

PRESIDENT'S REPORT – SEPTEMBER 2021

TURBO ACTIVATION

The SUP answered the call again in August to provide qualified crews for four Ready Reserve ships in a no-notice Turbo-Activation. We did this despite an industry-wide shortage of qualified labor and the many obstacles and burdens of the pandemic. The *Cape Taylor*, *Cape Vincent*, *Cape Trinity*, and the venerable *GTS Adm W.M. Callaghan* all successfully activated. All participating members and every dispatcher deserves our recognition and acclaim for another job well done in extremely tough conditions.

CREDENTIAL UPDATES

NMC Issuance Delays: The National Maritime Center (NMC) issued a notice informing seafarers of current Merchant Mariner Credential (MMC) and medical certificate processing delays. This is a rare second acknowledgement of a serious time lag deficiency and indicates the widespread nature of the problem. As SUP agents have all urged for years, apply for renewals early and maintain your documentation with steadfast determination.

NMC offered the following tips to streamline application processing:

- **Apply 90 days in advance** [at least]: Consider applying early and submitting your MMC and/or medical certificate application at least 90 days in advance of when you would anticipate needing a credential. [SUP agents routinely suggest 6 to 9 months or earlier for more realistic advance processing.]
- **Ensure your application is complete**: Fifty percent of all application submissions result in needing additional information. Verify the file you send to us electronically is also complete, paying particular attention to any double-sided documents in your package.
- **PDF only**: Submit your MMC and/or medical certificate applications electronically in PDF format only. DO NOT submit pictures of your documentation taken with a smart phone or in other digital formats (jpeg, .png, etc.). These will not be accepted. NOTE: The new size limit for electronic application submissions is 35 MB, so it should take only one file. Also, the NMC cannot now provide an auto-generated response acknowledging receipt of your application.
- **Include height, weight, and gender**: When applying for an MMC only (no medical certificate application/physical included), these data points are needed to produce your MMC and are omitted from CG-719B application form. Applications are typically processed on a 'first in, first out' basis. After review of the initial submission date, the NMC will consider expediting cases when it is critical to vessel operations or an applicant's employment. To request expedited service, contact the customer service center at IASKMMC@uscg.mil

Mariner Passport Renewal Program: The U.S. State Department's Passport Services division sent new guidance for expedited mariner renewal of passports. Applications for such renewal are for credentialed merchant mariners only and can be processed within a week. The applicant must hold a current U.S. passport that is expiring or expiring in 7 months or less. The

application is known as the DS-82 and together with the current passport, a copy of Merchant Mariner Credential, a letter from the Company or the Union, and a check or money order in the amount of \$187.56 made payable to the U.S. Department of State. Applications must be sent by traceable overnight delivery to: El Paso Passport Agency, 303 N. Oregon St., Suite 700, El Paso TX 79901, Attn Mariner Program. For more check out the *West Coast Sailors*. Passports are among the required credentials for all offshore SUP jobs.

MATSON NAVIGATION

Vaccine mandate: As the coronavirus' Delta variant infected a seven-day average of more than 150,000 mostly unvaccinated Americans per day, the U.S. Food and Drug Administration finally issued the "full use authorization" (FUA) of the Pfizer vaccine in August. Vaccine mandates gained steam in the aftermath. President Biden made it compulsory for the enormous federal government and contractor workforce, made even stricter by removing the testing option. State and local governments followed suit, and a cascade of major private employers initiated new mandates.

The SUP and labor unions everywhere held running talks with employers on safeguards, rights protection, and implementation methods. We resisted premature policies as employers everywhere struggled with the changing complex conditions. During the dialogue, the Seafarers International Union challenged a unilateral employer vaccine mandate from the American Maritime Association in an East Coast arbitration. The arbitrator ruled in favor of unilateral implementation of shipboard vaccinations and dismissed labor's objection based on the right to negotiate a mandatory subject of bargaining. This decision is specific to our industry but cited various other decisions, such as one from the Supreme Court dating back to 1905 as well as a very recent Department of Justice determination that nothing in federal law prevents private-sector employers from requiring the vaccination from employees. At the same time the AFL-CIO declared support for the vaccine mandate.

All that paved the way for Matson, APL and Chevron and many other employers to enact or begin to enact compulsory terms. The Union challenged some provisions and gained some protections as laid out below. But despite the packaging, the vaccination requirements amount to unilateral policy designed and implemented by the company. The Union secured improvements to the policy as part of its duty of fair representation, and subject to the grievance procedure, but it was not a negotiation on whether or not to implement.

