Disqualifying Crimes

Concerning the crimes that would disqualify an American worker from obtaining a TWIC, we feel that Congress had it right in the Maritime Transportation Security Act of 2002 (MTSA). MTSA sets the standard for denying a person a TWIC based upon that person's potential as a terrorism risk. Yet, TSA has chosen through regulation to disqualify an individual who has committed crimes that do not predispose an individual to be a terrorism risk. We are troubled by the prospect that a large number of workers might be disqualified from obtaining a TWIC or at least become entangled in the process for past offenses that are not relevant. Therefore, we call for a fair and robust appeals process, monitored closely, to ensure that workers who pose no threat are not unjustly denied a TWIC and therefore denied the opportunity to pursue their livelihoods.

It is our understanding that TSA intends to use Administrative Law Judges (ALJs) provided by the Coast Guard. We are concerned that there may be an insufficient number of ALJs within the present Coast Guard system to handle the caseload the program may generate. We ask this Subcommittee and the Congress to ensure that the Coast Guard has the resources to administer the waiver and appeals process fairly and in a timely fashion.

Federal Preemption

The protection of our country from terrorist acts is a national concern. The TWIC program is intended to enhance security within America's ports and facilities and aboard vessels in such a way that there is a minimal impact on the movement of goods in domestic and foreign commerce. Unfortunately, unless the Federal government acts to ensure that the TWIC pro-

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Bloody Thursday in San Francisco



From left: Hannu Kurppa, Gene Van Klinken, Izzy Idris, Vice President Dave Connolly, Arthur Thanash, Bill Berry, Knud Jensen and Sol Berger attended the annual observance at ILWU Local 10.

Chevron declares a rate holiday for certain company health benefit plans

Due to favorable experience generated by non-Health Maintenance Organization (HMO) plans, Chevron announced this month that it has declared a rate holiday for the rest of 2007 for company employees enrolled in the Chevron Medical Plan (Option 1, 2, or 3), the Chevron Dental Plan, and the Chevron Dental HMO Plan. This means that monthly premiums for these plans will drop starting this month (July) and run through the end of the year. The rate decrease is due to favorable claims experience. Welcome news for SUP sailors employed by Chevron.

Employees wanting further information can call the HR Service Center (HRSC). The HRSC's automated system can provide the July 1, 2007 rates. Call the HR Service Center at 1-888-TALK2HR (1-888-825-5247) or +1-201-363-3990 if outside the United States, and follow the 2007 Rate Holiday instructions.

Nearly one in four of world's workers putting in excessive hours, ILO reports

Nearly a quarter of the world's workforce is clocking "excessively long" work hours mainly to ensure a minimum living standard, according to a new study published by the International Labor Organization (ILO).

Based on information from 54 countries, the report, "Working Time Around the World", estimates that some 614 million workers around the globe, or 22 percent of the global workforce, are putting in more than 48 hours a week, the maximum workweek norm established by ILO back in 1919.

Countries with the highest levels of excessive work hours include Indonesia, South Korea, Pakistan, Peru, and Ethiopia, where more than 40 percent of employees were reported to work more than 48 hours a week.

On the other hand, countries such as Russia, Moldova, the Netherlands, and Norway reported the lowest 48 hour-plus workweeks among their workforce, with only 3.2 percent of Russian workers clocking in more than 48 hours.

"This confirms the widely-shared view that long working hours are common in the Asian region, especially among the so-called East Asian Tigers and South Eastern Dragons," the report said.

Although no data on the distribution of working hours were available from China and India, the report cited a 2005 study finding that around 22 percent of workers in three major Chinese cities were putting in more than 48 hours a week. An Indian labor survey from 2000 found more than 20 percent of workers were putting in more than 48 hours a week.

In the United States, slightly more than 18 percent of workers were reported to put in a 48 hour-plus week in 2004, down from the 19.9 percent reported in 2000. The more recent U.S. figure was less than the United Kingdom (25.7 percent in 2003) and Mexico (26.7 percent) but more than Canada (10.6 percent), France (14.7 percent), and Japan (17.7 percent).

Final Departures

Gean Ollivier, Book No. 2414. Born in Washington in 1928. Joined SUP in 1947. Died in Beldon, California, June 20, 2007. (Pensioner)

Beverly Pepin, Book No. 3642. Born in Texas in 1923. Joined SUP in 1947. Died in Antioch, California, June 28, 2007. (Pensioner)

Manuel Castanho, Book No. 4640. Born in California in 1927. Joined SUP in 1945. Died in Oakland, California, June 29, 2007. (Pensioner)

George Jackson, Book No. 3669. Born in Pennsylvania in 1915. Joined SUP in 1935. Died in Wilmington, California, July 7, 2007. (Pensioner)

SUP Meetings

These are the dates for the regularly scheduled SUP meetings in 2007:

	Hdqs.	Branch		Hdqs.	Branch
August	13	20	November	13*	19
September	10	17	December	10	17
October	9*	15			*Tuesday

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Transportation Union and Sheet Metal Workers plan to merge

The United Transportation Union (UTU) and the Sheet Metal Workers International Association plan to merge into a new 230,000-member Union that would be called the International Association of Sheet Metal, Air, Rail, and Transportation workers (SMART), the two Unions announced last month.

The UTU board of directors voted unanimously June 11, to submit the merger proposal to its membership for ratification. No date has been set for ratification, but UTU said it expects the ballots will be mailed by the end of the month. If approved, the merger would become effective January 1, 2008.

Currently, UTU has some 80,000 active members while the Sheet Metal Workers has some 150,000 active members.

The SMART Transportation Division would include members who work under UTU's air, bus, and rail contracts. Rail workers who do not work in train operations and are now represented by The Sheet Metal Workers would participate in national rail negotiations handled by the transportation division.

If the merger is approved, UTU plans to use the Sheet Metal Workers expertise and strength to organize shortline railroads, bus properties, and airlines, UTU said. It noted that the Sheet Metal Workers spends 40 percent of its dues on organizing and currently has 120 local and staff organizers.

Neptune Orient to order 10,000-teu ships

Singapore-based Neptune Orient Lines, the parent company of American President Lines, has decided to follow its rivals and place an order for mega container ships. The company will invest \$1 billion in eight 10,000-teu container ships, with a service speed of 26 knots, for the Asia-Europe run. Construction will take place in South Korea, probably at Hyundai Heavy Industries or Daewoo Shipbuilding, for delivery in 2011. Daewoo has seen an unprecedented surge in box ship orders this year and will be dedicating an upgraded dock for container newbuildings from 2009. Hyundai Heavy is building five 7,000-teu ships for German owner Bernhard Schulte with whom NOL has signed a charter agreement. APL will deploy these ships on the Pacific services. APL's new vessel commitments by the end of 2009, number 28.

U.S. Coast Guard seeks mariner feedback

The U.S. Coast Guard announced last month that its Merchant Marine Personnel Advisory Committee has established a mechanism to provide ongoing feedback on the mariner licensing and documentation program and the relocation of the National Maritime Center.

"The committee is reaching out to organizations such as trade associations, labor unions, and educational institutions to obtain their feedback, as well as mariner feedback, on how implementation of the plan is affecting their constituents," said Andrew McGovern, committee chairman. "This process includes an early warning email contact system so problems warranting immediate action can be brought to the Coast Guard's attention."

Those wishing to provide feedback should email the committee at [MERPACfeedback\(a\)gmail.com](mailto:MERPACfeedback(a)gmail.com).

The Coast Guard began restructuring its mariner licensing and documentation program in March 2005 to improve service to mariners. The project will relocate the National Maritime Center to Martinsburg, West Virginia, change mission focus for the 17 regional examination centers and implement technological improvements such as electronic imaging of mariner records, electronic administration and grading of exams, and on-line payment of user fees. When the plan is complete the processing of all applications for credentials will be centralized and managed by the reorganized National Maritime Center staff, and the responsibilities of the regional examination centers will be limited to fingerprinting mariners, establishing mariner identities, providing application assistance, administering testing, and providing course oversight.

Candidates set for MEBA election

The Marine Engineers Beneficial Association announced in the July 13 issue of its official online newsletter, *Telex Times*, candidates for the Union's upcoming election.

"Found qualified to stand for election as President were Ron Davis, Bill Hall, Mike Jewell and Don Keefe. For Secretary-Treasurer, the Committee qualified Thomas A. Cassidy, Paul Krupa, Joseph A. Martucci III and Bill Van Loo. For Branch Agent of New York (Atlantic Coast V.P.) nominees include Kevin Bailey, Bill Campbell, Bill McHugh and Bob Pearl. The list of members vying for Branch Agent of New Orleans (Gulf Coast V.P.) include Dan "The Maverick" Barrett, John Haarmann, Jeff Hauck, Marc Huber and John McCurdy. Found qualified to stand for election for Branch Agent of San Francisco (Executive V.P.) are Mike Blevins, Edward F. MacCormack and Dave Seltzer. Certified to run for Branch Agent of Baltimore are William F. Doyle, Tom "Jake" Jacobs, Bruce Kirkland, Richard E. Mathews, Bryan L. Rusk and Tom Suneson "Sunny." The Credentials Committee validated the following to run for Branch Agent in Houston: Jerry Danneker, M.I. "Moose" Mallini, Donn Reamer and Dana Woodruff. Nominations approved for Branch Agent of Los Angeles are Jim Anderson and Mike Nizetich. Seattle Branch Agent nominees include Claudia G. Cimini, Karol Kingery, Courtney G. Lamm, Mark J. Lund and Bob Seidman.

"The two candidates for New York Patrolman are Erik Barton and Chris Guerra. For New Orleans Patrolman, nominations were approved for Wilfred "Wil" Jones, Robert Lee Martin and Joe Spell, II. Patrick D. Anderson and Jim Staats are seeking the position of San Francisco Patrolman. Qualified candidates to run for Houston Patrolman include B.M. "Mike" Dunklin, Greg Fauntleroy, "Scary" Larry Pitts and Jeff Robert. Larry Young is running unopposed for the Los Angeles Patrolman position. Similarly, in Seattle Jim McCrary is uncontested for the Patrolman position in that port."

MEBA balloting begins on September 1, and concludes December 3.

MarAd renews operating contract for Cape Jacob

The Maritime Administration notified Matson Navigation Company on July 12, that it will renew the operating agreement for the *s/s Cape Jacob* for another year, commencing on July 28.

This breakbulk vessel, crewed by the SUP on deck, is only one of two vessels in continuous Full Operating Status (FOS) in MarAd's Ready Reserve Fleet and is equipped to perform underway and vertical replenishment for the Military Sealift Command, Far East.

The 565-foot vessel was launched on July 28, 1961 at Newport News, Virginia, and christened *s/s California* for SUP-contracted States Steamship Company. She operated in the trans-Pacific trades for many years, along with four sisterships known as "Cadillac Mariners".

Pirate attacks surge by 37%

A "pirates' charter" in Somalia and hijackings in Nigeria pushed worldwide attacks up 37 percent in the second quarter of 2007, says a report from the International Maritime Bureau (IMB). A rise in the number of pirate attacks reported in the second quarter to the watchdog agency's center in Kuala Lumpur reversed a positive trend in the past few years and brought the total of attacks for the first half to 126, almost identical to the 127 in the same period in 2006.

