

<p><b>Meeting Date:</b> September 24, 2024</p>	<p><b>Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun</b> 660 Davis Street, San Francisco, CA 94111</p> <p><b>AD HOC COMMITTEE TO REVIEW THE PILOT TRAINEE TRAINING PROGRAM SELECTION EXAM MEETING MINUTES</b></p>	<p><b>Page 1 of 11</b></p>
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## ATTENDANCE

### Committee Members Present

Captain Robert Carr, Pilot Member  
 Captain Dave Gates, Pilot Member (Retired)  
 Captain Cevan LeSieur, Pilot Member  
 Captain Jesse Pullin, Pilot Member

### Committee Members Absent

None.

### Board Staff Present

Allen Garfinkle, Executive Director (by phone at 9:30 a.m., then in-person 9:50 a.m. onward)  
 Matthew Millspaugh, Assistant Director  
 Alethea Wong, Licensing and Training Programs Manager  
 Mari McNeill, Administrative Coordinator

### Identified Public Present (in person and by phone)

Captain John Carlier, San Francisco Bar Pilots (SFBP) President and Port Agent  
 Captain Anne McIntyre, Business Director, SFBP  
 Roma Cristia-Plant, public (by phone)  
 Kevin Baldwin, SFBP General Counsel (by phone)

## OPEN MEETING

### 1. Call to order and roll call. (Acting Chair Carr)

Acting chair Carr called the meeting to order at 9:30 a.m. Board Administrative Coordinator, Marjorie (Mari) McNeill called the roll and confirmed a quorum.

### 2. Committee to select a chairperson. (Acting Chair Carr)

#### Possible committee action to select a chairperson.

**MOTION:** Committee member LeSieur nominated and moved to approve the appointment of committee member Carr as Committee Chair. Committee member Pullin seconded the motion.

**VOTE:** YES: Carr, Gates, LeSieur, Pullin.  
 NO: None.

ABSTAIN: None.

**ACTION:** The motion was approved.

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*Chair Carr noted the meeting minutes for the August 1, 2024, Ad Hoc Committee to Review the Pilot Trainee Training Program Selection Exam (Exam Committee) Meeting were ready but, since no agenda item was included, review would be addressed in the next Exam Committee Meeting.*

**3. Directors' Report (Executive Director Garfinkle/Assistant Director Millspaugh)**

**A) Correspondence and activities since the Committee meeting held on August 1, 2024.**

Executive Director Garfinkle reported:

- The previous Exam Committee Meeting chair, Jennifer Ferrera Schmid, accepted a position with the California State University Maritime Academy (CMA) Professional and Continuing Education (PaCE) program. Although he regretted the loss for the Exam Committee, he was grateful to know that someone familiar with the Board's needs would be working at CMA.
- Assistant Director Millspaugh and Executive Director Garfinkle are working with CMA in the hopes that CMA can sub-contract with psychometrician, such as Dainis & Company, Inc. (Dainis), for any work they cannot do themselves, so it is easier to attain a new psychometrician than the Board having to go through a separate Request for Proposals (RFP) process.

Assistant Director Millspaugh reported:

- Ms. Schmid has been making efforts to understand what the psychometrician field looks like beyond Dainis.
- Board staff hope to complete documentation for a Request for Proposals for the exam contract by December 2024 and push for California Highway Patrol (CHP) to finalize the contract by June 2025.
- The pilot exam is traditionally in June because the class schedule is over for the school year. Board staff will aim for a June 2025 exam date; but, if the schedule is delayed, Board staff can investigate a July or August 2025 exam date. Chair Carr and committee member LeSieur agreed that an earlier exam date is better.

Chair Carr stated he would bring in his notes from a Zoom meeting he had, regarding Dainis, to the September 26, 2024, Board meeting. Captain McIntyre added that everyone is pleased with Dainis' performance but there is concern about the exam becoming homogenized if every pilot group uses them.

**B) Updates on topics requested in the previous Committee meeting. Topics may include psychometrists, contractors/contracting options, current industry standards, etc.**

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- Assistant Director Millspaugh stated once Board staff have a confirmation on the direction the Board is going with CMA, then Board staff can provide updates on contractual timelines and CMA’s capabilities.
- How to incorporate California Department of Human Resources (CalHR) still needs to be determined. Executive Director Garfinkle added that CalHR is willing to take any direction the Board decides and is willing to work with outside psychometricians and sub-contractors, such as Dainis, for any work they don’t have the ability to do. CalHR does not currently have the resources to hold a virtual exam but they’re actively working towards obtaining and integrating the software infrastructure to support remote testing. Board staff haven’t yet spoken with outside psychometricians other than Dainis. When considering different contractors, it is important to ensure the decision is defensible, ensure intellectual property can’t be stolen, that CalHR can work with them, and that the service they provide is not currently provided by the State.

