

<p>Meeting Date: May 17, 2017</p>	<p>Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun Meeting held at the San Francisco Bar Pilot Office, Pier 9, East End, San Francisco, CA 94111</p> <p>SELECTION APPEAL COMMITTEE MINUTES</p>	<p>Page 1 of 3</p>
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Committee Members Present:

Dave Hoppes, Committee Chairman and Commissioner
Jennifer Schmid, Board President
Captain Einar Nyborg, Commissioner

Committee Members Absent:

None.

Staff Present:

Allen Garfinkle, Executive Director
Roma Cristia-Plant, Assistant Director
Luis Cruz, Staff Services Analyst

Public Present:

Captain Joe Long, Port Agent and San Francisco Bar Pilot Association (SFBP) President; Ray Paetzold, SFBP Business Director-General Counsel; and Captain David Corbett, Pilot Trainee Training Program Selection Examination applicant.

OPEN SESSION

1. Consider one or more appeals filed by applicants for the Pilot Trainee Training Program Selection Examination.

Chairman Hoppes called the meeting to order at 9:30 a.m., and confirmed a quorum.

Executive Director Garfinkle briefly reviewed the minimum eligibility requirements to take the Pilot Trainee Training Program selection examination as outlined in California Code of Regulations, Title 7, § 213. He stated Captain David Corbett has requested to formally appeal for a review of his Pilot Trainee Training Examination application, and noted that he denied Captain Corbett's application on the grounds that he did not have sufficient time "in command," and noted that his experience consisted of work performed as Staff Captain for Norwegian Cruise Lines.

Executive Director Garfinkle stated that although Captain Corbett had the requisite number of documented work days to meet the minimum qualifications requiring one year in command of a self-propelled vessel in navigation of not less than 1600 gross tons, he believed that work as a Staff Captain did not meet the letter of the requirement in the regulations to be in command. He further stated that Captain Corbett appears to be eminently qualified, and that he anticipates that Captain Corbett would be a successful participant in the pilot training program.

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Executive Director Garfinkle stated that in his efforts to resolve the “in command” issue, he had contacted the United States Coast Guard, and was advised that they issue certain master endorsements, but do not opine on specific job duties. He then stated that he contacted the Vice President of Operations of Norwegian Cruise Lines, and was advised that a Staff Captain is second in command.

Commissioner Nyborg thanked Executive Director Garfinkle for directing Captain Corbett’s Pilot Trainee Training Program application to the Selection Appeal Committee. Commissioner Nyborg stated that in his review of the Norwegian Cruise Line’s Staff Captain job description, it is apparent that the roles and duties of the Captain and Staff Captain are interchangeable, but for the standing orders of the Captain. He stated that although there are difference between a Captain and a Staff Captain position at the cruise line, the outlined responsibilities of the Staff Captain demonstrate that the duties are captain duties.

Commissioner Schmid thanked Commissioner Nyborg for his comments, and stated she similarly concluded her review of the Captain and Staff Captain job duty descriptions that the duties are identical. Chairman Hoppes stated that he read of the appeal materials, and the duties between the two positions appeared the same to him. He requested to hear from Captain Corbett. Captain Corbett joined the Committee from the public audience.

Captain Corbett briefly discussed the similarities between Captain and his role as Staff Captain. He noted that although the Captain was ultimately in command and issues standing orders when he is not actively commanding the vessel, the Staff Captain is responsible for the vessel while the Captain is not available, including all onboard daily operations, discipline, and any issues that occur on the bridge of the ship.

Captain Corbett responded to Executive Director Garfinkle’s question concerning the difference between Chief Officer and Staff Captain, and stated that the Staff Captain was involved more and shared responsibilities akin to the Captain. He stated the Chief Officer was in charge of maintenance and reported directly to the Staff Captain. He stated that the unlike the Chief Officer, the Staff Captain was called when issues arose and had the ability to terminate crew members.

Commissioner Nyborg stated that, with some companies in the tug industry, the roles of First and Second Captains are interchangeable and the duties identical, where one is on duty when the other is off duty. He believes that the “command time” of a Second Captain may have been accepted as qualifying experience for this exam in the past.

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CLOSED SESSION as authorized by Government Code Section 11126(c)(2), (3).

2. Consideration of one or more appeals presented in open session.

CLOSED SESSION BEGAN: 10:12 a.m.

OPEN SESSION RESUMED: 10:17 a.m.

3. Announcement of recommendations made in closed session, if any.

MOTION: Commissioner Schmid moved that Captain Corbett's documentation of his command time be accepted by the Executive Director as meeting the requirements listed in Title 7, California Code of Regulations, §213(e)(3)(A) of one year in command of a self-propelled vessel in navigation of not less than 1600 gross tons. Commissioner Nyborg seconded the motion.

VOTE: Yes: Hoppes, Nyborg, and Schmid.

No: None.

Abstain: None.

ACTION: The motion was approved

4. Public comments on matters not on the agenda.

There were no comments from the public.

5. Adjournment

MOTION: Commissioner Schmid moved to adjourn the meeting. Commissioner Nyborg seconded the motion.

VOTE: Yes: Hoppes, Nyborg, and Schmid.

No: None.

Abstain: None.

ACTION: The motion was approved and the meeting was adjourned at 10:28 a.m.

Submitted by:



Allen Garfinkle, Executive Director