

AUGUST 2020

PRESIDENT'S REPORT

GOVERNMENT MEETINGS

On July 28, along with other representatives of maritime labor I again met with Coast Guard officers and staff about the agency's ongoing credentialing policy during the pandemic. As the membership is aware, the Coast Guard has taken temporary measures to extend expirations for MMC's, national and STCW endorsements including the STCW medical certificates. Previously, credentials expiring between March 1, 2020 and September 30, 2020 had been extended until December 31, 2020. As of the date of this report however there is the expectation but not yet the confirmation credential expirations may be extended again until June 1, 2020. In addition, revalidation requirements for certain endorsements, such as Basic Training, and Advanced Firefighting, may be waived until renewal. Members are cautioned however that official notice is still pending and whatever the specifics extensions may turn out to be, there is likely to be a backlog and slow processing as with extensions in the past. Members should renew anyway, at least six months in advance of expirations, to avoid renewal problems.

Presently the extension on TWIC cards will likely end on October 5, 2020. Another extension is not likely because some Enrollment Centers are opening. The USCG agreed to our request that TSA should prioritize seafarers on TWIC renewals.

The Coast Guard is also grappling with the extension of approvals for training institutions, especially since there are varying regulations on in-person instruction classes depending on the local jurisdictions. The SUP and the Andrew Furuseth School of Seamanship is working with the Coast Guard and our training providers such that the membership can continue to upgrade and re-qualify as necessary despite the new obstacles of the pandemic. Online instruction and distance learning may become part of the answer in the future.

In separate calls with Coast Guard and the Maritime Administration, the SUP joined with MMP and others to call for an end to the Random Drug Testing programs in ships where the intrusion of an untested and unscreened contractor may potentially compromise the coronavirus-free integrity of the house. Both agencies promised to investigate the matter. Maritime labor has remained united on a range of other risk mitigation efforts such as improved access to testing and results turnaround, concentration on relief process, respect for shore leave whenever appropriate, restriction of access of all untested vendors and contractors, among many other things.

The Coast Guard has enforcement authority over COVID restriction of ships, but Coast Guard has repeatedly said it relies on the recommendations of the Center for Disease Control (CDC). Accordingly, it was appropriate that on one government sponsored meeting call was Stephanie White, a maritime public health expert at CDC. She noted the publication of new information from the CDC entitled "Interim Guidance for Ships on Managing Suspected or Confirmed Cases of COVID-19" had just been issued. [That comprehensive guidance is

available to members on the COVID-19 page of the SUP website.] The guidance focuses on the identification, reporting, and cleaning procedures of offshore ship operations.

Ms. White noted that the complexity of the shipboard issues is, like the rest of the epidemiology, partly driven by the asymptomatic transmission risk, but there are many other unpredictable factors. Those factors include false positives on screening factors including temperatures, as well as in the best polymer chain reaction (PCR) testing itself. False negatives happen too, which are particularly risky, and she noted that there are cases of persistent true PCR positives, where a positive case does not shed virus and thus represents no risk. Importantly, she said that minimizing shore leave is, in the professional view of CDC, a net reducer of risk, calling restrictions simply another preventative measure. Of course, other more familiar preventative measures such as hand and respiratory hygiene remain critical, along with cough etiquette, hand sanitizers, and the education of symptoms and safe behavior via posters and other materials. She advised crews to avoid sharing all personal items such as laptops, video game controllers, and phones, to use face masks, maintain six feet distance as much as possible, and vary scheduled access to common areas such as meal areas to the extent possible. She advised limited exposure to new crew members and noted that the technical definition of close contact is less than six feet for at least fifteen minutes.

