

<b>Date:</b>  <b>January 12, 2017</b>	<b>Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun 660 Davis Street, San Francisco, CA 94111</b>  <b>PILOT FITNESS COMMITTEE MEETING MINUTES</b>	<b>Page 1 of 6</b>
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**Committee Members Present:**

Knute Michael Miller, Committee Chairman and Past Board President  
 Brigadier General (Ret.) Chester L. Ward, MD  
 Robert Kosnik, MD

**Committee Members Absent:**

None.

**Staff Present:**

Allen Garfinkle, Executive Director  
 Roma Cristia-Plant, Assistant Director  
 Dennis Eagan, Board Counsel  
 Luis Cruz, Staff Services Analyst

**Public Present:**

Dave Hoppes, Commissioner; Captain Joe Long, Port Agent and San Francisco Bar Pilot Association (SFBP) President; Mike Jacob, Pacific Merchant Shipping Association (PMSA) General Counsel; Captain Einar Nyborg, SFBP (via conference call).

**OPEN MEETING**

**1. Call to order. Roll Call. (Chairman Miller)**

Chairman Miller called the meeting to order at 9:46 a.m. Staff Services Analyst Cruz called the roll and confirmed a quorum

**2. Approval of minutes of Pilot Fitness Committee meeting on January 14, 2016.**

Committee members were presented the minutes from the last Committee meeting held August 25, 2016. Executive Director Garfinkle apologized for the agenda error and asked that approval vote for the August meeting minutes be deferred to the next Committee meeting.

Chairman Miller asked the Committee to review the minutes and to suggest edits for the next meeting.

**3. Update from Board staff on contractual relations with UCSF and implementation of medical assessment regime. Discussion of current fitness determination process and UCSF services. (Executive Director Garfinkle)**

Executive Director Garfinkle reported that the Board and The Regents of the University of California, San Francisco Campus (UCSF), have been in contract for pilot and trainee fitness

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assessments for nearly three years. He stated that he is pleased with the performance of the UCSF staff, and noted there is a good working relationship between the two entities. He thanked all the UCSF personnel, and in particular Pallavi Sharma and Michele Sahl, for their scheduling and follow up efforts related to pilot medical examinations.

Executive Director Garfinkle stated that although the majority of feedback from the pilots has been positive, a few pilots have expressed concerns that will need to be addressed. He noted that outstanding concerns center around the frequency of dates available for medical assessments, the length of time between the completion of the medical assessment and Board staff receipt of completed *Statement of Fitness for Duty* determinations from UCSF, and pilot frustration when phone messages or emails concerning scheduling are not timely addressed by UCSF staff. He continued by stating the negative feedback regarding the UCSF contract has been generally one-sided, and that it is important to keep these few outstanding issues in perspective. He noted UCSF has thus far completed approximately 250 medical assessments for the Board, and that no licensee has had a license renewal delayed due to lack of medical information. He stated that he intends to work with Dr. Kosnik to resolve the few remaining service delivery issues.

Dr. Kosnik responded to the issue of the delay in providing the Board with completed *Statement of Fitness for Duty* determinations, and explained that UCSF staff may have been holding the completed forms to a date nearer to the license renewal date, thinking that the delay best served the Board needs. Executive Director Garfinkle clarified for Dr. Kosnik that it would be more appropriate to have the *Statement of Fitness for Duty* determinations sent to the Board as soon as possible.

Chairman Miller stated that the current pilot fitness determination protocols are different from the fitness protocols historically used, and that the Board is an industry leader in developing pilot and trainee medical assessment practices. He stated that the current fitness approach is comprehensive and focuses on continuous monitoring.

Dr. Kosnik responded to a question from Commissioner Hoppes and noted there currently is no specific psychological evaluations conducted during pilot medical assessments. Dr. Ward added the physician has interactions with the patient during an assessment, and follow up assessments, including physiological testing, could occur and if the physician were to notice something during a routine medical assessment. Executive Director Garfinkle noted that there have been occasions where psychological evaluations was deemed appropriate, and there are mechanisms in place to provide for such evaluation.