"Despite a sustained decrease in acts of piracy over the past three years, the statistics for the second quarter suggest we may be seeing a reversal of this trend," said IMB director Potengal Mukundan. "Somalia and Nigeria remain very dangerous, high-risk areas with large numbers of violent kidnappings and hostage takings."

The report makes grim reading, with 13 vessels hijacked by heavily armed attackers, 152 crew members taken hostage, 41 kidnapped and three killed. In Somalia, where the country has no effective government, the IMB described the situation as a "return to a pirates' charter". There have been 17 Somali incidents reported this year with eight vessels hijacked and 85 crew taken hostage.

The IMB advises vessels to stay at least 200 nautical miles from the Somali coast, although there has been an attempted attack 315 miles out to sea. The IMB painted a grim picture of the limited options available to a vessel attacked in the area. "A vessel under attack can expect no support from the 'authorities' in Somalia," Captain Mukundan said. "Our advice to vessels under way and under attack is not to slow down or stop, regardless of how intimidating the attack." The IMB advised that ships under attack should try to identify the pirates' "mother vessel", usually a large dhow or fishing vessel, and steer a course away from this to move the pirates out of their "comfort zone".

Captain Mukundan praised efforts by International Maritime Organization to refer matters to the United Nations. "We hope [the UN] will prevail on the Transitional Federal Government in Somalia to permit naval units from other countries to assist hijacked vessels in Somali waters," he said. "It is only when the pirates see that they can no longer make easy money by seizing vessels that we will see a reduction in attacks."

In Nigeria there have been 19 incidents reported as ship's crew are targeted as hostages in local political conflicts. This year 15 vessels have been boarded, one hijacked, 40 crew members kidnapped and 24 taken hostage. "Off the coast of Lagos oil tankers conducting ship-to-ship operations in anchorages and tankers moored to SBMs, have become particularly vulnerable targets," Captain Mukundan said.

While the situation had worsened in Nigeria and Somalia, one of the world's key shipping lanes and a previous area of concern, the Malacca Strait, saw no pirate attacks in the second quarter.

Indonesia still remains the country with the highest number of incidents. There were 24 of them in the first half of this year, down from 33 in the same period last year and a big improvement on the 64 in 2003.

ILWU to bargain early with Pacific Maritime Association

International Longshore and Warehouse Union President Robert McEllrath stated last month that as a result of the Longshore Caucus held in early May, bargaining with the Pacific Maritime Association (PMA) will begin in March, 2008.

In a column in the ILWU's June issue of *The Dispatcher*, McEllrath stated that historically bargaining occurred between May and June prior to the expiration of the longshore agreement on July 1. "For the current contract," McEllrath said, "the employers first expressed a desire to finish bargaining by December 2007, and then changed their request, asking for negotiations to begin in early 2008. After agreeing with early bargaining, the Longshore Division will hold its negotiating caucus in January or early February, and begin bargaining in March. This schedule gives the Negotiating Committee about four months to obtain an agreement. It will clearly demonstrate that the ILWU is taking the concerns of everyone involved very seriously. It will also demonstrate that the Union is doing its part to minimize the chance of an interruption of commerce by either side."

Reflecting previous negotiations, McEllrath said, "The 2002 lockout by the employers was the first time in American labor history the government invoked the Taft-Hartley Act against a Union when the employers were the ones to bring about disruption of commerce. The employers said we were slowing down the flow of goods, but as hard as they tried, it was never proven in court."

The SUP, MFOW and SIU-Marine Cooks agreement with Matson Navigation Company expires on June 30, 2008. It is anticipated that bargaining will begin in May.

Queen Elizabeth 2 sold to Dubai World

The iconic British passenger ship *Queen Elizabeth 2 (QE2)* was sold last month by Carnival Corporation's Cunard Line to Istithmar, the investment arm of Dubai World for \$100 million. The vessel will be delivered in November 2008 to Dubai where it will be transformed into a luxury floating hotel and berthed off Palm Jumeirah, the world's largest man-made island.

The ship, launched by Queen Elizabeth in September 1967, is the longest-serving ship in Cunard's 168-year history, and was their longest-serving flagship. Since she came into service in 1968, the 70,327 gross ton vessel has undertaken 25 world cruises, crossed the Atlantic more than 800 times and carried more than 2.5 million passengers.

Carol Marlow, president and managing director of Cunard, said: "We are delighted that when her legendary career as an ocean liner ends there will continue to be a permanent home for her that will enable future generations to continue to experience fully both the ship and her history."

Sultan Ahmed bin Sulayem, chairman of Dubai World, said the *QE2* is without a doubt one of the wonders of the maritime world, and is easily the most famous serving liner in the world today. "*QE2* at the Palm Jumeirah will become one of the must-see experiences of Dubai and of the Middle East. We are investing in creating a truly global tourism destination. Dubai is a maritime nation and we understand the rich heritage of *QE2*. She is coming to a home where she will be cherished."

Istithmar said its refurbishment program will aim to recreate *QE2*'s original interior decor and fittings. *QE2* at the Palm Jumeirah will also include a museum celebrating the ship's history.

Cunard will take delivery of the 90,000 gross ton *Queen Victoria* this December. The company also operates the 148,502 gross ton, 2004-built *Queen Mary 2*.

Choice for workers blocked by GOP

On June 26, the Senate voted 51-48 to end a Republican filibuster of the Employee Free Choice Act (EFCA), which would have strengthened workers' right to choose a Union. The House of Representatives had already passed the bill by a vote of 241-185 on March. According to Senate rules, however, supporters of the legislation need a supermajority of 60 votes to invoke cloture (i.e., to end the filibuster). Thus, Congress will likely take no further action on the bill until after the 2008 elections.

It would be wrong to consider the Senate vote a defeat for supporters of the measure. Quite the opposite—12 months ago, few observers would have predicted that by June 2007, EFCA would have won the support of a majority in both Houses of Congress. Supporters of the bill have always considered their effort part of a three year legislative campaign, the end goal being enactment of EFCA by summer 2009, assuming, of course, that the Democrats win control of the White House and retain control of the Congress in the November 2008 elections.

Even if that were the outcome of the 2008 elections, however, EFCA supporters will face an uphill task gaining 60 votes in the Senate. For three decades, this supermajority requirement has presented the biggest obstacle to the modernization of America's antiquated and increasingly irrelevant labor law. Labor law reform is a no-compromise issue for the business community and its Republican allies in the Congress. This vote was not the first time that Senate Republicans have filibustered a labor law reform proposal—they twice filibustered a bill strengthening workers' rights in the 1970s and one outlawing the permanent replacement of strikers in the 1990s—nor will it be the last.

The case for stronger legal protection for workers' rights is compelling. The U.S. system of Union recognition is the most cumbersome in the developed world, and it provides the weakest protections for workers' right to choose a Union. Employer intimidation is endemic, and there are now about 60 million Americans who want a Union but can't get one, according to the eminent Harvard economist, Richard Freeman. EFCA would remedy that situation by imposing greater penalties on employers who discriminate against Union supporters, providing for mediation and arbitration when employers and Unions fail to negotiate first contracts, and allowing workers to form a Union when over 50 percent sign Union membership cards.

Workers who have formed Unions under card check laws include state and local public sector workers in Alaska, California, Illinois, New Jersey, New Mexico, New York, and Ohio, and charter school, Indian gaming, public sector higher education and trial court employees in several states. And voluntary card check agreements are increasingly common and viewed as best practice in those sectors of the private workforce in which Unions and management have developed long-term, cooperative relationships. Corporations such as Cingular Wireless, Kaiser Permanente and Allina health care system recognize the benefits of card check recognition and cooperative labor-management relations.

So what are the prospects for the enactment of EFCA? Past experience suggests that the window of opportunity, if it does emerge after the 2008 elections, will be brief, so action will need to be swift—immediately after the first 100 days in office. EFCA supporters must enlist the assistance of as many non-labor allies as possible, and frame the debate in broad terms, stressing that Unions and collective bargaining—which greatly expand access to employer healthcare and pension schemes—are critical to restoring the American Dream and revitalizing the imperiled middle-class.

But even all that might not be enough. Just as they did on June 26, the business community and its allies in the Senate may be able to employ the filibuster one more time to undermine this effort to protect workers' right to choose a Union.

by John Logan who teaches in the Department of Management at the London School of Economics and Political Science.

U.S. tanker operator to pay largest-ever penalty for concealing oil pollution

Overseas Shipholding Group Inc. (OSG) was sentenced June 20, in Beaumont, Texas, to pay \$10 million as part of a \$37 million criminal settlement with the United States involving 33 felony counts, 12 tankers and ports located in Beaumont, Boston, Portland, Maine, San Francisco, and Wilmington, North Carolina.

The total \$37 million penalty —announced on December 19, 2006, in Boston— is the largest ever involving deliberate vessel pollution. The charges involving 12 OSG tankers took place from June 2001 to March 2006 and include violations of the Clean Water Act, as amended by the Oil Pollution Act of 1990; violations of the Act to Prevent Pollution from Ships; conspiracy; false statements; and obstruction of justice. In pleading guilty, OSG admitted that it deliberately falsified various ships' Oil Record Books, required logs in which all overboard discharges are to be accurately recorded; made discharges at night; and concealed bypass methods used to circumvent required pollution prevention equipment during U.S. port calls so that the Coast Guard would not discover the criminal activity.

The \$37 million penalty includes a \$27.8 million criminal fine and a \$9.2 million organizational community service payment that will fund various environmental projects coast-to-coast. For the part of the case in East Texas, U.S. District Court Judge Thad Heartfield approved the proposed plea agreement with federal prosecutors and sentenced OSG to pay a total of \$7 million (\$5.3 million criminal fine and \$1.7 million in community service) immediately for making false statements to the Coast Guard. OSG was ordered to pay another \$3 million in escrow for additional charges that will bring the total to \$10 million in the Eastern District of Texas.

In accordance with the plea agreement,

Judge Heartfield sentenced OSG to make \$1.7 million in community service payments to the National Park Foundation and National Fish and Wildlife Foundation for the explicit goal of funding environmental projects and initiatives designed to benefit, preserve and restore the environment and ecosystems in the Eastern District of Texas, including the waters along the counties of Jefferson, Orange, Hardin, Liberty, Tyler, Jasper and Newton. Funds designations included environmental education projects to be conducted by the Environmental Learning and Research Center at Lamar University and to further the acquisition of land to be added to the Big Thicket National Preserve by the Conservation Fund. A total of \$2 million (\$540,000 in East Texas) is designated to fund a satellite surveillance pilot program to monitor ships off the U.S. coast.

Prosecutors credited OSG's self-disclosures, cooperation and compliance measures taken by proposing fewer charges and reduced criminal fines. OSG is a U.S. corporation headquartered in New York and is one of the largest publicly traded tanker companies in the world. OSG was sentenced to serve a three-year term of probation during which it must implement and follow a stringent environmental compliance program that includes a court-appointed monitor and outside independent auditing of OSG ships trading worldwide.

