

Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun

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JOINT COMMITTEE MEETING:
PILOT FITNESS AND RULES AND REGULATIONS COMMITTEES
August 7, 2012
MEETING MINUTES
9:30 a.m.

The Board of Pilot Commissioners Pilot Fitness Committee and Rules and Regulations Committee met jointly on August 7, 2012 at 9:30 a.m. at the Board of Pilot Commissioners office, 660 Davis Street, San Francisco, California. Commissioner Dave Wainwright presided over the meeting with Rules and Regulations Committee members Vice President RAdm. Frank Johnston and Commissioner John Cronin present. Representing the Fitness Committee along with Chairman Commissioner Roberts was Brigadier General Chester Ward, MD, MPH. Members of the staff present were Executive Director Allen Garfinkle, Staff Services Analyst Kelly Dolcini and Board Counsel Dennis Eagan. Business, Transportation and Housing Agency (BTH) was represented by Administrative Analyst Amanda Esquivias. Fitness Committee member Barbara Price and Dr. Kosnik arrived while the meeting was in progress.

Open Meeting:

1. Call to Order and Roll Call.

Commissioner Wainwright called the meeting to order at 9:37 a.m. There was a quorum established for the Rules and Regulations Committee, but not initially for Pilot Fitness.

2. Approval of Joint Rules and Regulations and Pilot Fitness Committee meeting minutes of July 17, 2012.

There was a quorum established in Rules and Regulations but not Pilot Fitness, so the Approval of Minutes was postponed awaiting a quorum in both Committees. Following the arrival of Dr. Kosnik and Barbara Price, Dr. Ward moved to approve the minutes as presented. Barbara Price seconded the motion which passed unanimously on a voice vote.

3. Review list of "Set-Aside" issues.

Chairman Wainwright directed the Committees attention to item #16 on the Set-Aside" list, which is "Should or does 'medical disability leave' have a time limit? Does the one

year ‘actively pilot vessels’ provision in 1141(b) suffice?” The question is how long a medical disability leave can continue.

Board Counsel Dennis Eagan noted that while this is an issue worthy of discussion, the Committee should attempt to remain on track to produce the fitness regulations.

Member of the public, Board President Miller pointed out that remaining in medical disability leave for a protracted period raises a number of issues. Chief among these concerns are the accrual of pension credit, shorting the pilot board, currency in piloting skills, and the number of licenses issued. He added that this is a policy question for the full Board to decide.

Dr. Kosnik made the case that while one year seems like a long period to be in disabled status, some afflictions may take more than twelve months to resolve. He used the example of Lance Armstrong, who was ill for many months before recovering fully.

Executive Director Garfinkle reiterated Board Counsel’s concern that this subject is taking the Joint Committee away from moving the fitness regulations forward and that the issue, while worthy, is not an immediate concern.

Barbara Price suggested that Board Counsel prepare an explanation of the issue for the full Board to consider.

Chairman Wainwright noted that there was now a quorum in both Rules and Regulations and Pilot Fitness Committees and the Committees should turn their attention to agenda item #2, Approval of the minutes.

Following approval of the minutes, Chairman Wainwright directed the Committee’s attention to agenda item #4.

- 4. Review completed draft document of pilot fitness regulations as amended by the Committee on June 20, 2012. Edit or change document consistent with review process, if necessary.**

Board Counsel Dennis Eagan stated that he had reviewed the full document and noted that there had been some concern among Committee members that the term medical assessment did not fit all applications and that he had edited the draft regulations to add the term fitness determination where applicable.

The Committee then read through the edited document and made minor changes to several sections.

- 5. Review, discuss and edit as necessary, portions of draft document submitted to Board Counsel, Committee members, or Board staff for review and drafting outside of Committee meetings.**

This agenda item is similar in scope to agenda item #4 in that Board Counsel had contributed to the draft reviewed under item #4, and was not addressed separately.

- 6. Review all forms suggested by the Pilot Fitness Study and by currently completed work on regulations.**

Discussion on this item was deferred to a later meeting.

- 7. Discuss and compile statistical estimates of medical services to be utilized in obtaining a market analysis of the fiscal and economic impacts of implementing a medical regime based on these regulations. Discuss obtaining healthcare consulting services for market analysis.**

Discussion on this item was deferred to a later meeting.

- 8. Review and discuss memorandum by Gabor Morocz dated April 2, 2012, detailing new requirements related to submissions of regulatory packages to the Office of Administrative Law.**

Discussion on this item was deferred to a later meeting.

- 9. Discuss policy considerations of medical disability leave (Section 217) and revisions to the regulations that might set limits on the length of time a pilot can remain disabled under this regulation.**

Discussion on this item was deferred to a later meeting.

- 10. Public comments on matters not on the agenda.**

There was none.

- 11. Proposals for additions to next committee meeting agenda.**

There were none.

12. Adjournment.

The Committee adjourned at 12:02 p.m.

Respectfully Submitted,



Allen Garfinkle
Executive Director