**4. Report and discussion of the 2022 Pilot Trainee Training Program Selection Exam (Exam), including information on Exam preparation, staffing, venue, execution, outcome, lessons learned, contractual considerations, and best practices. (Board staff and Committee members)**

**Possible committee action to make recommendations to the Board on Exam preparation, staffing, venue, contractual considerations and/or policy changes, and scope of work that may result from the above discussion.**

Executive Director Garfinkle stated the Board went full circle, from using the state initially for the exam, to outside the state with Dr. Norman Hertz, PhD and Dr. Chen, and then back to the state again (with CalHR). If the Board wished to use a contractor outside of the state, then it will need to be justified by stating that there is no state entity that provides the services required.

Committee member Gates stated the biggest issue with the last exam was staffing provided by CMA and emphasized the importance of avoiding the same problems.

Executive Director Garfinkle noted that the Board needs to ensure the same people who develop the simulator portion of the exam are the ones presenting the actual exam.

Chair Carr stated Dainis appears to have the resources to handle the previous exam problems in a professional manner. A contract for psychometric services should note that acquiring and maintaining the exam personnel and achieving the deadlines is the contractor’s responsibility.

Executive Director Garfinkle noted that all contracting matters have yet to be decided but the sub-contractor should be familiar with the Transas Navigation Simulator (Transas) systems. Captain McIntyre stated that even though Transas claims to be backwards compatible the

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Transas systems do not work well with other versions of their software , so issues may occur when the development is done elsewhere and taken to CMA. Committee member Gates stated he discovered this problem when working on past exams; new simulations can't use something from a previous version. The only thing that can be saved is the unmanipulated virtual environment. Captain McIntyre added that none of CMA's current staff has the experience to create the virtual simulator environment.

Executive Director Garfinkle emphasized that the first thing the Board needs to resolve is determining what CMA can do, and what are their limitations. The Board needs to ensure the contract agreement is artfully crafted to include everything required for the exam, because the Board will lose control of the details not explicitly noted in the contract agreement. In previous exams, the contract agreement named specific people and their roles in the exam. The contract can also just state specific roles, but when there is a name connected with the role, there is more certainty that the individual named has the qualifications for the role.

Executive Director Garfinkle noted that if the decision was made to change the exam process, Board staff would compare them to the regulations to determine if changes would be required and how the changes would impact the exam timeline.

Chair Carr stated Board staff should perform market research, continue discussions with CMA, and reach out to Wärtsilä.

Executive Director Garfinkle stated Board staff can reach out to Wärtsilä or the Pacific Maritime Institute (PMI), who did the development for the Dainis exams. The compatibility between PMI's simulator software and CMA's simulator will also need to be confirmed to determine if PMI could develop the simulation at their facility, or if they would have to come to develop the simulation at CMA. It would be beneficial to use the virtual environment Vic Schisler created because it is versatile, and the Board wouldn't have to start from scratch. He chose an area of Scandinavia because it has hundreds of islands. Executive Director Garfinkle added that he does not want lots of outside contact with Dainis prior to the contracting process the retain the fairness of the competitive process.

**5. Review and discussion on choice of providers to create, host, and execute simulator component of Exam proposed to be held in 2026.**

**Possible committee action to make recommendation to Board on choice of providers to create, host and execute simulator component of Exam proposed to be held in 2026.**

Participants present at the meeting discussed exam development considerations and reference resources. Committee member Gates stated that the development of the written exam requires a lot of considerations. The latest editions of piloting books must be checked prior to being referenced (to match the question to a reference source), subject matter experts must be consulted on the questions, and a lot of pilot time is required to review the materials. Using

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Artificial Intelligence (AI) to do some of the work, such as double checking the reference sources, may be something to consider in future. Committee member LeSieur added that exam sources and materials must be evaluated before every exam to avoid using dated information. Captain McIntyre stated that CMA may be able to identify which books are dated and stated that some of the books are hundreds of dollars each. She also emphasized the importance of focusing on screening applicants for their ability and character rather than knowledge and experience. The Board has previously minimized pilot hours by getting retired pilots to volunteer to work on the exam, but that depends on identifying willing volunteers.

*Committee members continued the conversation for agenda item 4 after agenda item 5.*

**4. Report and discussion of the 2022 Pilot Trainee Training Program Selection Exam (Exam), including information on Exam preparation, staffing, venue, execution, outcome, lessons learned, contractual considerations, and best practices. (Board staff and Committee members)**

**Possible committee action to make recommendations to the Board on Exam preparation, staffing, venue, contractual considerations and/or policy changes, and scope of work that may result from the above discussion.**

Committee member Gates stated the 2022 exam resulted in nine candidates and six appeals, which is three more than the Board has ever had before. When the Board first started using simulations in the exam, simulations were very expensive and rare. Since people are now more experienced with simulations than they were previously, they are more willing to find issues with the results.