At the sentencing hearing, Judge Heartfield termed the regular circumvention of pollution prevention equipment and falsification of ship logs to be "a serious string of events that allowed the company to avoid large scale costs and continue to enjoy substantial pecuniary gain." The sentence of criminal fines, community service, and probation "will promote just punishment and respect for the law," said Judge Heartfield.

Jones Act suit targets Coast Guard

A united front of plaintiffs filed suit this month against the U.S. Coast Guard following its allowance for significant foreign yard work on single-hull Jones Act vessels.

Crowley Maritime, Overseas Shipholding Group and the Shipbuilders Council of America (SCA) have filed papers in the U.S. District Court of Eastern Virginia against the USCG and its National Vessel Documentation Center. They specifically cited the case of the *Seabulk Trader*, owned by Secor, which has been authorized for U.S. domestic trades "even though it has had double sides added in a foreign [Chinese] shipyard".

The issue is far broader than the *Seabulk Trader* decision: Jones Act owners who have invested "hundreds of millions" in construction in America shipyards allege that USCG preliminary approvals for foreign work on numerous ships are undercutting the entire vessel supply forecast in light of the Oil Pollution Act of the

1990's phase-out provisions.

According to filed documents, the plaintiffs are asking the Court to declare that current USCG decisions on foreign work allowances are "inconsistent with the Jones Act" and to require the USCG to follow stricter ruling determinations. U.S. shipyards, represented by the SCA, argue that USCG decision-making is undermining their ability to compete for double-hull retrofitting and could cost them future tanker orders.

The Crowley-OSG-SCA lawsuit adds to the continuing litigation over an identical suit brought by Pasha Hawaii Transport Lines and the SCA against Matson Navigation's conversion of three containerships into China. This lawsuit is understood to be in abeyance until the USCG certifies Matson's 1983-built containership *Mokihana*, converted in China to be fully retrofitted at Mobile Shipyard in Alabama, as eligible to ply Jones Act trades.

Korea and Vietnam ink topside mariner pact

Vietnam and South Korea have signed an agreement that will provide for joint, reciprocal recognition of each other's ship officer licenses. One consequence will be the easing of Korea's officer shortage. It will also enable Korean companies to secure engineers.

The agreement will provide for Korean officers to serve alongside their Vietnamese counterparts on Vietnamese ships and

vice versa. If neither country breaks the agreement, renewal of the five-year pact will be automatic.

Korean shipping companies currently employ about 500 foreign officers, mostly from Myanmar, the Philippines and China. Many Korean maritime graduates have deserted the shipping profession in recent years to work in other sectors of the country's booming economy.

SUP Committee on Constitution

Report of the Committee on Constitution

Monday, June 26, 2007 at SUP Headquarters, San Francisco

In attendance: Duane Hewitt, Chairman (Headquarters); Michael Worth (Headquarters); Terence O'Neill (Headquarters); Patrick Weisbarth (Honolulu); Steve Thompson (Wilmington); Mike Dirksen (Seattle); Donald Cushing, observer, Gunnar Lundeberg, ex-officio member, William Berger, and Dave Connolly, recording secretary.

Gunnar Lundeberg began the meeting by describing the role and responsibilities of the Committee as stipulated in Section 1 of Article XXVII of the SUP Constitution. The Committee elected Duane Hewitt as Chairman and then proceeded to debate the merits of the resolutions submitted by the membership over the past two years.

Resolution No. 1 (Pfleeger) to amend the SUP Shipping Rules for members of B, C, or D seniority from a maximum of 90 days to 120 days to better enable eligibility for medical benefits under the SUP Welfare Plan. The Committee found problems in the construction of the resolution but understood that gaining health insurance is critical. They also understood that longer shipping periods would reduce opportunities for other members. They were in favor of making it easier for members to gain eligibility, but were aware of the extreme cost pressures on the SUP Welfare Plan. **After long and contentious debate, the Committee noted that the SUP Shipping Rules with respect to B, C, and D members should remain the same and voted unanimously to non-concur.**

Resolution No. 2 (McNeill) on Constitution Committee membership from present structure to two delegates from each hiring hall with travel expenses to be paid by the volunteer. The Committee expressed an objection to a change in the composition of the Committee, noting that there is sufficient Branch representation presently. The Committee also noted that the constitutional amendment process includes further input from the Branches after the Committee's recommendation are sent back to the meetings. **The Committee's vote was unanimous to non-concur.**

Resolution No. 3 (Wegger) on Constitution Committee membership from present structure to equal amount of delegates from each hiring hall. The Committee noted the same points as the previous resolution except that the Union would have to pay the additional expenses of more delegates putting further pressure on the General Fund of the Union. The Committee further considered the leniency and fairness of the Union's interpretation of the Constitution regarding the composition of Committee given that only those Branches that "hold regular meetings" (i.e., possess a quorum at the meetings) are allowed delegates and can submit amendments. They also repeated some of the discussion held on the previous resolution, especially that the election and ratification process holds numerous opportunities for participation in the Branches. **The Committee's vote was unanimous to non-concur.**

Resolution No. 4 (Belmonte) on raising the membership dues of the Union from \$130.00 to \$150.00 per quarter. The Committee noted the recent deficit spending of the Union, and that the membership's expectation of excellent service and representation is continuous. **The Committee expressed frustration that the critical importance of a dues increase was not well-understood by the membership in previous ballots. They were strongly in favor of raising dues, and characterized it as a life-or-death issue for the Union. Urging the education of the membership on the dues raise as critical to the survival of the Union, the Committee voted unanimously to concur.**

Resolution No. 5 (Calais) to add a \$25.00 per day contribution from the General Treasury to the SUP Money Purchase Plan for Union officials in addition to their regular wages and benefits. The Committee discussed the history of the Money Purchase Plan as an allocation from wages from the Matson and APL bargaining and noted that any such contributions must be allocated from official's wages and/or wage increases. They also noted that participation in the SUP 401(k) Plan as a before-tax wage deferral was already available to SUP officials. **The Committee voted unanimously to non-concur.**

Resolution No. 6 (Hurley) to implement a training program for members eligible to work on the San Francisco Pilot Boats. The Committee discussed that every member is eligible for the work, but that a detailed and formal training program already exists for operators at the San Francisco Bar Pilots. They discussed the requirements for eligibility, aspects of the training program, and the overall policies of the Andrew Furuseth School of Seamanship. After considerable discussion, **the Committee voted unanimously to non-concur.**

Resolution No. 7 (Hurley) to amend the Shipping Rules for the ships of Matson Navigation Company running from the mainland to Hawaii from 30 days to 3 trips off (2 weeks in duration). The Committee discussed the complexity and problems associated with having a different set of rules for different ships with regard to relief trips. After considerable debate, the Committee recommended that the SUP Shipping Rules on relief trips remain the same. Accordingly, **the Committee voted unanimously to non-concur.**

Resolution No. 8 (Hurley) to amend the Shipping Rules from a maximum of 200 days to 180 days for members of "A" seniority and to change Pension Plan definition of a pension year credit from 200 days to 180 days. The Committee discussed the background of the Pension Plan and noted that any changes to the underlying benefit eligibility would result in an increase of future liability reducing the chances for a benefit increase. The Committee also noted, as did the resolution, that such policy must be set in part by the Trustees of the Pension Plan. **Therefore the Committee voted to non-concur.**

Resolution No. 9 (Gregg) to amend the collective bargaining agreement to replace an existing holiday with a new holiday: Andrew Furuseth's Birthday. **The Committee referred the resolution to the Negotiating Committee.**



The SUP Committee on Constitution from left: Patrick Weisbarth #3644, Steve Thompson #19603, Mike Dirksen #2739, Mike Worth #3629, Terry O'Neill #2468, and Duane Hewitt #5748.

Resolution No. 10 (Gregg) to amend the SUP Shipping Rules such that all changes must voted on by secret ballot during biennial elections. **The Committee noted that this is already required under the Constitution and so voted unanimously to non-concur.**

Resolution No. 11 (Gregg) to amend the Constitution that members of "A" seniority cannot lose membership status except by Trial Committee upon charges made by a minimum of three full members. The Committee noted that the Constitution requires five members for a Trial Committee. The Committee members expressed their collective view that such membership is appropriate. They also discussed other interpretations of the resolution, but failed to reach a clear understanding of the intent of the proposal and recommended that the rules for Trial Committee remain the same. **The Committee voted unanimously to non-concur.**

Resolution No. 12 (Gregg) to amend the Shipping Rules to allow no exceptions to the requirements for a Bosun's certification and "A" seniority requirements. The Committee discussed the methods for certification of bosun as determined by the membership in a previous election. They expressed the view that all bosuns should be qualified and agreed that should be no exceptions but since that is the present policy they did not reach a clear understanding of the proposal. **The Committee voted unanimously to non-concur.**

Resolution No. 13 (Clay) to amend the Shipping Rules to require that sailors shipped as Maintenance AB's will possess A.B. Unlimited qualifications and shall have 90 days of seagoing employment on SUP-contracted vessels during the twelve months preceding the dispatch date. The Committee expressed the understanding that Maintenance AB's should have seagoing experience, but felt that the jobs belong to all the members of the Union who are qualified. It was noted that Maintenance AB's without seagoing documentation may face significant limitations in the future. They were opposed to new requirements at the present time and accordingly, **the Committee voted unanimously to non-concur.**

Resolution No. 14 (Clay) to amend the collective bargaining agreement to allow for washdown upon departure from port when time at sea is more than 20 hours. **The Committee noted this as a collective bargaining issue and referred it to the Negotiating Committee.**

Resolution No. 15 (Clay) to amend the collective bargaining agreement to redefine arrival as the time boarding of the pilot and to redefine departure as the time of disembarking the pilot. **The Committee noted this as a collective bargaining issue and referred it to the Negotiating Committee.**

Resolution No. 16 (Clay) to amend the collective bargaining agreement to allow sailors employed in diesel ships engaged in foreign trades with a minimum of thirty days (30) of employment to take one (1) day off with pay and for days accumulate as an extra day worked if not taken. **The Committee noted the proposal as a collective bargaining issue and referred it to the Negotiating Committee.**

Resolution No. 17 (Morgan) to increase dues by fifteen (\$15.00) dollars per month. The Committee appreciated the importance and value of this proposal, but expressed the view that the other dues proposal (Resolution No. 4 above) is more likely to be approved by the membership. **The Committee voted unanimously to non-concur.**

Resolution No. 18 (Garrett) to allow 200 days of shipping with relief for members of "A" seniority or 90 days of shipping without relief. In other words, to reduce the number of allowable shipping days from 200 to 90 days for members of "A" seniority who do not take a trip off. The Committee debated various interpretations of the proposal, including its application to the maintenance gangs. After considerable debate, they could not reach a clear understanding of the proposal, and recommended continued application of the SUP Shipping Rules as presently written. **The Committee voted unanimously to non-concur.**

Editor's note: The bold text indicates that by majority vote at the July coastwise meetings, these proposed Constitutional Amendments and Shipping Rule changes will be placed on the 2007-2008 referendum ballot as per Article XXVIII of the SUP Constitution. All other proposals that were submitted to the Committee were rejected by the Committee and rejected at the coastwise meetings.