It is important to note again, that advocating for greater job safety is central to our purpose as a Union. And since the outset of the pandemic our primary goal was a safe workplace. Yet nearly every day, the Union and its agents cope with problems associated with an unvaccinated member, either during dispatching for quarantine and testing arrangements, or managing the effects and aftermath of new infections. Noting too that the history of our trade is a chronicle of immunization, and consistent with that history, these points are central to the issue:

1. COVID-19 is a pandemic with an ongoing death toll of millions, continuous infections and hospitalizations, and risk persistent despite the vaccine. The safety priorities approved by the membership remain a workplace matter of life and death.

- The vaccine that prevents the disease, mitigates its effects, and limits its transmission is free, widely available to Americans and to the best of our knowledge safe and far safer than the alternative of no vaccine. No policy can mandate individual vaccination and this policy does not do so: it is an employment condition mandated by the company as part of property and workplace clearance.
2. Federal, state/local governments, the U.S. military, and transportation employers are imposing these or more rigorous terms for its employees and contractors.
 3. The Equal Employment and Opportunity Commission (EEOC which holds some legal authority on workplace vaccinations) announced that it will not back a discrimination claim, the Department of Labor is pursuing a mandate rule among private employers, the Department of Justice has determined no feasible prevention of a mandate in law, noting a Supreme Court decision in support of that position that goes back to 1905. International seafarers as part of an ITF union agreement support the mandate and the SIU/AMA arbitration allows it on an industry level as a unilaterally imposed condition *specific to our shipboard workplace*.
 4. The Matson policy as designed secures some favorable terms such as incentive payment, exemptions process, present crew assignment continuation rights, and other dispatch and implementation procedures.
 5. The policy supports the Union obligation to protect the safety of members in the workplace. The Union must also protect member job security by remaining viable and competitive (relative to the industry) as source of qualified labor. Any continuous and fundamental non-performance of the Union invites employer abrogation of SUP contracts. Such consequences are unacceptable even to contemplate.

Beginning on October 1st, proof of vaccination for all Matson crew, standbys, shoregang workers, and union officials on company property will be required. Members who are aboard a Matson ship on October 1, 2021, will be allowed to complete their assignments regardless of vaccination status. Members who are presently employed will be allowed time off in port during the regular workday to get a COVID-19 vaccination and the Company or captain will help secure the appointment. A case-by-case exemption process, on both medical and religious grounds, is an element of the policy. A Letter of Understanding that sets forth these terms, and protects the rights of employees, as well as secures \$500 incentives (through October 15th) including for those that already have the vaccine, was given to the Unions on August 21, 2021.

Mr. Chairman, the initial industry indecision and the prospect of an improved pandemic situation allowed us in bargaining back in June to decline to accept mandated vaccines, all the while supporting voluntary vaccination. But we understood that in a similar risk environment after both an FUA and the emergence of an industry standard, a mandate was looming. Now it is here and these best terms and conditions available. Accordingly, along with the other Unions, I signed the Letter of Understanding that makes it official, and I recommend the membership approve acknowledgement of the policy.

COVID-19 Policy on Masking: Matson management issued its fiftieth (50) policy update following the USCG issuance of new guidance around masking (MSIB 2-21 Change 3) on

ships and within the Maritime Transportation System which states that mariners on “Non-passenger-carrying commercial vessels operated by a team of mariners who all live on the vessel” are exempt from wearing a mask. A mask will still be required when the vessel receives persons who are not part of the team of mariners that live on the vessel.” Matson’s policy adds the clarification that “crew signed-on to the ship are no longer required to wear a mask except when non-crew members are aboard. This includes a) Pilots, b) Port Engineers, c) Port Relief & Standbys, d) Maintenance and Service Vendors, e) Longshoremen, f) Matson Employees (e.g. IT, management), g) P&I Surveyors & Class Auditors & Surveyors, h) Regulatory Personnel (e.g. USCG, state/municipal agencies).” The policy also states that unvaccinated crewmembers (within the terms of the mandatory vaccination policy) returning to the ship from shore leave are required to always wear a mask for five consecutive days upon their return to the ship. They may stop wearing the mask on the sixth day provided they show no signs or symptoms consistent with a COVID-19 infection.

