

<p>Meeting Date:</p> <p>June 27, 2019</p>	<p>Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun 660 Davis Street, San Francisco, CA 94111</p> <p>SELECTION APPEAL COMMITTEE MEETING MINUTES</p>	<p>Page 1 of 3</p>
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Committee Members Present:

Dave Connolly, Committee Chair, Commissioner
Dave Hoppes, Commissioner
Captain Einar Nyborg, Commissioner

Committee Members Absent:

None.

Staff Present:

Allen Garfinkle, Executive Director
Roma Cristia-Plant, Assistant Director
Shari Posner, Acting Board Counsel
Luis Cruz, Associate Governmental Program Analyst
Alethea Wong, Administrative Assistant II

Public Present:

Knute Mike Miller, Past Board President; and Captain Steven Teague, San Francisco Bar Pilot (SFBP).

OPEN MEETING

1. Call to Order and Roll Call. (Chairman Connolly)

Chairman Connolly called the meeting to order at 9:00 a.m. Associate Governmental Program Analyst Cruz called the roll and confirmed a quorum.

2. Approval of minutes from the Selection Appeal Committee meeting held on May 23, 2019. (Chairman Connolly)

Committee members were presented with the draft minutes from the Committee meeting held on May 23, 2019. Commissioner Nyborg requested a non-substantial edit to the minutes. There was no further discussion.

MOTION: Commissioner Hoppes moved to approve the draft minutes from the meeting held on May 23, 2019, as amended. Commissioner Nyborg seconded the motion.

VOTE: YES: Connolly, Hoppes, and Nyborg
NO: None.
ABSTAIN: None.

ACTION: The motion was approved.

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3. Consider one or more appeals filed by applicants for the 2019 Pilot Trainee Training Program Selection Examination. (Committee Chairman)

Executive Director Garfinkle presented the appeal that was submitted to the Committee, and stated the following:

- Captain Elizabeth Bunch has submitted an appeal contesting the decision that awarded her zero experience points prior to the exam. She contends that work experience accrued while holding her 3,000 International Tonnage Convention (ITC) license should have been counted towards her experience points. Her argument centered on the fact that since she was eligible to apply for a 1600-ton license earlier than she did, that much of her work experience should be viewed as gained “while holding” under the wording of the regulation.
- Executive Director Garfinkle explained to the Committee the genesis of the regulation, which was implemented a few years ago when the “while holding” language was added. The Board sought to use regulatory change to seek a better balance in the mix of experience of applicants coming into the pilot trainee training program. At the time, it was felt that the so-called “deep sea” track required a much more rigorous amount of work experience than that required from the towing candidates. The Board determined that applicants were obtaining work with tug companies on a lesser license (typically 500-ton), then obtaining a 1600-ton license just prior to applying for the pilot trainee training program. The Board desired to deepen the experience of the towing pool of candidates prior to applying for the pilot trainee training program, and the solution was to require candidates to hold the 1600-ton license during the accruing of their applicable experience. This requirement would ensure that the towing pool of applicants spend more time obtaining relevant experience prior to the Pilot Trainee Training program.

Executive Director Garfinkle pointed out that while Captain Bunch may have been eligible for the 1600 ton license, eligible is not equal to holding under the regulations, and while she has considerable experience, granting her more experience points contrary to the language of the regulation would defeat the stated policy goals of the Board and mandate a review of all the candidate applications with a lens contrary to the language of the regulations.

CLOSED SESSION as authorized by Government Code §§ 11126(c)(2) and (c)(3).

There was no closed-session discussion.

4. Consideration of one or more appeals presented in open session. (Committee Chairman)

The committee reviewed Captain Bunch’s appeal and Commissioner Nyborg noted that BOPC staff conducted a clear assessment of the requirements and he agrees with the assessment of

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Captain Bunch's work experience. Commissioner Hoppes agrees and noted that Captain Bunch was given the opportunity to take the Pilot Trainee Training written examination, based on a prior appeal to this committee, and felt that this appeal wasn't necessary. Commissioner Nyborg mentioned that the committee was accommodating enough to have a Selection Appeal Committee meeting after the Pilot Trainee Training program exam, even though Captain Bunch could have raised this issue in her prior appeal.

5. Announcement of appeal decision(s). (Committee Chairman)

MOTION: Commissioner Nyborg motion to deny Captain Bunch's appeal.
Commissioner Hoppes seconded the motion.

VOTE: YES: Connolly, Hoppes, and Nyborg.
NO: None.
ABSTAIN: None.

ACTION: The motion was approved.

6. Public comments on matters not on the agenda.

There were no comments from the public.

7. Adjournment

There was no further discussion by the Committee.

MOTION: Commissioner Hoppes moved to adjourn the meeting. Chairman Connolly seconded the motion.

VOTE: YES: Connolly, Hoppes, and Nyborg.
NO: None.

ACTION: The motion was approved and the meeting adjourned at 9:15 a.m.

Submitted by:


 Allen Garfinkle, Executive Director