ESU Office Assignments

For the month of August, Kevin Conroy will be in the Seabrook office and Leo DeCastro will be in the Benicia office.

ESU NEWS

JULY 2007

Official Publication of the Exxon Seamen's Union

ESU attrition continues through first six months of 2007

Through the first six months of 2007 the Exxon Seamen's Union membership numbers have declined by eight. Voluntary retirements, totaling five, have accounted for all but two of the separations from the Union.

Below: Listed in alphabetical order are members that have left the membership roles since January 1 of this year:

Last Name	First Name	Status	Rating	Date of Separation
Castillo	Proceso	Resigned	MS	2-02-2007
Fontana	Lorenzo	Promoted	QMED	6-01-2007
Jones	Isaac (Danny)	Retired	QMED	3-15-2007
Linden	Kevin	Resigned	Cook	6-15-2007
Miller	Marianne	Retired	Cook	6-01-2007
Ruark	George	Retired	AB-1	2-01-2007
Vanshur	Wilson	Retired	PM	6-01-2007
Wilson	Steve	Retired	PM	5-01-2007

Offsetting this 6-month decline in the ESU membership is a new hire group anticipated to add five new unlicensed employees to the represented ranks. New hire orientation is scheduled to begin the last week of July, with new employees making their way aboard vessels by August 1. All new hires will be placed at the bottom of the Maintenance Seamen Seniority List.

Members are entitled to changeable airline tickets

Recently the Union has been made aware of members being issued airline tickets that were unable to be changed to better fit the individuals travel plans after discharge from a vessel to paid leave. Most often this situation has occurred traveling from assignment in foreign ports, when the problem is not discovered until the tickets are presented to the airline that the company, or its agent purchased them from, for reissue.

ESU members are entitled to tickets that can be changed for travel at a later date or to a different destination if the discharged member so chooses. In talks between the Union and management on this issue it became clear that SeaRiver understands that represented employees do have flexibility in their travel plans after discharge. And to prevent future

problems with the issuance of non-changeable classes of tickets it is recommended that members, when anticipating that they may need a changeable ticket notify the vessels Master of that fact as far in advance of sign-off as possible.

Travel arrangements in foreign ports are quite often made by non-company agents who may, or may not be aware of this travel provision afforded ESU represented members. Many of these agents are geared towards purchasing basement-priced airfare for foreign mariners that frequently come with numerous restrictions that are not acceptable under the terms of the ESU/SeaRiver Maritime, Inc. bargaining agreement.

Should any member(s) encounter difficulties obtaining changeable tickets upon timely request to the Master should immediately contact either ESU office.

Promotions: Ackley, King and Smerecnik

Effective July 1, ESU members Erwin Smerecnik and Sean King have been promoted. Sean has been promoted from Maintenance Seamen to the position of Cook. Erwin will now assume the rating of Pumpman after having served as Oiler-QMED. Erwin's promotion follows June's promotion of Engine Trustee Will Ackley from Oiler-QMED to Pumpman, as well. Both Will and Erwin had previously worked in the Pumpman rating and had been demoted in 2006 due to surplus personnel in the higher rating as a result of reductions in fleet size.

The three promotions were contractually mandatory to satisfy the minimum 2.0 manning level that is required to be maintained in each rating. Vacancies in the Engine rating were brought about by the recent retirements of Pumpmen Ron Vanshur and Steve Wilson. The shortage on the Cook Seniority List occurred with the retirement of Marianne Miller and resignation of Kevin Linden, both in June.

A review of the current rating Seniority Lists indicate that with these promotions the Pumpman list satisfies the minimum manning level, and any decrease in the number of members on that list will require an equal number of promotions. Likewise, the Fleet Chef rating is at the minimum allowable number and promotions will be required should the numbers on either list dip below their current levels.

At press time the Cook seniority list is one below the 2.0 due to an unanticipated delay in promoting the next eligible individual. The unforeseen separation from the company of Ed Benjamin at the time that he was to be promoted, and then the next eligible candidate declining the promotion has resulted in a temporary postponement in adjusting the Seniority List. A resolution to this promotion issue has been discussed between the Executive Board and Human Resources Department managers, and a delayed promotion announcement will be made as soon as possible.

Due to Able Seamen Ed Benjamin's July separation from SeaRiver, the AB-1 Seniority List is now four above the minimum 2.0 number requiring promotions. However, historically the AB-1 rating, due to its significantly greater number of members, experiences more attrition in comparison to the other seniority ratings.

The Oiler-QMED manning level after Ackley and Smerecnik's promotion to Pumpman is now surplus by one in the rating. Thus, a loss of two members from the list would result in a deficiency of one position on that rating Seniority List, requiring a promotion to maintain the 2.0-manning factor.

Manning levels are reviewed on a monthly basis during the first week of each month and adjustments are identified at that time. Promotions, after SeaRiver's Human Resource Department has been afforded sufficient time to review the eligible candidates for promotion are announced in the same month.

Present manning levels are based on the number of active vessels in the fleet at the first of each month. The addition or loss of active vessels significantly alters the required manning levels on all Seniority Lists.

Shipboard internet service getting nearer



Above: The new satellite antenna resting atop its platform above the starboard bridge wing of the S/R Long Beach.

Right: Electronic Engineer Ted Burger under the platform structure during shipyard construction at Jurong, Singapore.



Both the S/R Baytown and S/R Long Beach have completed installation of new satellite antennae's (dome) during recent shipyard periods. Installing the antenna's required significant platforms to be fabricated to support the equipment. On both vessels, the structures were constructed on the starboard bridge wing.

Software testing is currently underway and crew access to internet service aboard first the S/R Baytown

could become a reality as early as September. The fabrication of the antennae platforms is by necessity having to be accomplished while SeaRiver vessels are in a shipyard. As such, other fleet vessels antennae installations will be scheduled to coincide with each ships scheduled "yard periods."

Preliminary information on the scope of internet usage for crews indicates that filtering and controls will be part of the system, blocking access to some web sites such as those considered generally inappropriate in nature and 'social networking' sites such as myspace.com and match.com. Further, it is the Union's understanding that ExxonMobil's intranet would not be accessible.

The Union believes this project to be a positive development in enhancing life at sea and will continue to keep the membership up to date as this long anticipated betterment progresses.

ESU News

Graca not to run for reelection: candidates wanted

Longtime Exxon Seamen's Union Ship Representative Joe Graca has informed the Executive Board that he has elected not to run for Ship Representative to the *S/R Long Beach*. Joe who has served the ESU membership for more than 15 years as the Union's Representative to the *Exxon Philadelphia*, *Exxon Benicia* and currently the *S/R Long Beach*, respectively.

Joe's decision to step aside after his term expires was based on some uncertainties as to when he will be able to return to active duty from his recent unexpected sick leave status. In concern for continuity of representation aboard the vessel, he has determined that it would be in the best interest of the Union for members to be given this advance notice that he would not be contesting the position.

Five ESU Executive Board and two Ship Representative positions come up for election this fall. The offices of Vice President, Secretary Treasurer, Deck, Engine and Steward's Dept. Trustee, as well as the Ship Representative positions on the *S/R Long Beach* and *S/R American Progress* are all up for election. Nomination forms for these positions are due into the ESU Seabrook office by October 1. The deadline for receipt of nomination forms is fast approaching, and members are strongly encouraged to seek election to any of the Union positions scheduled for election to new three-year terms.

To be eligible for an Executive Board position including Trustee, 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. Candidates for Executive Board positions must also obtain 25 signatures from members in good standing on their nomination forms. Ship Representative candidates are required to have just 15 signatures. A complete list of all the requirements can be found in Article V of our Constitution and Bylaws. It is suggested that nomination forms be sent to Seabrook via certified mail with return receipt requested, as forms received after October 1 are ineligible.

Ship reports

S/R American Progress

ESU Executive Board officer visited the ship at the ExxonMobil docks in Beaumont, TX, June 29. Ship Representative Chuck Bell discharged to paid leave during the port call and Deck Trustee Michael Harrison is presently serving aboard the vessel. No beefs.

S/R Baytown

The Baytown left Portland, Oregon on July 7, southbound to Long Beach, CA, to load jet fuel, and on July 12, started it's voyage to the Gulf of Mexico where it will be running in the clean trade between the various Gulf coast ports. Regular Ship Representative. Joe Bernavich is onboard and reports everything running smoothly. During the Portland stay all of the hardware for the new upcoming internet e-mail system was installed. The Baytown is the second ship in the fleet to get this system installed, the Electronics group is now working on the systems software. Thanks Joe, well done!

Kodiak

The Kodiak continues in her regular Valdez to Puget Sound trade. Regular Ship Representative Timothy William is onboard and staying in touch with the ESU offices via his personal e-mail. All is well on the Kodiak. Good job Tim!

S/R Long Beach

The Long Beach continues in its Far East run. The vessel should be doing one last load in the Persian Gulf before heading back to the US via Japan. At the time of print it is anticipated that the vessel should be in Valdez the last week of August or beginning of September where it will return to the ANS run on the West Coast. Ship Representative Joe Graca has announced that he will not seek reelection to the position.

Sierra

The Sierra continues on the run between Puget Sound and Valdez. Regular Ship Representative Thor Floreen on board. Thor touches base with the Board every port and continues to actively represent the members onboard. Questions concerning shipboard management doing reliefs at the end of port calls is being addressed shore-side.

S/R Wilmington

After completing discharge in Puerto Rico in early July the vessel sat sail for Singapore for a "yard stay." The "Willy" transited the Suez Canal instead of making a west coast delivery, as previously expected. A crew change took place in Gibraltar on July 12. Ship Representative Jeff Harris is on board for the transit.

ESU NEWS on the Internet

If you would like to view the *ESU NEWS* on the Internet, the newspaper is available at the Sailors' Union of the Pacific website. The website is www.sailors.org. The current edition is posted the day the newspaper is published, usually the third Friday of every month. Additionally, past editions are archived and can be accessed.

The *ESU News* is written and edited by the Exxon Seamen's Union.

Marianne Miller retires



Marianne Miller (seated: center) pictured with the crew of the *S/R Baytown* during her last tour of duty.

On June 1, 2007, Ms. Marianne Miller, Cook in the Ocean Fleet elected to retire with 20 years of Company service. Marianne is a person of many talents and her employment with the Company follows other careers which include, a teacher, welder and housekeeper.

Marianne started her career with Exxon Shipping Company in November of 1987 aboard the *Exxon Wilmington* as Mess Utility. She continued to sail in the capacity of Mess Utility or step-up Cook until May 1996 when she was promoted to Cook.

Her assignments since then have also included assignments as step-up Fleet Chef on the *Exxon Charleston* and *Exxon Benicia*. She completed her seagoing career at SeaRiver with an assignment to the *S/R Baytown* as Cook.

The Union would like to take this opportunity to thank Marianne for her contributions and support of the ESU and we wish her well in her retirement years.

