BOARD OF PILOT COMMISSIONERS FOR THE BAYS OF SAN FRANCISCO, SAN PABLO, AND SUISUN

EXPRESS TERMS

Title 7, Harbors and Navigation
Division 2. State Board of Pilot Commissioners for the Bays of San Francisco, San Pablo and Suisun
Article 4. Training Programs

The proposed amendments to existing text are shown in underline to indicate additions and ~~strikeout~~ to show deletions. All other text remains unchanged.

Amend Section 213 of Title 7, California Code of Regulations to read as follows:

§ 213. Pilot Trainees.
(a) This section applies only to persons not previously licensed by the Board or otherwise exempt from such program by the Code.

(b) It is Board policy, through an effective selection process, to provide opportunity for progressive development and advancement of qualified maritime personnel to State licensed pilots in accordance with statutory requirements.

(c) State licensed pilots hold key positions in the safe passage of shipborne commerce in the waters under the Board's jurisdiction. They must exemplify the highest standards of leadership, professionalism and personal integrity. Mariners selected for the training program must demonstrate that they are fully capable of meeting demands of accountability and responsibility associated with such positions. The vital role of appropriately trained pilots in safety of navigation upon these waters cannot be overemphasized.

(d) The Board in selecting applicants to participate in the Pilot Trainee Training Program adheres to equal opportunity precepts. All applicants meeting minimum eligibility requirements as provided herein shall receive consideration without regard to age, sex, race, religion, national origin, lawful political affiliation, physical handicap (within the ~~SHIPS~~ limitations set by the Merchant Mariner Medical Manual), marital status, membership or non-membership in any employee organization, or any other personal condition unrelated to the applicant's basic ability to perform satisfactorily as a pilot trainee and as a pilot.

(e) To meet minimum eligibility requirements, each applicant must:

(1) Possess a current, valid federal license, with an unlimited radar endorsement, either as master of vessels of not more than 1600 gross tons or as master of vessels of any gross tons;

(2) Be of good mental and physical health and of good moral character;

(3) Provide documentation, consisting of either (1) certificates of discharge or (2) declarations complying with Code of Civil Procedure section 2015.5 by both the applicant and the person verifying the experience, that demonstrates performance as master for:

(A) one year in command of a self-propelled vessel in navigation of not less than 1600 gross tons; or

(B) two years sailing in the capacity of Chief Mate of a self-propelled vessel in navigation of not less than 1600 gross tons and holds a master's license of any gross tons; or

(C) one year as a full-time commercial pilot, not a member of the crew, directing and controlling the movement of vessels of not less than 1600 gross tons in waters in which a pilot is required by state, federal or foreign law, and holds, at a minimum, a valid federal license, with an unlimited radar endorsement, as master of vessels of not more than 1600 gross tons; or

(D) ~~while holding, at minimum, a current, valid federal license as master of vessels of not more than 1600 gross tons,~~ two years in command of either (1) a towing vessel of ~~not less~~greater than ~~99~~50 gross tons engaged in ship assist, or (2) in ~~bay or ocean towing, or (2)~~ command of a towing vessel of ~~less~~ greater than ~~99~~ 50 gross tons ~~in which~~ engaged in towing where the combined gross tonnage of the towing vessel and the vessel(s) towed is not less than 1600 gross tons.

(4) Demonstrate recency of experience as follows:

(A) For experience under subsection (3)(A), the year of command experience must have been within the four years immediately preceding the application cut-off date, and six months of the command experience must have been within the two years immediately preceding the application cut-off date.

(B) For experience under subsection (3)(B), the two years of ~~command~~ Chief Mate experience must have been within the five years immediately preceding the application cut-off date, and one year of the ~~command~~ Chief Mate experience must have been within the three years immediately preceding the application cut-off date.

(C) The recency requirements of subsections (4)(A) and (4)(B) above may be met by equivalent periods of service as a commercial pilot, not a member of the crew, directing and controlling the movement of vessels of not less than 1600 gross tons, or a combination of such command and piloting (non-concurrent) experience.

(D) For experience under subsection (3)(C), the year of serving as a full-time commercial pilot, must have been within the four years immediately preceding the application cut-off date, and six months of the experience must have been within the two years immediately preceding the application cut-off date.

(E) For experience under subsection (3)(D), the two years of command experience must have been within the five years immediately preceding the application cut-off date, and one year of the command experience must have been within three years immediately preceding the application cut-off date.