Executive Director Garfinkle noted Board staff have conducted an initial investigation into whether psychological testing performed for applicants to the California Highway Patrol cadet training program would be appropriate for trainees entering into the Board's Pilot Trainee

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Training Program, and that staff still needs to conduct further investigation into this issue. Port Agent Long stated that there is no “off-the-shelf” psychological evaluations that can be used to examine pilots or trainees.

Commissioner Hoppes inquired about the requirement for pilots to report any medication they are taking. Dr. Kosnik responded that in addition to a requirement for pilots and trainees to report new medications, UCSF administers a toxicological urine test that examines the presence of a variety of prescription and over-the-counter medications. He stated that UCSF staff discusses with each pilot and trainee whether certain medications could or should not be used prior to piloting. Executive Director Garfinkle added that anytime a pilot is prescribed new medication, he or she is to report it to Board and to UCSF.

Chairman Miller inquired about the number of physicians currently available to conduct medical examinations. Dr. Kosnik responded that UCSF is short one examining physician who took another position within UCSF. Dr. Kosnik stated that he is currently searching for a replacement examining physician, but found that the minimum amount of physician occupational medicine experience required by Board regulations does not allow him to use competent less experienced physicians for Board medical examination services. Executive Director Garfinkle proposed a future discussion for a regulation amendment that would change the examining physician minimum occupational medicine experience for at least one physician of the three examining physicians.

Port Agent Long addressed the Committee with comments and concerns he has received directly from pilots about UCSF’s delivery of pilot medical services, and noted the bulk of the complaints he has received are directly related to appointment scheduling issues and a shortage of available dates. He stated that he understands pilots are limited to one to two available appointment dates per month. He encouraged the Board and the Committee to address the appointment scheduling issues, and thanked UCSF’s agility tester for the flexibility she has shown with scheduling tests at the pilot’s office.

Executive Director Garfinkle noted that UCSF staff had previously indicated that UCSF’s current scheduling system does not allow for appointments to be scheduled longer than 90 days in advance. Mr. Jacob thanked both Dr. Kosnik and Board staff for the ongoing implementation of the new pilot fitness protocols, and noted that the Board’s pilot fitness regulations are much improved since the COSCO BUSAN incident.

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**4. Discussion of possible modifications to improve Pilot Fitness Regulations. Possible recommendation to Board on modifications to Pilot Fitness Regulations. (Chairman Miller)**

Chairman Miller asked Executive Director Garfinkle to discuss desired changes to the pilot fitness regulations now that the current regulations have been effect for several years. Executive Director Garfinkle stated that there are three regulation changes he recommends the Committee consider: (1) to allow for a conditional fit for duty determination since physicians have noted that pilots and trainees may currently be fit for duty, but need medical follow-up in less than a year’s time; (2) the requirement to conduct an annual medical examination or bi-annual agility test be waived if a pilot or trainee has had a recent physical examination or agility test; (3) reducing the examining physician minimum occupational medicine experience requirement to allow one or more of the three examining physicians to have less than the currently required five years of occupational medicine experience, which would make additional UCSF physicians available to the Board; and (4) address the issue that the current pilot fitness regulations allow for an indeterminate amount of medical disability leave.

Chairman Miller requested Board staff to summarize the potential regulatory changes to be discussed further at the next Committee meeting.