BCBS preventative care claims glitch

The ESU Executive Board recently became aware that Preventative Care claims were not being processed according to plan changes that went into effect at the beginning of the year. Prior to 2007, the preventative care feature provided a \$300 benefit every two years for each plan participant on a two-year rolling calendar basis. Effective January 1, the \$300 maximum was eliminated along with the two-year rolling calendar. Coverage under the Preventative Care feature was also changed from 100% of allowable amounts (deductible waived) to 90% (deductible waived) coverage for allowable amounts.

The problem that was identified and raised with the Company and BCBS related to claims administrators continuing to use the \$300 limit for services that are covered under the Preventative Care feature. They were applying the 90% coverage correctly but apparently the \$300 maximum provision was still in the system and claims were denied if the participant had exceeded the \$300 amount in the previous 2-year period. The Union has been informed that BCBS will run a report of Preventative Care claims and will correct any improperly processed claims. If anyone has been denied a Preventative Care claim and has not been notified of the correction, it is suggested that members contact BCBS to ensure the claim is adjusted. The BCBS claims number is 1-800-521-2227.

The Preventative Care feature covers office visits for routine physical examinations, well baby, immunizations for participants 6 years and over, routine lab, x-ray, hearing and eye exams at 90% of the allowable amount. Immunizations for dependent children through the child's sixth birthday are covered at 100%.

The Union was informed that fourteen claims involving members and/or an eligible dependent were adversely affected as a result of the Blue Cross/Blue Shield error. Members that paid their care provider out-of-pocket after having their claim denied might need to contact their health provider for confirmation that a payment has been made to them. In some cases, members may have to seek adjustment directly from their physicians' business office for duplicate payment.

EXXON SEAMEN'S UNION

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Deck Trustee Michael Harrison

Engine Trustee William Ackley

Steward Trustee Joe Pereira

Former Indonesian maritime minister faces jail for graft

Former Indonesian Maritime Minister Rohmin Dahuri is facing the prospect of a jail term for graft, with accusations including taking a bribe from a shipowner. Dahuri served under the administration of former President Megawati Sukarnoputri.

Dahuri pleaded guilty on June 26, and is awaiting sentencing. Prosecutors will demand that he serve six years in jail. He is also expected to be fined a total of rupiah200 million (\$22,000). Dahuri was convicted of taking bribes in the amounts of \$400,000, \$215,000 and \$5,000, from an unidentified shipowner. He also received a Toyota Camry car and other gifts, and is alleged to have bribed the country's former House Speaker, Amien Rais. At an earlier trial, Dahuri's former secretary general Andin H. Taryoto, received an 18-month jail sentence. He accused his former boss of accepting a total of \$41.2 million in bribes from the country's bureaucrats. However, Dahuri's lawyer said the trial and conviction were politically motivated. He said his client should be freed of any charges as the monies he took were used for humanitarian organizations and for political parties.

Australia to require visas for foreign mariners

The immigration and security sensitive Australian government of right-wing Prime Minister John Howard has announced plans to issue compulsory Maritime Crew Visas (MCVs). At least 130,000 foreign seafarers will be affected by the ruling which will become mandatory next January.

Simone Gray, a spokeswoman for the Australian government, said the move aimed to strengthen border security while continuing to enable the entry of genuine foreign seafarers. It will replace the Special Purpose Visa granted to foreign mariners who meet entry requirement. "There will be a six-month transitional period beginning July 1," she said. "This will allow the maritime industry to adapt to the new requirement and apply for MCVs. From January 1, the MCV will be mandatory and crew not holding an MCV are likely to be restricted on board and fines imposed." Gray added that individual seafarers, along with authorized third parties such as shipping agents or crew manning agents, could apply for the visa. Third parties may also receive communications on behalf of the crew. For example, when an MCV is approved the third party is notified by letter or email. It will also be possible to check online whether a crew member holds an MCV. Applications will not be accepted by Australian embassies, consulates or high commissions but must be made on the internet or by postal application. The visa is free.

Key features of the new visa are: required by all foreign crew except New Zealanders; requires a formal visa application to be made outside Australia; needs to be granted before arrival is free of charge; is valid for three years; allows multiple entries to Australia; and is valid to travel to Australia by sea (not by air).

Welfare Notes

July 2007

Special Pensioners Medical Benefit

A letter was recently mailed to Pensioners and widows of Pensioners informing them of changes in the Special Pensioners Medical Benefit necessitated in order to preserve the benefit into the future. Based on subsequent participant calls to the Plan office, we would like to clarify and emphasize the following:

The overall \$6,000 annual maximum benefit has not changed. This benefit includes the \$2,000 Pensioners Annual Allowance plus the \$4,000 Special Pensioners Medical Benefit Allowance.

We wish to point out additionally that there continue to be no benefit caps on the \$2,000 Pensioners Allowance. However, to better manage expenses in the \$4,000 Special Pensioners Medical Benefit, effective for charges incurred on or after August 1, 2007 maximum annual payments will apply as follows:

- Medical Premiums — The Plan will pay up to \$2,500 per benefit year
- Prescription Drugs — The Plan will pay up to \$1,000 per benefit year
- All Other Expenses — The Plan will pay up to \$500 per benefit year (medical/dental/vision)

For Pensioners entitled to a pro rata benefit, their current overall pro rata amount will not change though the above annual maximums will apply to the Special Pensioners Medical Benefit portion of their total pro rata allowance.

Pensioners and their spouses are eligible for the Pensioners Annual Allowance and the Special Pensioners Medical Benefit. Widows currently receiving a benefit will be eligible for reimbursement of charges incurred in August 2007 and September 2007 as long as they are submitted to the Plan by December 1, 2007. The benefit for widows will cease as of October 1, 2007.

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SIU-PD: Pension Plan: 415-764-4987

Supplemental Benefits: 415-764-4991

Record of SUP Shipping

June 2007

	Hdqs.....	Seattle	Wilm	Hono	Total
Bosun.....	4.....	1.....	4.....	2.....	11
Maint. Man.....	3.....	0.....	0.....	2.....	5
A.B. Dayworker	0.....	0.....	5.....	7.....	12
A.B.....	13.....	10.....	6.....	6.....	35
O.S.....	1.....	2.....	0.....	0.....	3
Standby.....	11.....	20.....	60.....	39.....	130
Messman.....	1.....	0.....	0.....	0.....	1
TOTALS	33.....	33.....	75.....	56.....	197

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Robbery targets cruiseship passengers

Seventeen passengers aboard Carnival Cruise Lines' foreign-flag *Carnival Conquest* were robbed at gunpoint during a shore excursion in Jamaica last month.

According to press reports, the passenger group—including six children—was robbed on June 13 by two men while touring Lethe Estate, a banana plantation. "One of them had the gun right in my daughter's face; she was pleading for her life," passenger Kenneth Williams reportedly told KHOU-TV upon the ship's return to Galveston on June 17. "Carnival has suspended the sale of this particular shore excursion and is working closely with local authorities," Carnival said in a statement, adding: "The safety and security of its guests is Carnival's number one priority."

Following the incident, Carnival dispatched a counselor to the vessel as part of its CareTeam program to assist affected guests and their families. The cruise line also said that "most of the stolen items have been recovered and returned to guests." According to the Jamaican press, one of the two suspects was killed in a shoot-out with police last week.

Floating sweatshop held in Ireland

A 30-year-old general cargo vessel flying the Belize flag, owned by a St. Petersburg/Belize-registered company but operated and managed, from Riga in Latvia was described last month as a "floating sweatshop".

The 1977-built general cargo ship *Lillian* was detained at the port of New Ross, Ireland, by port state inspectors after an Irish firm refused to accept a cargo of steel because it was corroded. The inspectors found 15 structural deficiencies. Port workers alerted leaders of Ireland's Services, Industrial, Professional and Technical Union (SIPTU) to the crew's working conditions. SIPTU inspector Ken Fleming discovered two sets of books were being kept on board. ITF-registered agreements aboard showed the Russian seafarers had not been paid since they boarded at the beginning of April. "The captain was on \$1,500 a month instead of \$5,000, the chief engineer on \$2,000 instead of \$4,000 and the ABs on \$1,000 instead of \$1,750. The crew were absolutely terrified and afraid to speak out," Fleming said. The nine members of the crew had their hours of work doubled and their holiday rates halved.

The crew are reported to be employed by Inter Ball Crewing Agency, through its St. Petersburg office.

Maritime labor testifies on TWIC *continued from page 1*

gram will preempt state and local programs, the maritime workforce and America's maritime transportation system will be adversely affected without resulting in any additional security benefits for our nation.

Maritime workers are a mobile workforce, continually in transit between different states, ports and facilities. The imposition of numerous inconsistent local requirements will mean that maritime transportation workers will have to file numerous applications, undergo numerous and duplicative background checks, and pay all the fees associated with possibly dozens of identity cards. If the TWIC regulations allow each state, port and facility to develop its own unique access control system above and beyond and in addition to what the Federal government deems necessary to protect the national interest, then the TWIC program will become an unjustifiably burdensome and costly administrative impediment to the efficient flow of commerce. It may well also discourage Americans from entering our industry and encourage others to leave our industry for other employment - adversely affecting the civilian maritime manpower base relied upon by the Department of Defense.

We note that in testimony presented to the House Subcommittee on Border, Maritime and Global Counterterrorism of the Committee on Homeland Security on April 26, 2007, the TWIC Program Director stated that "TWIC issues cards that can be used at any port or vessel across the nation . . . [and] For the first time in history, thousands of independent businesses will have one, interoperable security network and workers will hold a single common credential that can be used across that entire network." Maritime labor strongly agrees that workers should hold a single common credential that can be used across the entire security network. Unfortunately, the statements that there will be a common and national TWIC are not accurate. Despite the statements made to the Congress, this is not the direction that the TSA and the Coast Guard have taken in their statements accompanying their TWIC regulations. Simply put, the Coast Guard and TSA have stated on the record that "States will not be preempted from instituting their own background check or badging systems *in addition to the TWIC*". (Emphasis added)

In addition, in the absence of a national TWIC program that supersedes all others, mariners who do not also possess an identity card issued by a particular state, port or facility may find themselves forbidden to take shore leave or prohibited from transiting between vessels without first paying "escort" fees. The result will be mariners imprisoned aboard their vessels.

Consequently, Mr. Chairman, maritime labor is united in our position that Congress must act to ensure that the Federal laws and regulations governing the TWIC program preempt all other state and local access control requirements for maritime transportation workers. We do not believe that this request is inconsistent with the goals and objectives of the TWIC program or with our nation's efforts to prevent a maritime-related terrorist incident. Rather, we believe that the war against terror is and should be treated as a national effort, and the national standards and system put in place through the TWIC program to combat terrorism should take precedence over all others and not be secondary to the systems of each individual facility, port, city or state. America's maritime workforce must have an access control card that they can present at whatever state, port or facility their employment may take them. If they do not, and our government allows numerous additional local requirements to be imposed upon them, we will be unfairly and unjustifiably burdening this American workforce while undermining our country's efficient and reliable interstate and foreign commerce maritime transportation system.