In the case of confirmed positive COVID exposure, CDC recommends that exposed crew be identified, ship itinerary evaluated, seaport location taken into account along with the local public health restrictions in that port, as well as hospital, launch service and hotel logistics. She confirmed that present guidance said that asymptomatic crew could remain on board while the itineraries of available alternate crews are critical. When a ship has a confirmed COVID case on board CDC has identified three main options: 1) full crew change out, disinfect the ship, and entirely new crew joins, or 2) ship goes into a working quarantine as critical infrastructure continuing if no symptoms but with mandatory restrictions maintained and extra precautions and contingencies taken including isolation, or 3) temporary but full quarantine with ceased operations and ship on hold at anchor; essential crew with social distancing until relieved or cleared quarantine then with proper PPE disinfect and sanitization until cleared to sail by Coast Guard. Again, she noted only the Coast Guard's authority over ships in such situations.

On other calls industry speakers continued to note that the economic downturn was worse than feared. Despite the soaring of the stock market, the second quarter Gross Domestic Product was measure as down 9.5%, annualized to over 30%, worse in actual amounts than the Great Depression. On an annualized basis, one observer said it was the worst quarter since 1875 when President Grant was in office, about 580 quarters ago. For perspective, a single lifetime has on average roughly 320 quarters. Unemployment claims were at about 17 million and there was more than 2 trillion dollars in value lost from the economy. The outlook was gloomy in view of the likelihood of no school and no work; tough sledding ahead. Global seaborne trade overall is down precipitously. For example, in the commercial Ro/Ro market, where there were no almost no exports because there is no vehicle production, charter rates have fallen to less than \$10,000 per day which about 50% less than in the global financial crisis in 2008, without accounting for inflation in which case it would be worse. Industry players noted labor as perhaps the most important challenge as it was experiencing problems of crew shortages, quarantines, repatriation, credentialing, restriction, and generous unemployment benefits, among other issues. Wrapped up

in all of it is the understanding that transmission risk increases with social interaction and the hazard is thus deeply intertwined with a transformed workplace. Labor must wrestle with it all day, every day.

CALIFORNIA LABOR FEDERATION

On August 3 through 5th, along with SUP Vice-President Matt Henning, I attended the first ever virtual Convention of the California Labor Federation. As the senior Vice-President of the Federation, a remarkable moment of the Convention came with the decision of Gunnar Lundeberg not to run for re-election. Secretary-Treasurer Art Pulaski and many delegates acclaimed Gunnar for his long service as a skillful and dedicated Vice-President of the Federation and representative of the working people of California. Noting that his term began during the leadership of the legendary Federation Secretary-Treasurer Jack Henning, Pulaski thanked Gunnar on behalf of all of us. We might pay forward our debt of gratitude by advancing with the same resolve and tenacity the rights of workers as he did for more than three decades. After the nominations and election to Executive Committee, Gunnar fittingly administered the oath of office to the new Vice-Presidents, myself among them.

Federation delegates also took action on dozens of endorsements recommendations that came from the affiliates and labor councils throughout the state. In particular, organized labor unified around positions on a broad array of maritime trade policy, including newly revised strong language for the Jones Act, the Maritime Security Program, cargo preference. See the August West Coast Sailors for more on the topic.

SAN FRANCISCO BAR PILOTS

COVID risk mitigation: Since the outset of the pandemic, even before it was widespread in the United States, the Union worked with SFBP management to reduce risks. It first took the form of PPE and cleaning supply acquisition and distribution. As with other employers the response then developed into the establishment safety procedures and testing availability in a comprehensive effort to protect members working in pilot boats. Members stayed focused on safe operations and that was helped along by the consistently high priority given to it by SFBP management. The crews get what they need, and inherent risks of the essential work have been mitigated by such action.

Run Boat Schedule Change. In coordination with all members employed at the SFBP, Vice-President Matt Henning and I worked with dock bosun Leo Moore and delegate Mike Koller to explore the effectiveness of a run boat schedule change. Primarily focused fatigue management, the form and implementational method of a schedule change followed committee meetings to evaluate options and build consensus. These meetings began and continued in service to the goals that a change would be an improvement to the working conditions of all involved (especially with regard to fatigue), that there be no net negative affect on compensation or benefits, that it be cost neutral to the employer, and that it be temporary and subject to a trial period that would allow either side to return to the previous condition.