APL MARINE SERVICES

Fleet update: In a call with APL management on August 27, the SIU-PD Unions were notified that the CMA-CGM foreign-flag fleet of vessels suffered three vessel infections and an emergency medevac of a crew member that ultimately resulted in a tragic hospitalization death. Accordingly, the Company’s COVID was policy restated and stiffened. In positive news, management announced that *President Kennedy*, which had endured a major engine room fire, was nearing completed repairs and would return to service. The SUP crew who put out the fire and the standby and repair crews who pushed the boundaries of productivity to get the job done deserve our recognition and respect. Without them, the ship would be lost to the MSP and the Union. In another call with industry group USA Maritime, I received updates on the status of Maritime Security Program and the Tanker Security Program, which in President’s budget receives full funding as part of the National Defense Authorization Act, but which is also bound up in the multi-trillion-dollar government funding legislation now under debate in Congress. Will keep the membership posted.

Vaccination communications: At the same meeting, APL indicated its desire to implement a vaccination requirement for crew, standbys and shore personnel and on September 8, the Company requested the same terms and conditions as Matson. APL strongly resisted any cash vaccination incentive. Discussions on the specific terms are ongoing and depend in part on licensed negotiations on the topic.

Wage increase: The final year of the two-year SUP agreement with APL calls for an increase of one and a quarter percent (1.25%) to wages and wage related items. The first year provided a three percent (3%) increase. Mr. Chairman, I recommend that the entire amount that is due on October 1, 2021, to wages and wage related items. Under the Matson Offshore Agreement there was a three percent (3%) negotiated increase, and since the wages of SUP officials under Article XV of the SUP Constitution automatically adjust on the same percentage basis of the Offshore Agreements and using the average of the Matson and APL increase as the basis there is a two and an eighth percent (2.125%) increase due to SUP officials. These amounts will be published in the *West Coast Sailors* along with other wages as per Section 3 of same article. Incidentally, as stated in prior versions of this report, all Union officials, either elected, acting or temporary, as well as staff are required to demonstrate proof of vaccination.

SUP ELECTION

Nominations for SUP Election: As previously noticed, 2021-22 marks an election year for the Union. The election begins in December and carries through the end of January 2022. Under Article XII Section 2 of the SUP Constitution the nomination of regular officers shall be made at Headquarters today and at next week's Branches meetings. In September. Written notice of this fact shall be published in the August issue of the *West Coast Sailors*. Any eligible member may place his/her own name in nomination for any regular office or may be nominated by another member. Nomination may be made either in person or by mail; however, any nomination made by mail must be received at the Branch or Headquarters at least one day prior to the meeting at which nominations will be received. The names and membership numbers of the nominees shall be recorded in the minutes. The Balloting Committee shall prepare a list of names and nominees for each office and forward copies thereof to each Branch. Such lists shall be conspicuously posted in each office or hall. All nominees shall be notified by mail of their nomination and such notice shall be mailed within five working days after the nominating meeting. All nominees who desire to become a candidate shall have the necessary qualifications and acceptance in the office of the Committee on Candidates (c/o Sailors Union of the Pacific, 450 Harrison St, San Francisco CA 94105) prior to midnight of October 14, 2021.

Any member of the Union shall be eligible to be a candidate for and hold any regular office, provided he/she is a member in good standing at the time of nomination, has achieved "B" Seniority as defined in the SUP Shipping Rules; and is not disqualified by law. A member shall not be eligible to be a candidate for and hold any regular office if within the past five years he/she has been convicted of, or served any part of a prison term resulting from conviction of robbery, bribery, extortion, embezzlement, grand larceny, burglary, arson, violation of narcotics laws, murder, rape, assault with intent to kill, assault which inflicts grievous bodily injury, or violation of Title II or III of the Landrum-Griffin Act, or conspiracy to commit any such crimes.

The regular Union offices for the 2021-2022 term shall be in accordance with Article X of the SUP Constitution: one President/Secretary-Treasurer, one Vice President/Assistant Secretary-Treasurer, one Seattle Branch Agent, one Wilmington Branch Agent, one Honolulu Branch Agent, one San Francisco Business Agent, five trustees of the SUP Building Corporation, two of whom do not hold any other Union office, and a presently expected three delegates to the 2022 Seafarer's International Union of North America Convention (subject to confirmation from SIUNA). In accordance with Article XII of the SUP Constitution, no one may be a candidate for more than one office with the exception of the positions of Trustee of the Building Corporation and delegate to the SIUNA Convention.