Competitiveness Issues

It is also important to note that approximately 95 percent of all the cargo entering and leaving the United States is carried aboard foreign flag vessels operated by foreign crews. What is even more important is that none of these vessels and none of these foreign crews are subject to the same requirements as those imposed by our government on U.S.-flag vessels and their American crews. Foreign crews are not covered by the TWIC program. Foreign crews operating vessels in and out of American ports are not subject to U.S. government imposed background checks. Consequently, the overwhelming majority of maritime personnel responsible for the carriage of hazardous and other cargoes in and out of our country will not have to obtain a TWIC or obtain an access control credential issued by American states, ports and facilities - only American mariners will be subjected to these numerous and onerous requirements.

Interoperability with International Standards

After the terrorist attacks against our country on September 11, 2001, government, industry and labor turned their attention to ways to prevent maritime-related terrorist incidents. The United States, recognizing the international nature of maritime commerce, looked to the International Maritime Organization (IMO), the United Nations body that regulates international shipping, for support. In 2002, the IMO, relying most heavily on principles put forward by the United States, developed an international maritime security regime that applies to ships and ports.

This IMO security regime has been incorporated into a mandatory international convention, the *International Ship and Port Facility Security Code* (ISPS Code). The Coast Guard's maritime security regulations contained in 33 CFR 104 and 105 are based upon ISPS to ensure that our country meets its international obligations under the Code.

The IMO member states collectively realized that identity documents and access control are essential elements of an effective maritime security system. They requested that the International Labor Organization (ILO), another United Nation's body, develop a uniform international standard for a seafarer's identity document to be used in conjunction with the ISPS Code. With the participation of the United States, the ILO adopted the Seafarers' Identity Document (SID) Convention (C-185) in June 2003.

C-185 establishes international standards for an identity document based on the biometric identifier standards of the International Civil Aviation Organization (ICAO), the United Nations entity responsible for the regulation of international air trans-

port. In fact, the ICAO biometric identifier standards are already being utilized by the United States in the Machine Readable Travel Documents (MRTD) systems used to read the new electronic passports held by foreign visitors entering our country through airports.

Unfortunately, rather than use the internationally accepted ICAO standards as the basis for the TWIC, the TSA made the decision to use the U.S.-specific Federal Information Processing Standard (FIPS), which was developed for Federal ID cards used by Federal workers and has never been used in the commercial sector. We believe that many of the problems that have plagued the TWIC program and delayed its implementation can be attributed to TSA's decision to adopt the inappropriate FIPS standard as the basis for the TWIC card.

We wish to point out that Congress has strongly suggested the use of an international standard for transportation worker identity cards.

For example, the MTSA encouraged the U.S. Coast Guard to: "...negotiate an international agreement, or an amendment to an international agreement, that provides for a uniform, comprehensive, international system of identification for seafarers that will enable the United States and another country to establish authoritatively the identity of any seafarer aboard a vessel within the jurisdiction, including the territorial waters, of the United States or such other country."

In addition, section 303(b) (1) of the Enhanced Border Security and Visa Entry Reform Act of 2002 (Border Security Act) very clearly establishes Congress's intent that the U.S. system of machine readable, tamper-resistant travel documents conform to international standards. The section reads, in part:

"The Attorney General and the Secretary of State shall jointly establish document authentication standards and biometric identifier standards to be employed on such visas and other travel and entry documents from among those biometric identifiers recognized by domestic and international standards organizations."

Given the unambiguous intent of Congress as expressed in the MTSA and the Border Security Act that the TWIC and U.S. travel documents conform to international standards, it is clear that Congress recognized the value of globally interoperable systems and directed the relevant Federal agencies to pursue interoperability. What is not clear is why TSA and the Coast Guard have ignored this aspect of the Congressional mandate and have chosen instead an internal federal government standard for the TWIC that will never be interoperable with international standards and is untested and unproven on the massive scale required for the TWIC program.

The ICAO standards are a proven and internationally accepted technology for identity documents. The readers and other supporting hardware have also been proven at airports around the world. We believe TWIC should start with this established system and build upon it as technology advances and new capabilities emerge.

If this were done: First, the Department of Homeland Security and the American taxpayer will not have to invent a new technology. In our view, this is what Congress envisioned in authorizing the TWIC program.

Second, because the Seafarers' Identity Documents carried by seafarers from other nations will be ICAO compliant, port facility operators and the Coast Guard would be able to scan and track the identity documents of foreign seafarers as they enter and exit the United States. Additionally, there would be less of a tendency for facility operators to lock down seafarers aboard their vessels. The identity card carried by a professional mariner should allow the mariner the same freedom of movement in the United States that passports and visas give other travelers.

Third, American seafarers would be able to use their TWIC cards abroad for access to facilities in foreign ports. This would have the effect of ensuring American seafarers will have free access for shore leave, crew changes, and travel to and from their ships.

By starting from a straightforward and uncomplicated foundation - by adopting the same proven technology that is widely used for access control of foreign visitors to the United States as well as at international airports and in foreign ports - we can dramatically reduce the problems with the present TWIC program and increase the ease and speed of implementation of the TWIC.

We understand that TSA and the Coast Guard have invested a great deal of time and money in trying to develop a new technology for the TWIC program. However, TSA has not issued even a single working TWIC card five years after being directed to do so by Congress. We believe it is not too late to get the program right by moving forward with a simple, internationally accepted and interoperable identification program based on the ICAO standards.

Combining the Merchant Mariner Credential and TWIC

All mariners employed aboard U.S.-flag merchant vessels greater than 100 gross register tons (except for those operating exclusively on the rivers) are required to have a U.S. government issued Merchant Mariner's Document (MMD). An MMD is a card that serves as both an identity credential and as a qualification credential. They are issued to shipboard officers and to unlicensed personnel who work in support of the operation of the vessel. In conjunction with this requirement, and long before the events of 9/11 and the enactment of legislation authorizing the establishment of the TWIC program, individuals seeking employment as a licensed or unlicensed merchant mariner were subject to extensive background checks. In addition, the Maritime Transportation Security Act of 2002 (MTSA) requires transportation workers, including individuals who hold a merchant mariners document, to undergo a criminal background check.

Currently, when an individual submits an application to the Coast Guard for evaluation for an MMD, he must include a copy of proof of citizenship and establish proof that he has a Social Security Number. The individual must further undergo a drug test, and is also fingerprinted so that the Federal Bureau of Investigation can perform the necessary criminal background checks. Finally, the individual must agree to a check of the National Driver Register so

continued on page 11



SUP President's Report

July 9, 2007

SIU-PACIFIC DISTRICT PENSION PLAN

The struggle to squeeze a modest benefit increase from APL and Matson for current and future pensioners continues.

As previously reported, under the collective bargaining agreements with APL and Matson, a mid-contract pension increase is only possible under Section 30(e) of the General Rules, unless the collective bargaining parties (SUP, MFOW, SIU-Marine Cooks and APL and Matson) agree otherwise. Section 30(e) states that during the 60-day period immediately following the Plan actuarial report covering the one-year period preceding August 1, 2006, the parties shall meet to negotiate benefits for Plan participants who retire on or after July 1, 2007. The present value of any such benefit increase shall not exceed the combined actuarial net gain experienced by the Plan covered by the applicable actuarial report.

On May 22, Plan Actuary Greg Pastino of The Savitz Organization, notified the Pension Plan Trustees that there was a net actuarial gain of \$2,177,369 available for benefit improvements under Section 30(e).

The SUP, MFOW and SIU-Marine Cooks, which comprise the SIU-Pacific District, requested Mr. Pastino to provide the Trustees information on what benefit improvements could be made for both future pensioners and those already retired. Based on his calculations a \$70 increase would be available for those members retiring on or after July 1, 2007, at age 60 or older with 25 years seetime as per Section 30(e).

The Unions notified APL and Matson on June 8, proposing (based on Mr. Pastino's calculations) — **outside of the provisions of Section 30(e)**— using the same formula which has been employed in previous pension increases that effective July 1, 2007, a benefit increase of \$35 for future retirees and a 2% benefit increase for current retirees.

At the June 15 quarterly meeting of the Pension Plan, the Union Trustees requested that the meeting be temporarily recessed so that the SUP, MFOW, SIU-Marine Cooks, APL and Matson could discuss the 30(e) proposal as collective bargaining parties. At this point, Matson's Tom Percival stated that the discussion should incorporate "shipboard productivity" apparently as a trade-off for the benefit increase proposal for current pensioners. (As the membership will recall, Percival pulled this stunt last year when the Unions proposed an increase for pensioners and Percival torpedoed it by demanding that the washdown provisions of the General Rules be radically changed.)

The Unions pointed out to Percival that he again was mixing apples with oranges as a pension increase — that would not cost the companies a dime — should not be linked to work rules. However, Percival was adamant and after a short but heated exchange between the parties, abruptly packed his gear and stormed out of the meeting. Since only Bob Stephens of APL remained, it was not possible to continue the pension issue discussion.

On June 18, the Union Trustees requested that the Plan Actuary recalculate the 30(e) benefit projection according to the same pensioner pool limitations as the 2006 increase. Mr. Pastino promptly revised the cost schedule for Section 30(e) benefit improvements for those pensioners who retired at or after age 55 with at least 20 years seetime. Based on the revision, the actuary determined that the amount available could provide a 2.65% per month increase to current pensioners and a \$35 per month increase to those retiring on or after July 1, 2007. On June 26, the employers were notified of this proposal and have indicated a willingness to meet later this month.

CLARIFICATION: MATSON WAGE ALLOCATION

At last month's coastwise meetings the membership voted in favor of a one-time allocation of \$3.00 per

manday from the negotiated wage increases with Matson to support the Special Pensioners Medical Benefit. This allocation was previously approved by the membership for the *Moku Pahu* agreement and the San Francisco Bar Pilots marine personnel agreement, and will be recommended again in September for the October 1, APL wage increase.

Reported in June that the \$3.00 allocation would be derived strictly from base wages, however, in order to reduce the impact on base wages a ratio was formulated to spread the \$3.00 cost over both base wages and Supplemental Benefits. Base wages and all wage-related items (Supplemental Benefits, overtime, etc.) were first increased by the negotiated percentage increase and then a proportional reduction was made to the base wage and Supplemental Benefit. Overtime rates were not included in this formula and were thus increased by the full percentage amount.

Except for the Maintenance Agreement and the Extra Maintenance Agreement (for which there is no Supplemental Benefit), the ratios were derived by multiplying the \$3.00 per manday contribution by either the daily base wage or the daily Supplemental Benefit rate divided by the sum of the daily base wage and the Supplemental Benefit rate.

The specific impact of the allocation under the various Matson agreements is as follows:

Under the 2005-2008 agreement covering the *Kauai, Lihue, Lurline, Mahimahi, Maui, Matsonia, Mokihana* and *R.J. Pfeiffer*, there was an increase of 2.5% on wages and wage-related items. For ABs, with the \$3.00 allocation to the Special Pensioners Medical Benefit factored in, daily base wages increased from \$112.93 to \$113.90. The \$3.00 allocation was paid for with a daily base wage deduction of \$1.85 and a Supplemental Benefit rate deduction of \$1.15. For bosuns, with the \$3.00 allocation factored in, daily base wages increased from \$158.74 to \$160.81. The \$3.00 allocation was paid for with a daily base wage deduction of \$1.89 and a Supplemental Benefit rate reduction of \$1.11. For the Ordinary Seaman, with the \$3.00 allocation factored in, daily base wages increased from \$87.49 to \$89.67. The \$3.00 allocation was paid for with a daily base wage deduction of \$1.84 and a Supplemental Benefit rate deduction of \$1.16.