Ultimately, after further discussion with the employer and the crew that consensus was reached and the Union composed a side letter of terms and conditions to amend the run boat schedule as follows. Beginning at 0000 on Thursday August 6, the temporary seven days on and seven days off schedule will be tested for a trial period of at least three months. Watches remain at twelve hours rotating from nights to days once a month. SUP dock bosun Leo Moore and delegate Mike Koller both reported that the initial implementation went smoothly.

MATSON NAVIGATION COMPANY

RTS grievance: As previously reported and update on the status of our restriction-to-ship grievance filed with Matson, the membership will recall that our researched and compiled claim was filed with the Company for adjustment. Matson rejected our efforts to settle at the outset, and again at the Joint Labor Relations Committee meeting on June 18. Both sides of the dispute were presented and argued, and the membership was informed of the status in this report (see President's Report for July in the *West Coast Sailors*) and the SUP website slightly before that. Included in the meeting materials were the minutes of the Joint Labor Relations Committee meeting. The recorded agreement then was only to continue to communicate and further evaluate options before proceeding to the next step. That is still the case and will continue to keep the membership informed on the matter.

APL MARINE SERVICES

Notice of Intent to Bargain

On July 7, the Seafarers International Union of North America, Pacific District, (SIUPD) comprised of the Sailors' Union of the Pacific, the Marine Firemen's Union, and the Seafarers International Union AGLIWD, notified American President Lines, APL Maritime Ltd. and APL Marine Services (APL) of its desire to negotiate a new Offshore Agreement (and other agreements) to succeed the existing Agreement that expires on September 30, 2020. The Unions also notified the Federal Mediation and Conciliation Service in Washington DC, Oakland, Los Angeles, Seattle, and Honolulu. The SIUPD also notified the California Mediation and Conciliation Service in Sacramento, the Washington Public Employment Relations Commission in Seattle, and the Hawaii Labor Relations Board in Honolulu. APL has not yet responded as of today's meeting. Nominations for the APL Negotiating Committee will come open at the next meeting cycle as per the SUP Constitution.

COVID 19 Testing, Form Revision

Responding to member concerns on the wide-ranging medical release language on the Future Care COVID form, the Union raised objections with management. Management eventually agreed with our objections and noting it inconsistent with the goal of continuous testing. It was removed and replaced with release language specific only to each individual test.

COVID testing for all companies has become both more prevalent and more difficult, mainly due to clinics and labs either running out of test kits or being overwhelmed with test samples. Despite the problems around accuracy and logistics, and there are many (especially

now regional availability of clinic and labs), timely testing is a key to our Union capacity and readiness. Urge all hands to work closely with SUP agents and dispatchers on clinic assignments to get the job done.

Restriction to Ship: Temporary Grievance Settlement

Since the outset of the pandemic the Union worked through dozens of conflicts in various situations to preserve shore leave as best as possible despite enormous problems both obvious and subtle. (The conflict is chronicled in the President's Reports of March, April, May, June and July of 2020 and available in the West Coast Sailors and online at www.sailors.org.) Without recounting that entire effort here and noting that our grievance with Matson on the topic is still under review and pending, shore leave and safety at APL were until recently not incompatible. On the contrary, SUP crews showed that we could do both successfully. Because of that performance, and just as it had done initially at Matson, the Union favorably influenced APL policy to ensure safe shoreside access. We helped forestall full-blown restrictions, for example, when APL management issued its so-called "letter of expectation" policy that required face masks and a partial isolation after shore leave.

We achieved that despite some contract holders waiving restriction-to-ship language without compensation, and against a growing Company effort to restrict despite the policy promises to the contrary. Then, after the COVID-19 death of a U.S. merchant mariner in the *Maersk Idaho*, and several ship sequestrations on the East Coast, a leading U.S.-flag international operator entered into a new July agreement with its labor unions on a restriction settlement. Here on the West Coast the first positive tests in SUP ships came along with symptom scares in several others, and as California became a frontrunner hotspot amid a resurgence of the virus, APL management made it increasingly clear that the Company would begin restriction on its own terms over our objections. With no end in sight to the pandemic, with unilateral action without any compensation or rules pending, and to mitigate risk for the entire membership, we joined with the Company's other unions in a dialogue to establish a uniform temporary industry standard, as follows.