(5) Be able to communicate in concise and clear language using proper terminology for bridge team, bridge-to-bridge and bridge-to-shore communications in English.

(6) Not have had prior felony or drug convictions or be currently in violation of a court order to provide child or spousal support.

(7) Pay to the Board on submission of an application for admission to the Pilot Trainee Training Program an examination fee of $1,000 for participation in the written examination and bridge simulator exercise provided for in this section. The Board shall refund the entire fee to the applicant if the applicant does not take the written examination. If the applicant takes the written examination but does not participate in the simulator exercise, the Board shall refund $500 of the examination fee to the applicant.

(f) The applications of all applicants meeting the minimum eligibility requirements in subsection (e) will be reviewed to assess experience points on the following schedule. In documenting their experience, applicants shall submit either (1) certificates of discharge or (2) declarations complying with Code of Civil Procedure section 2015.5 by both the applicant and the person verifying the experience. Experience used to meet the minimum eligibility requirements of subsection (e)(3) will not be accepted in assessing experience points under this subsection.

(1) Tug Experience (not to exceed a maximum of 35 points):

(A) While holding, at minimum, a current, valid federal license as master of vessels of not more than 1600 gross tons, 1 year's offshore experience as master of a towing vessel in which the combined gross tonnage of the towing vessel and the vessel(s) towed is not less than 1600 gross tons, not combined with any other experience. 5 pts

(B) While holding, at minimum, a current, valid federal license as master of vessels of not more than 1600 gross tons, 1 to 3 years as master. 10 pts

(C) While holding, at minimum, a current, valid federal license as master of vessels of not more than 1600 gross tons, over 3 years as master. 5 pts

(D) While holding, at minimum, a current, valid federal license as master of vessels of not more than 1600 gross tons, serving as pilot on own vessels of not less than 1600 gross tons combined tug and tow for a minimum of 25 moves in pilotage waters for which the applicant held, while piloting, a current pilot endorsement. Moves performed as master of a tug engaged in assist and/or escort duty do not qualify for points under this subsection. "Own vessels" means vessels for which the applicant was the master. 15 pts

(2) Deep Draft Experience (not to exceed a maximum of 35 points):

(A) 1 year as master or Chief Mate of self-propelled vessels of not less than 10,000 gross tons, not combined with any other experience. 5 pts

(B) 0.5 years as master of self-propelled vessels of not less than 1600 gross tons. 5 pts

(C) 1 to 4 years as master or Chief Mate of self-propelled vessels of not less than 1600 gross tons. 10 pts

(D) Over 4 years as master or Chief Mate of self-propelled vessels of not less than 1600 gross tons. 5 pts

(E) Serving as a pilot on own vessels of not less than 1600 gross tons for a minimum of 25 moves in pilotage waters for which the applicant held, while piloting, a current pilot endorsement. "Own vessels" means vessels for which the applicant was the master. 10 pts

(3) Piloting Experience (not to exceed a maximum of 20 points):

(A) 1 to 2 years serving as a full-time commercial pilot, not a member of the crew, directing and controlling the movement of vessels of not less than 1600 gross tons in waters in which a pilot is required by state, federal or foreign law. 10 pts

(B) Over 2.5 years serving as a full-time commercial pilot, not a member of the crew, directing and controlling the movement of vessels of not less than 1600 gross tons in waters in which a pilot is required by state, federal, or foreign law. 10 pts

(g) For purposes of meeting the minimum eligibility requirements of subsection (e) herein and the assessment of experience points in subsection (f) herein, a "year" means a minimum of 360 days performing the duties of master, chief mate, or pilot, and gross tons means gross registered tons (GRT) as used under the Regulatory Measurement System. Gross tons ITC (GT), as used under the Convention Measurement System will be evaluated using the United States Coast Guard CG-543 Policy Letter, No. 11-12, September 27, 2011, wherein service on vessels of less than 3000 GT will be considered equivalent to service on vessels less than 1600 GRT.

(h) All applicants meeting the minimum eligibility requirements in subsection (e) above will be permitted to take a written examination developed and administered by the Board with the assistance of one or more contractors with psychometric qualifications equivalent to the State of California's Test Validation and Development Specialist personnel classification, and who shall utilize a criterion-referenced methodology to establish a passing score for that examination. The passing score reflects the lowest score that a candidate could obtain and meet minimum competence standards. An applicant must achieve a passing score on the written examination in order to be eligible to proceed further in the selection process.