Under the 2003-2013 agreement covering the *Manukai, Manulani, Maunawili* and *Maunalei* there was an increase of 3.25% on wages and wage-related items. For ABs, with the \$3.00 allocation factored in, daily base wages increased from \$107.38 to \$108.97. The \$3.00 allocation was paid for with a daily base wage deduction of \$1.90 and a Supplemental Benefit rate deduction of \$1.10. For bosuns, with the \$3.00 allocation factored in, daily base wages increased from \$139.38 to \$141.98. The \$3.00 allocation was paid for with a daily wage deduction of \$1.93 and a Supplemental Benefit rate deduction of \$1.07.

Under the 2005-2008 Maintenance Agreement (which currently covers the Honolulu Paint and Rigging Gang) there was an increase of 2.5% on wages and wage-related items. For ABs, with the \$3.00 allocation factored in, the hourly straight-time rates increased from \$26.06 to \$26.40. For the bosun, with \$3.00 allocation factored in, the hourly straight-time rate increased from \$31.55 to \$32.04. For both ratings the deduction was 38¢ an hour. Overtime rates and vacation pay rates were increased by the full 2.5%.

Under the Extra Maintenance Agreement covering casual standbys, the same 38¢ straight-time hourly deduction was applied.

It is important for the membership to note that this one-time allocation is critical to keep the Special Pensioners Medical Benefit afloat for both current and future pensioners. If we don't take care of ourselves, no one else will.

READY RESERVE FORCE: WAGE INCREASES

In accordance with the Ready Reserve Force (RRF) collective bargaining agreements with Matson and Patriot Contract Services, a 3% increase in wages, over-

time rates, penalty rates and all fringe benefit rates becomes effective July 28.

Last month the membership voted to allocate \$3 per manday from the wage increases due under the Matson collective bargaining agreements to the Special Pensioners Medical benefit. Previous the same allocation was made from the *Moku Pahu* agreement and the San Francisco Bar Pilots agreement.

Therefore, recommend that the same allocation be made from the Ready Reserve Force agreements but that the full 3% be allocated to overtime, penalty rates and all fringe benefit rates.

QUARTERLY FINANCE COMMITTEE

In accordance with Article XVII, Section 2, of the SUP Constitution, a Quarterly Finance Committee shall be elected at today's Headquarters' meeting to review the finances of the Union for the second quarter of 2007, and report back to the membership at the August coastwise meetings.

In the event the Committee cannot be filled today, recommend that when the quarterly audit is completed, which will be in about three weeks, necessary Committee members be shipped off the hiring hall deck as per past practice. The Quarterly Finance Committee will turn-to on Friday, August 10, at 9:00 A.M..

ACTION TAKEN

M/S to allocate the \$3.00 per manday to the Special Medical Pensioner's Benefit from RRF wage increase. Carried unanimously.

Quarterly Finance Committee: Elected Bob Copeland, Art Thanash, Sonny Cooper, Romaine Dudley, and Izzy Idris.

M/S to concur with the balance of the President's report. Carried unanimously.

Gunnar Lundeberg

USCG against mariners

continued from page 1

ness. If these things that are being said are accurate, then anyone in the mariner's position would be hard pressed to believe that they're going to have their case heard in a fair and impartial manner." Cummings said he wants Massey to testify before Congress. *The Sun* quoted Massey as saying that she is "willing to tell the truth about what happened at the Coast Guard with anyone who will listen. What they are doing is wrong, and people need to know about it."

In response, the Coast Guard issued a carefully worded press release which stated in essence that the article in *The Sun* "emphasizes statistics that may leave readers with an erroneous impression."

The Coast Guard took issue primarily with the fact that *The Sun* cited a computer analysis of the court's records which showed "mariners losing virtually every case before the court over the past eight years." It said mariners had prevailed in just 14 of the more than 6,300 charges filed by Coast Guard investigators since 1999. "Including dismissals, the Coast Guard wins or reaches a settlement in 97 percent of its cases," the article alleged. The reporter compared this figure with the success rate of Social Security Administration prosecutions, which went in favor of the government only 43 percent of the time.

In the official press release, a Coast Guard official, Rear Admiral Mary E. Landry, director of governmental and public affairs, contested these statistics, saying that 2,400 of the cases described in the article as USCG wins against mariners had actually been "administratively withdrawn, fully admitted, or have not yet been assigned to an administrative law judge." Another 2,800 charges settled voluntarily prior to assignment to an administrative law judge." She said these 5,200 charges, all of which were classified by the newspaper as USCG victories, actually had little or not administrative law judge involvement.

Source: The Wheelhouse Weekly

Maritime labor testifies on TWIC *continued from page 9*

the Coast Guard can determine if there are any offenses relating to the operation of a motor vehicle which may render the individual unsuited for the duties and responsibilities associated with shipboard employment.

We believe that the merchant mariner document (MMD) that is currently issued to seafaring personnel should be updated in order to comply with the requirements of the MTSA in order to allow the MMD to serve as a TWIC for all merchant mariners, licensed and unlicensed. We believe that the MMD can and should be upgraded to include the biometric identifier standards of the TWIC and that a combined MMD/TWIC should be issued after the requirements of both statutes are met. Doing so, and giving the Coast Guard exclusive jurisdiction to provide the requisite background checks, will eliminate the need for two or more Federal agencies to perform separate background checks; will eliminate redundancies in the vetting process; will streamline the credentialing process for mariners; and will eliminate the need for mariners to carry more than one Federal identification credential for maritime employment.

We understand the Coast Guard is concerned that combining the MMD/TWIC and a license on one card would exceed the space available for printing on the TWIC card and that the amount of information would exceed the storage capacity of the chip under current technology. We agree and believe very strongly that this problem can be overcome by continuing to issue a merchant mariner's license as a separate document in its current format. It is easy to print all the information pertaining to a licensed officer's qualifications on a license in its current form which would be available for inspection by port control officers.

Under this system, an unlicensed mariner would be required to hold only one document: a combined MMD/TWIC that would serve as a certificate of qualification, an identity document and as a biometric transportation security card. Licensed officers would hold the same combined MMD/TWIC and also be issued a separate license which would serve as the individual's certificate of qualification with all endorsements clearly indicated.

Conclusion

We thank you again, Mr. Chairman, for the opportunity to present our comments on the TWIC program. We stand ready to work with you and your colleagues and with other concerned and affected parties to achieve a safer and more secure maritime transportation network.

At the conclusion of the hearing Subcommittee Chairman Elijah Cummings requested those who testified to submit additional information to the committee regarding TWIC. Brother Rodriguez, with the input of all Unions, submitted the following:

Merchant Mariners and TWIC

During the course of the hearing, it was suggested that it is blatantly unfair to ask merchant mariners who already pay for background checks to pay again for background checks under the TWIC program. We strongly agree, first because strengthening maritime and port security is a national concern and the costs should rightfully be borne by the Federal government, and second, because it is truly unnecessary and duplicative to subject merchant mariners to additional checks.

As you and Members of your Subcommittee know, in order to sail as a licensed or unlicensed merchant mariner on any vessel (other than a vessel operating exclusively on the inland waterways), an individual must obtain a Merchant Mariners Document (MMD). In order to obtain an MMD, the individual is subject to a criminal background check, is fingerprinted, and has his driving record examined for offenses that might be deemed to affect his suitability for a job at sea. In other words, to sail as an American mariner, the individual has already been subjected to and passed stringent U.S. government background checks.

In our opinion, there is no rational reason to bog down the TWIC program by subjecting those who have already passed background and other checks by the U.S. government to the same process again under the TWIC program. If there are additional matters that the TSA would look into under the TWIC program, then these additional matters can and should be incorporated into the process used by the Coast Guard reviewing applications for an MMD. Consequently, we believe that the MMD that every mariner has to possess should be made to comply with all the requirements of the TWIC program, and the TWIC program itself should instead be focused on non-seafaring maritime workers and seafaring workers who are not required to obtain an MMD. We ask that you and your Subcommittee encourage the Transportation Security Administration and the Coast Guard to consolidate the TWIC and the MMD into a single document and that if they fail to do so, we ask that you and your Subcommittee proceed with legislation that would mandate this consolidation.

One final point in this area: The U.S. Coast Guard is currently proposing consolidating the present separate MMD and Licensing programs into a single program and a new consolidated credential. If such action is taken the data required on the new credential will exceed the capacity of the chip on the TWIC. This lack of capacity is being used as a reason for not consolidating the TWIC and the present MMD into a single document. We ask that the present MMD and Licensing programs and documents be retained in their present format so as to permit a consolidated TWIC/MMD.

Disqualifying Offenses

As we stated in the testimony we presented to your Subcommittee, we are seriously concerned about the direction the Transportation Security Administration is heading when considering offenses that result in the denial of a TWIC. We find it unconscionable that if an individual has on his record an offense that has nothing to do with terrorism or national security, he will nonetheless be denied a TWIC by the TSA and will have to assume the time and cost of filing an appeal.

It is repugnant to us that individuals who have committed a crime that is not related to terrorism, paid their debt to society and turned their lives around will now, under the TWIC program, be presumed to be a terrorist risk and denied a

TWIC by the TSA, regardless of how long the individual may have worked at his profession without incident in the maritime industry. By denying him a TWIC, the TSA is telling the individual that he must pay again for the offense he committed at some point in his past by having to assume whatever costs and time are associated with his request for a waiver; and that it is the individual who must leave his job and forgo his livelihood unless the waiver is, after some indeterminate time, decided in his favor.

You, Mr. Chairman, and a number of your colleagues made repeated reference during the hearing to the importance of giving individuals a second chance; of recognizing that someone who may have made a bad decision is not necessarily a bad person. To tell someone who has become a productive member of society and who is providing for his family through employment in the maritime industry that he will have to bear the burden of proving to an Administrative Law Judge that he is worthy of working as a seafarer or longshoreman is, to us, little more than a veiled attempt to drive such individuals from our industry. In fact, Mr. Chairman, this is one of the primary reasons why we oppose the decision to codify into statute the offenses that would disqualify a person from holding a TWIC. If this occurs, then it will be even more difficult to modify the list and description of disqualifying crimes and we ask your help in persuading the conferees who are considering the 9/11 implementing legislation to reject such a move.

We further ask that you and your Subcommittee encourage the TSA and the Coast Guard to ensure that only those individuals who have committed an offense related to terrorism will be temporarily or permanently denied a TWIC, and that individuals who have committed all other offenses will not be denied a TWIC.

Interoperability with International Standards

We discussed this issue in great detail in our prepared testimony and we questioned why the TSA and the Coast Guard have refused to adapt the current and internationally accepted biometric identifier standards of the International Civil Aviation Organization (ICAO) for the TWIC program. The readers and other supporting hardware for the ICAO standards are in use at airports around the world, including airports in the United States. Instead, the TSA made the decision to use the U.S.-specific Federal Information Processing Standard (FIPS), necessitating the development of a new technology for readers and software to implement the TWIC program.