**5. Review and discuss San Francisco Bar Pilots fatigue management system as currently implemented. (Capt. Nyborg)**

Captain Nyborg was unable to physically attend the meeting, and listened in via conference call. Port Agent Long provided the Committee a brief review of the current fatigue risk management system that the SFBP implemented following recommendations they received as a result of an in-house pilot fatigue mitigation study conducted by Dr. Charles Czeisler of Harvard Medical School. He stated the SFBP has worked to change its pilot work schedule to establish adequate minimum rest periods, daily work hours, weekly work schedules, and to develop procedures to reduce volatility of assignments that affect the ability to rest. Port Agent Long stressed that deriving a fatigue risk management systems that is practical is evolutionary in nature, relying on implementation and evaluation as a process to achieve an optimal result. He went on to report that the starting point was to establish specific limits on daytime and nighttime work hours, and work assignments that take into consideration geographical. Port Agent Long also discussed the SFBP is tracking and recording pilot time spent on administrative activities and training.

Chairman Miller noted that the SFBP has initiated its own fatigue risk management efforts, and the Board currently provides a guideline of 12 hours minimum rest period between jobs.

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**6. Update on status of San Jose State University Research Foundation work on fatigue study. (Board Staff)**

Executive Director Garfinkle stated the pilot fatigue study researchers have obtained approval to proceed with the study from the university's Internal Review Board, and are proceeding to obtain a certificate of confidentiality from the National Institute of Health's National Heart Lung and Blood Institute for the analysis of scheduling records provided by the SFBP. He also stated the researchers have conducted several ride-a-longs with pilots, and that Board staff have provided the researchers with the pilot job analysis recently completed by California Department of Human Resources staff for the Pilot Trainee Training Program selection examination that will take place in June 2017.

**7. Review of Confidentiality Agreement between San Jose State University Research Foundation and San Francisco Bar Pilots. Possible recommendation to Board to accept Confidentiality Agreement between San Jose State University Research Foundation and the San Francisco Bar Pilots. (Board Staff)**

Board Counsel Eagan stated Board staff have reviewed a draft of the nondisclosure agreement between the SFBP and the university that was crafted by the SFBP, Board staff have no objections to the draft agreement, and that the agreement is currently being reviewed by the researchers.

Mr. Jacob requested a clarification of the data that would be included in the final pilot fatigue study report presented to the Board, and if this data will be presented in the aggregate or identified by pilot, but with the pilot name and other confidential information protected. He stated that he thought it would be problematic for the Board if the final study did not contain sufficient data to allow for public review, and it would be unacceptable if the final study report to the Board did not contain itemized study data. Commissioner Hoppes commented that the Board needs to know about the research methodology, that raw data would be more valuable to the Board, and that the Board should ensure that the pilot's privacy is protected in the final report. Mr. Jacob added that specific pilot rest points cannot be differentiated from one another if the data is aggregated.

Executive Director Garfinkle stated the nondisclosure agreement is solely between SFBP and the university, and that Board staff had no input in the wording of the agreement. He added the Board will only be approving the agreement. Board Counsel Eagan stated that the Board needs a useable work product from the researchers with which to write pilot fatigue regulations, that Board staff is not in a position to assess the adequacy of the methodology used by the researchers, and that the Board should ask Dr. Hobbs, as the expert, if anything in the draft nondisclosure agreement would prohibit the completion of the study scope of work.

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Dr. Kosnik stated that the Committee may wish to request the researchers to clarify the definition of “aggregate,” as its use in the nondisclosure agreement seems unclear. Port Agent Long and Mr. Jacob separately commented that any such discussion about the content of the nondisclosure agreement and final study data presentation is premature since the university has yet to comment on the provisions of the draft nondisclosure agreement.

**8. Public comment on matters not on the agenda.**

There was no public comment on matters not on the agenda.

**9. Proposals for additions to next committee meeting agenda.**

There were no proposals to the next Committee meeting agenda.

**10. Adjournment.**

There being no further business before the Committee, Chairman Miller called for a motion to adjourn.

**MOTION:** Dr. Ward moved to adjourn the meeting. Dr. Kosnik seconded the motion.

**VOTE:** YES: Miller, Kosnik, and Ward.

NO: None.

ABSTAIN: None.

**ACTION:** The motion was approved and the meeting was adjourned at 11:45 a.m.

Submitted by:



Allen Garfinkle, Executive Director