(i) Applicants must be selected for and pass a bridge simulator exercise which tests skills required for ship navigation in piloting waters that cannot be adequately tested in a written examination alone. These include the applicant's ability to assimilate and assess a variety of information in a bridge environment, to plan and execute timely, appropriate responses in both routine and emergency situations, and to communicate effectively both with those on the bridge and those outside the ship. Local knowledge is not required and will not be tested.

(1) The applicant's performance in the bridge simulator exercise will be evaluated by three evaluators selected by the Board: one from the Board's Pilot Evaluation Committee, one who is a state licensed pilot from another jurisdiction and one who is an industry representative with current or prior command on deep draft vessels. The evaluators will be trained with the assistance of one or more psychometricians meeting the qualifications set forth in subsection (h).

(2) The following seven elements will be evaluated during the bridge simulator exercise:

(A) Situational awareness

Assesses the applicant's appreciation of the situation the vessel is in at all times during the exercise, including relative motion, traffic, aids to navigation, effect of wind, current and other forces on the vessel, and ability to accurately filter and prioritize available information.

(B) Appropriate response

Assesses the applicant's response in routine transit including timeliness and appropriateness of rudder commands, engine orders and other orders to the bridge team.

(C) Ability to respond correctly under stress

Separately assesses the applicant's ability to respond under emergency or non-routine situations of increased stress.

(D) Communication and bridge presence

Assesses the applicant's ability to use concise, clear and pertinent communications using proper terminology in communicating with the bridge and evaluation teams and on the radio, and assesses the applicant's professional composure, demeanor and ability to communicate warranted self-confidence which inspires confidence in the rest of the bridge team that the vessel's navigation is in good hands.

(E) Fundamental shiphandling

Assesses the applicant's knowledge of proper and timely use of engine and rudder commands and understanding of the ship's response to those commands.

(F) Bridge resource management

Assesses the applicant's proper use of all personnel and equipment resources available during the exercise.
(G) Rules of the road

Assesses the applicant's proper application of the navigational rules of the road to the situations presented.

(3) The exercise will be videotaped and recorded with sufficient detail to allow for meaningful review.

(4) An applicant must achieve a passing score on the bridge simulator exercise ~~to be qualified to compete for final selection~~ in order to be eligible to proceed further in the selection process.. The passing score will be established with the assistance of one or more psychometricians meeting the qualifications in subsection (h), and who shall utilize a criterion-referenced methodology to establish a passing score for that examination. The passing score reflects the lowest score that a candidate could obtain and meet minimum competence standards. An applicant must achieve a passing score on both the written examination and simulator examination in order to be eligible to proceed further in the selection process.

(j) All applicants achieving a passing score in both the written examination and the simulator examination will be permitted to participate in an interview process developed and administered by the board with the assistance of one or more contractors with psychometric qualifications equivalent to the State of California's Staff Personnel Program Analyst classification, and who will be using Subject Matter Experts (SMEs) to develop benchmark scoring criteria and pass points for each interview question individually. Where appropriate, they will also develop expected responses based on the expertise of the SMEs involved. An overall score for the interview will be established by adding the points earned by each candidate for each individual interview question to get a cumulative interview score for each candidate. This interview score will be used in conjunction with the scores from all the other components to establish the final ranking of candidates on the eligibility list. The interview will be conducted by a panel comprised of one public board member, one industry board member, one pilot board member, and a representative of the California Department of Human Resources.

(k) Final selection for entry into the training program shall be based on the combined scores from the applicant's experience points, written examination, ~~and~~ bridge simulator exercise, and interview, with each given equal weight, in accordance with the following procedures:

(1) All applicants achieving passing scores on both the written examination and the bridge simulator exercise shall be placed on an eligibility list in order of their combined scores resulting from the applicant's experience points, the written examination, bridge simulator exercise, and the interview, highest score first.

(2) The eligibility list may be used by the Board to fill openings in the training program for up to three years from the date the list is accepted by the Board.

(3) Applicants on the eligibility list must maintain all minimum eligibility requirements set forth in subsection (e), including recency of experience, through the date of the applicant's acceptance of an opening in the training program, and must keep Board staff informed of the most expeditious means of being contacted in the event of an opening in the training program.