As a result, port facility operators and the Coast Guard will not be able to scan and read the Seafarers' Identity Documents carried by foreign seafarers, and foreign port authorities will not be able to scan and read the TWIC cards to be carried by American mariners.

We ask that you and your Subcommittee determine from the TSA and the Coast Guard why the decision was made to utilize standards that require the development of new technology, rather than to utilize internationally used and accepted standards that rely on a proven technology that is in use in American airports and which can easily be adapted to the TWIC program. We further ask that you and your Subcommittee encourage the TSA and the Coast Guard - in order to get it right - to abandon their current approach and to move forward instead with a simple, internationally accepted and interoperable identification program based on the ICAO standards.

Federal Preemption

We also discussed in greater detail in our prepared testimony our concerns that unless the Federal TWIC program takes clear precedence over identification and access control programs and requirements developed by individual facilities, ports and states, there will be severe disruptions in the maritime transportation industry. There needs to be one clear set of rules and requirements governing a national transportation worker identification and access program so that maritime workers and vessel operators will be able to efficiently move America's domestic commerce and export and import trade.

We ask you and the members of your Subcommittee to work for the enactment of legislation that states that the national TWIC program supercedes all others and that the maritime workforce will not be subject to other local and state requirements. We further ask that you encourage the TSA and the Coast Guard to work with state and local entities to ensure that their security concerns are addressed as part of the national program.

Access Control

The access control regime proposed for all maritime facilities and vessels is overly complex, expensive and dependent upon advanced technology that is impractical to implement across the entire transportation industry. Attempting to micro-manage the use of hundreds of thousands, if not millions, of TWIC's for access control by means of a central server at TSA connected to tens of thousands of card readers at thousands of facilities and vessels creates enormous problems for a very diverse and mobile industry. The connectivity problems alone for vessels that are underway on our inland waterways or trading internationally in foreign ports are insurmountable from any realistic perspective. The proposed access control system will place a huge burden on the industry with little to no enhancement in security.

There is a need to scale back the overly ambitious US Coast Guard high tech access control provisions to a system that is practical in the maritime workplace and ensures that transportation workers are screened for a potential terrorist threat without causing widespread damage to the maritime transportation system and our economy through excessive regulatory control.

An important issue was raised at the hearing concerning the interface between maritime facilities that may be enclosed within chemical facilities and refineries. There may be incompatible or conflicting security regimes between the different facilities. There is a need to provide by regulation that the maritime facility be provided an access corridor through such chemical facilities so that the maritime facility can function with access for receiving stores, for shoreside support and service personnel, and access for mariner shore leave and crew changes. We have expressed our concerns on this issue in comments filed to the docket on the proposed Chemical Facility Regulations and they have remained unaddressed.

SUP Branch Reports

Seattle

June 18, 2007

Shipped during the period: 2 Boat-swains shipped and filled by 2 A-members; 14 Able Seaman jobs filled with 2 A; 10 B and 2 C members; 1 Ordinary Seaman filled by a D-registrant; and 21 standbys shipped to 9 A, 7 B, 2 C 1 MFU and 1 D registrant.

Registered during the period: 9 A cards for a total of 25; 7 B cards for a total of 26; 1 C cards for a total of 5.

Ships checked

President Truman back from the shipyard in Singapore. The gang reported that work conditions were difficult due to heat and some alleged tension between ship's topside personnel. Both the gang and the Captain reported that Boatswain Mike ElMobdy did a great job under pressure and everybody was happy that he was there.

The *President Polk* was in with no beefs. We will see this ship one more time in late June and then she departs for the shuttle and later will go to the Suez to East Coast run.

The *Matson* ship *Manoa* pulled in with Swede Johnson as serang and John Hamann as the time-keeper. This suddenly turned into a real money maker for the gang with the Swede as snapper.

The *Kauai* in twice. Danny Ycoy is the Boatswain and this is another happy ship.

During the month I attended the King County Labor Council meetings; a meeting between the King County Commission and the Labor Council; I represented the SUP at the King County Labor Council political interviews; and I attended the Puget Sound Harbor Safety Committee meeting.

Vince O'Halloran
Branch Agent

Wilmington

June 18, 2007

Shipped during the period: 4 Bosuns, 6 ABs, 5 ABDs, 67 standbys for a total of 76 shipped.

Registration: 35 A cards, 27 B cards, and 6 C cards.

Ships checked

Pfeiffer, Mahimahi, Matsonia, Maunawili, Manulani, Manukai, China, Korea, Singapore and *Philippines*.

Attended a meeting with the ILWU to work on our growth and our solidarity. Also attended a meeting of the MTD to discuss TWIC cards. I drafted a letter from the MTD to be read at all MTD ports. The goal of this letter is to start a dialog on how we can defend our Unions from anti-labor laws.

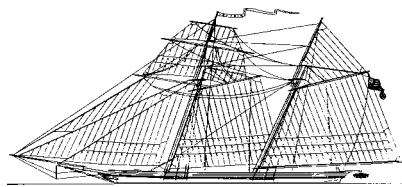
Brothers we need to share our thoughts and evaluate them. You need to attend your Union meetings and share your plans and thoughts. It's our Union. I also attended the Maritime Day observance and memorial service. It was a sunny and bright day and all who were present talked story and enjoyed the day.

Brothers, the SUP is a different place now than when I first worked in it. It's not just the work that has changed but the people also. Brothers an injury to one is still an injury to all. Finally brothers, there has been a thief in my office it has been penny ante but it still happened.

Take pride in your work, brothers.

Yours in struggle

Paul Calais
Branch Agent



Honolulu

June 18, 2007

During the month of May, dispatched the following: 1 bosun relief, 2 ABDs, 1 ABD relief, 2 ABWs, and 1 OS. These jobs were filled by 5 A members, 1 B member and 1 C member. Also shipped 28 standby jobs filled by 14 A members, 6 B members and 8 C members for a total of 35 jobs shipped.

During the month of May, registered 8 A members, 5 B members and 1 C member. Currently registered are 22 A members, 16 B members, 5 C members and 2 D registrants for a total of 45 registered members.

Ships checked

Mahimahi, Manoa, R.J. Pfeiffer, Matsonia, Lurline, Kauai, Maunalei, Manulani, Lihue and *Maunawili*. All with few or no beefs. Paint and Rigging gang running smoothly with Monte Kalama as bosun.

On June 18, TSA and the USCG held a meeting at the Coast Guard's San Island base on the updated TWIC enrollment plan. The bureaucrats are still in the fog on any definite local enrollment center sites.

On June 30, the Hawai'i Super Ferry *Alakai* arrived in Honolulu crewed top to bottom by the SIU.

Mike Duvall
Branch Agent

San Francisco Business Agent

July 9, 2007

Filled in for the Dispatcher during the month of June, who is out ill. Vice President Dave Connolly made the ships.

Bill Berger

Dispatcher's Report

Headquarters—June 2007

Deck	
Bosun	4
Carpenter	0
MM	3
AB	13
OS	1
Standby	11
Total Deck Jobs Shipped	32
Total Deck B, C, D Shipped	17
Engine/Steward	
QMED	0
Pumpman	0
Oiler	0
Wiper	0
Steward	0
Cook	0
Messman	1
Total E&S Jobs Shipped	1
Total E&S B, C, D Shipped	0
Total Jobs Shipped - All Depts. ...	33
Total B, C, D Shipped-All Depts. .	18
Total Registered "A"	65
Total Registered "B"	55
Total Registered "C"	6
Total Registered "D"	4

**SUP members:
Your current address needs to
be on file at Headquarters**

Vice President's Report

July 2007

In addition the routine duties of the Front Office, I made all the ships in and out of the ports of Oakland, Richmond, Crockett and Alameda.

Ships checked

Cape Jacob: delegate Paul Harsany. Activation in support of war exercises off northern Australia; port time in Darwin. Because of superior ability, crew took over gear operation from Navy personnel during UNREP activities. Contract renewed for another year in part because of the outstanding performance by bosun Dale Gibson and the entire crew. Problems with C/M continue. Termination under investigation.

USAV Worthy: Doug Olney, bosun. A full crew shipped to Kwajalein for the second activation of this missile tracking ship. First reports indicate no beefs.

Cape Gibson: Danny Foster bosun. Crewing up for exercise off San Diego.

Admiral Callaghan: Ken Herzstein bosun. In good shape in Alameda California.

Washington Voyager: delegate Robert Turner. No problems. Clarification on pensions.

Mississippi Voyager: delegate Anton Seravaseiyar. Although the tank watch on this ship often requires two sailors on deck (no ullage tapes), there is a long-term negative effect in cumulative fatigue. Ship not yet outfitted with necessary tools for the deck department.

Colorado Voyager: delegate Tim Patricio. In at Richmond from the Columbia River. No problems.

APL Singapore: delegate Charlie Duke. Time starts when called, provided you turn to within 30 minutes of the call. Captain agreed to respect the 30 minute period provided sailors report immediately to where they are required to work.

APL China: delegate Tony Nielsen. In at Oakland. No beefs.

APL Thailand: delegate Diane Ferrara. Difficult discrimination claim superbly handled by the delegate. The at-sea effort to investigate, document and unify the SUP gang

made it much easier for SUP HQ to conclude the issue on arrival at Oakland.

Manoa: delegate Randy Runyan. Some relatively minor issues under investigation.

Manukai: delegate James Clay. Call from the delegate in Honolulu. Lifeboat falls changed out by contractor in Long Beach in advance of ABS inspection. Remedy for jurisdictional breach being pursued with the Company.

Matsonia: delegate Charlie Butler. Harassment claim of one sailor against another is still under investigation. In general, less experienced sailors should be protected and educated by those long-time members who have something to impart to future generations.

Lurline: delegate Robert Greene. Found breach of SUP jurisdiction by contractors in Oakland replacing after ramp falls. Company agreed to pay crew as remedy.

Mahimahi: delegate Tom Larkin. It fell to this gang to dispose overboard of more than 80 dead pigs while enroute Honolulu from Long Beach. The foul, decomposing carcasses had to be lifted from their pens, dragged to the rail, and heaved over the side. Rough duty but squarely within SUP jurisdiction. Mate agreed to search for better protective equipment. Cargo rates apply.

Kauai: delegate Chuck Maringer. Payroll issues under investigation.

Moku Pahu: Gary Thompson, delegate. Teo Rojas bosun. Telephone clarification on sanitary duties. Made the ship in Crockett after a run to Guatemala for raw sugar. No problems.

APL Oakland Shoregang: In support of the picket of Teamsters Local 70 at APL's Middle Harbor Terminal, Bosun Norman Kwak and delegate John Thompson cleared the steam rack to walk the line.

San Francisco Bar Pilots: delegates Steve Ross and Louie Urbano. No problems.

Foss Maritime Company: delegates Tom Tynan and Mike Worth. Disciplinary meeting turned out okay. Company hose policy requires bolts of like size in every hole of a flange. Paperwork must be complete and problems must be reported immediately.

Dave Connolly