Mr. Chairman, notice of this nomination process has been reported here, published in the August *West Coast Sailors*, and posted in the Union hiring halls. Therefore, I recommend that you open the floor for nominations. Additionally, Committee on Candidates will be elected at today's Headquarters' meeting and will convene after today's meeting and again on Tuesday September 21, to review the list of nominees and mail notification of their nomination. All

nominees who desire to become candidates for and hold any regular office shall have the following qualifications:

- He or she is a member in good standing at the time of nomination.
- He or she achieved “B” seniority as defined in the SUP Shipping Rules; and
- He or she is not disqualified by law. A member shall not be eligible to be a candidate for an hold any regular office if within the past five years he/she has been convicted of, or served any part of a prison term resulting from conviction of robbery, bribery, extortion, embezzlement, grand larceny, burglary, arson, violation of narcotics laws, murder , rape, assault with intent to kill, assault which inflicts grievous bodily injury, or violation of Title II or II of the Landrum Griffin Act, or conspiracy to commit any such crimes.

In order to begin the process of affirming eligibility of these candidates, Mr. Chairman, I recommend that you call for nominations for a Committee on Candidates to meet after this meeting and again on Tuesday September 21, 2021. Committee members should be members in good standing and not themselves candidates for any office in the election. In the event that such a committee cannot be entirely filled at today’s meeting, recommend that qualified members be shipped off the deck as necessary and as per our past practice.

All nominees who desire to become candidates shall have the necessary qualifications and acceptance of the nomination in the office of the Committee on Candidates at Headquarters prior to midnight, Wednesday, October 14, 2021.

The acceptance shall be by letter which shall be dated and shall contain the following:

- a) The name of the candidate;
- b) His/her home address and mailing address;
- c) His/her membership number; and
- d) The title of the office or other position sought, including the name of the Port in the event the position sought is that of Branch Agent or Business Agent.

No one may be a candidate for more than one office with the exception of the position of Trustee of the SUP Building Corporation. Nominees who fail to comply with these provisions shall be regarded as having declined the nomination. The election itself shall be conducted by secret mail ballot from December 1 2021 through January 31, 2022.

CALIFORNIA RECALL ELECTION

On August 31 Gov. Gavin Newsom spoke to a meeting of the California Labor Federation Executive Council. President Katheryn Lybarger correctly noted at the outset that it is not just the Governor’s job, given all the anti-union extremist forces against us, it is all our jobs on the line. Newsom followed that with the observation that California’s success is completely contradictory to the national agenda against Unions. Larry Elder has emerged as the only real challenger and he wants to privatize Social Security, doesn’t believe in a corporate tax, and doesn’t believe in the need for Unions. Vote No on the recall.

HEALTH CARE PREMIUMS

The Trustees of the SUP Welfare Plan (Matt Henning and Dave Connolly for the Union; Thomas Percival and John Dragone for the Employers) were recently informed that premiums for SUP health care providers were generally on the increase. Kaiser Southern California raised its rates by 6.85% and Kaiser Northern California raised by 2.65%. In Washington, the former Group Health now Kaiser Washington rates increase by 5.6% and the Kaiser Oregon rates went up by 7.0%. Kaiser Hawaii rates were slightly decreased and Health Net rates went up 3.0%. Welfare Plan Regular Account reserves via careful management have steadily improved in recent years and so these increases were absorbed by a modest surplus. However, the upward pressure on rates may not yet fully reflect the costs of the pandemic, especially as it continues. Will keep the membership informed.

MERPAC APPOINTMENT

The Coast Guard recently announced 18 appointments to the National Merchant Marine Personnel Advisory Committee or MERPAC. Among the appointment was the Andrew Furuseh School of Seamanship's SUP Training Representative Berit Eriksson. Sister Eriksson was re-appointed to the Committee as a credentialed mariner where she has worked in the past advising the Coast Guard on credentialing and training issues. The term of the appointment is up to three years. Congratulations are due to Sister Eriksson.

HOLIDAYS

All SUP Halls will be closed on October 11, 2021 for Columbus Day which is a holiday under all SUP agreements. Due to the holiday, the Headquarters meeting will be held the following day on October 12, 2021.

ACTION TAKEN

M/S/C to elect a Committee on Candidates (Ron Reed, Mike Smith, Ponciano Siquinia, Peter Leo, Sam Worth) to review and approve initial nominations. Carried unanimously.

M/S/C to approve the Matson policy on vaccinations via Letter of Understanding. Carried unanimously.

M/S/C to concur in the balance of the President's Report. Carried unanimously.