The initial agreement will be for one month, retroactive to August 1, 2020 through August 31, 2020. Intended to increase safety aboard ship, establish a clear policy about restriction in port, the agreement will also settle potential restriction-to-ship claims that may arise during the month of August. The main points are as follows:

1. For any period in excess of four hours, a flat rate of \$100 per day shall be paid once a day for restriction-to-ship in a U.S. or foreign ports where federal or local authorities permit shore leave but the company does not. In foreign ports, existing Agreement conditions and remedies on restrictions shall apply, i.e., there is no restriction-to-ship payment of any kind if the company denies shore leave in a port where bona fide national or local COVID-19 health care warnings are in place and documentation is provided by the Company.
2. Exceptions to the restriction policy may be made for medical or family emergency. These will be made on a case by case basis in consultation with the captain and the Company.

3. Refusals to comply with this policy will be deemed as a “quit.” Members choosing to quit should do so with proper notification, as per the contract. Quits will not get paid transportation and if not properly relieved or released from duty the Company may take disciplinary action.
4. To aid the restriction conditions all ships’ internet bandwidth will be increased to accommodate for twenty-four-hour internet access of off watch crew to allow for video links to family and friends at home. Streaming and other large data transfers may be subject to reasonable rules to avoid abuse.
5. As further accommodation there will be weekly access to the slop chest at no charge limited to an allowance equal to \$40.00 per week (excluding alcohol and tobacco).

This proposal for a temporary agreement governing restriction-to-ship for APL ships in West Coast ports is made in full consideration of the alternatives and in the context of the many moving parts of the pandemic. It establishes a helpfully clear and uniform policy, but it is also a burden taken up in the first interest to maintain and improve the health and safety of crew in what is now officially a life and death matter in merchant ships. Far more burdensome and inconvenient will be the indefinite ship sequestration that will come during an outbreak, to say nothing of a unilateral imposition of restriction without compensation. Therefore, Mr. Chairman, recommend membership ratification.

APL Gulf Express

The SUP crew long embarked in the *APL Gulf Express* were finally relieved and repatriated to the United States in mid-July. Behind the scenes, the Union participated with the Company and the federal government in a sophisticated and multi-agency coordinated relief effort that required international diplomacy and logistical expertise. There were Department of State cables, letters of *de marche*, special embassy travel authorizations, military coordination, quarantines in Bahrain, not to mention the normal dispatching acrobatics required of SUP dispatchers. But having endured 6 to 8 months of restriction and travel delays, on the short shuttle runs in the challenging environment of the Middle East, it is the *APL Gulf Express* sailors themselves that deserve the credit. APL management sent letters of recognition noting that they had “performed professionally under very difficult circumstances.” At a time when international mariners are being routinely abandoned by sketchy shipowners and indifferent profiteering flag states, that relief work was a unique and patriotic triumph. The situation is set to improve since the MarAd recently announced new diplomatic action in Dubai to clear access for U.S. mariners who have taken specific advance precautions such as testing and isolation before travel. Welcome home to the SUP crew AB Cory Edgil, AB James Salera, AB James Linderman, AB Graham Sharpe, and AB and SUP delegate Cody Clark.

HOLIDAYS

Labor Day: SUP hiring halls will be closed on Monday, September 7, 2020 in observance of Labor Day which is a holiday under all SUP contracts. Most official Labor Day celebrations are cancelled this year due to the coronavirus pandemic.

ACTION TAKEN

M/S to ratify the APL RTS settlement agreement (Clark, several). Carried.

M/S to concur in the balance of the President's Report. (Frizzi, several). Carried.