(4) Openings in the training program shall be offered to applicants in their order on the eligibility list. An applicant shall have five (5) business days (weekends and state holidays excluded) from the date of notification in which to inform the Board of his or her continued eligibility and agreement to commence the contracting process.

(5) An applicant accepting entry into the training program shall submit to the Board written confirmation of acceptance and verified documentation of continued eligibility as soon as practicable and shall execute all necessary contracting documents within five (5) business days from the date of notification that the documents are available for execution.

(6) Failure to accept the offer of an opening in the training program or to execute the contracting documents within the periods set forth in this subsection shall result in the applicant's name being placed at the bottom of the current eligibility list and the opening shall be offered to the next applicant on the list. The provisions of this subsection effecting an applicant's position on the eligibility list shall not apply if the applicant's failure to timely accept the offer or to timely execute the contracting documents was caused by the applicant's call to active duty in the Armed Forces of the United States.

(7) At the time that an applicant is informed of an opening in the training program, he or she shall be informed:

(A) of the effect of the failure to communicate acceptance in accordance with this subsection;

(B) of the effect of the failure to timely execute contracting documents;

(C) that there are no guarantees of further openings in the training program prior to the expiration of the current eligibility list; and

(D) that there are no guarantees that the applicant will achieve the same position on any future eligibility list.

(8) An applicant on the eligibility list may request removal of his or her name from the list at any time.

(k) The Executive Director will review or cause to be reviewed all applications to determine that the applicant meets the minimum eligibility requirements and to assess experience points. Each applicant will be informed of the results of that review.

(*l*) The Executive Director is authorized to reject, without further Board action:

(1) incomplete applications, including all applications which do not include verified documentation that establishes that the applicant has met the minimum eligibility requirements;

(2) applications which the Executive Director determines contain inaccurate or misrepresented information affecting the applicant's eligibility or experience unless the applicant can establish to the satisfaction of the Executive Director that the inaccuracy or misrepresentation was accidental or the result of excusable neglect, and that, as corrected, the applicant continues to meet the minimum eligibility requirements.

(m) A Selection Appeal Committee shall be appointed for each pilot trainee selection and shall be made up of three Board members. The committee shall be made up of one industry, one pilot and one public member. If no members from a particular category are available to act on an appeal, then the committee shall be made up from the remaining categories.

(1) Applicants whose applications have been rejected or who seek Board review of any other issue raised by the selection process shall submit their appeal to the Executive Director in writing, stating the basis for the appeal, supported by all written documents necessary to decide the appeal.

(2) Appeals shall be submitted no later than 30 days following the action being appealed. Notwithstanding the above, appeals of actions which preclude the applicant from taking the written test must be received no later than 15 days before the written test; appeals relating to the written test shall be submitted before the applicant leaves the testing facility.

(3) Upon receipt of an appeal, the Executive Director shall promptly forward one copy to each Selection Appeal Committee member, along with such additional documents as the Executive Director deems relevant and his or her comments responding to the issues raised on appeal.

(4) The Selection Appeal Committee shall meet expeditiously at the date, time and place determined by the chair in conformance with applicable open meeting act laws in order to consider and decide the appeal. The committee may request such additional information or documents as it deems pertinent; however, oral testimony or arguments will ordinarily not be accepted.

(5) Applicants who have submitted an appeal shall keep Board staff informed of the most expeditious means of being contacted during the pendency of the appeal.

(6) Upon deciding the appeal, the Selection Appeal Committee shall issue a written decision, which shall constitute the decision of the Board and shall be final. A copy of the decision shall be provided to the applicant.

(7) If the Selection Appeal Committee finds the appeal has merit, it may order such relief as is authorized under this section.

(n) An applicant's family relationship by blood or marriage to a current or former pilot shall not be considered for any purpose in the selection of pilot trainees.

(o) Anyone participating in the selection process, including without limitation, those involved in evaluating an applicant's experience points, written examination or bridge simulator exercise, and members of the Selection Appeal Committee or the Board shall disqualify himself or herself and withdraw from participation in the selection process if he or she is related by blood or marriage to any applicant under consideration or, for any reason, cannot be fair and impartial in the selection process, or shall disclose such relationship to the Board. Insofar as applicable, the provisions of California Government Code Section 11512(c) regarding disqualification of an agency member from administrative hearings shall guide the Board in determining whether a selection process participant or prospective participant who does not voluntarily disqualify himself or herself should be disqualified from participating in the selection process.

(p) All documents and records pertaining to an application shall be retained for at least five years.