Executive Director Garfinkle stated candidates were allowed to review test booklets in the office, while supervised. There were a higher number of appeals in 2022 with varying degrees of merit. Hopefully, the Board can tighten the exam process to avoid the high number of appeals in the future. Some successful appeals were a result of CalHR mistakes, so it is advisable to include in the next exam contract that:

- More than one employee must review the results before releasing them.
- All items evaluation items in the simulator, whether completed or not, must have evaluator notes written in response.

Committee member Gates added that there were scoring instructions in the 2022 exam booklet, but some candidates didn't get to certain items, and these were not scored or marked by the evaluators.

- Simulation timing must be consistent throughout the exam with minimal gaps.

Executive Director Garfinkle stated there were variances in the simulation restart times following candidate errors, and one appeal was based on that they ran late in the day, so

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the evaluators were tired. Committee member Gates stated the late test was due to the candidate's request to not reschedule the exam for the next day.

Captain McIntyre wondered if it is time to rethink the whole process. She noticed many issues related to the simulator and questioned if the simulator is even necessary. She proposed coming up with another way to test skill sets evaluate grace under pressure. Chair Carr agreed with removing the simulation portion of the exam and requested the committee consider the option. Executive Director Garfinkle stated that the exam was crafted by a psychometrician as a response to a lawsuit. The Board would have to consult with a psychometrician to evaluate any changes to the exam structure. If that is desired, it would have to be a separate parallel process, in addition to the current exam process, due to the current limited timeline available for exam development and the extensive time needed for the contracting process. Captain McIntyre stated the simulator has become a large component that seems unnecessary, so it is a good idea to evaluate if there is the possibility of a better process. Making the exam easier would make it more appealing to candidates, which may increase the number of potential trainees.

Captain McIntyre stated a basic test could be graded by the Pilot Evaluation Committee (PEC). There was discussion of the simulator portion of the exam being moved to the middle of the trainee program, but Executive Director Garfinkle stated that would discourage candidates because some trainees uproot their lives to move to the area once they are accepted into the program and wouldn't want to have an increase in the possibility of being rejected after they're accepted as a trainee. Chair Carr stated he would mention this consideration in the Board Meeting on September 26, 2024, and continue the conversation in the next Exam Meeting.

Committee member Gates stated there is no way to evaluate if the Board is getting better quality candidates because of the exam. The idea behind the simulations is to make them challenging enough to evaluate the composure of the candidates under stress. Creating the simulations for 2022 was a very time-consuming process that took over 500 man-hours of development, approximately 15 PEC meetings, and about four days of proofing prior to the exam. Captain Carlier stated that an entity other than the SFBP should create the simulation so there's no perceived bias. Chair Carr stated the presentation from Dainis gave the Committee confidence that Dainis could resolve these issues. Assistant Director Millspaugh responded to Chair Carr, stating that another contractor may be also able to address these concerns. Additionally, it is not uncommon for a contract to call for an evaluation after the exam, which is something to consider adding into the contract for future exams.

Executive Director Garfinkle stated that after the exam process is complete, the Board could have psychometricians evaluate the SFBP's training program. Although the Board has never done this before and never had problems with the training program, it might be a good juncture to pursue this idea to evaluate if what the Board and SFPB are doing is still valid and legally defensible.

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**6. Discuss and identify ways to diversify the Exam candidate pool.**

**Possible committee action for recommendations to the Board regarding diversifying the Exam candidate pool.**

Chair Carr introduced the topic of diversifying the exam candidate pool to the committee, outlining key concerns about the current process, including:

- The limited timeframe and extensive time needed to develop the simulator.
- The limited list of remaining candidates and the possibility of exhausting the candidate list before the next exam is established.
- The need to report to the State Senate on efforts the Board has made toward diversifying the exam candidate pool.

Chair Carr suggested creating a special separate candidate pool by holding an interview with candidates with a diverse background, who meet the regulation requirements, and who are recommended by the “Women Offshore Foundation” or the “Organization of Black Maritime Graduates”. This could create a one-time opportunity for candidates to join the program through a state-monitored interview, instead of an exam, and allow the Board some leeway to delay the next exam period to 2027. The intent of this suggestion was to add a new pool of trainees without changing the minimum requirements. Adding this additional process would allow the Board to approach diverse candidates and resolve the concerns regarding time, the candidate pool, and diversity. This idea has not been vetted and was intended as an initial brainstorming opportunity.

Executive Director Garfinkle stated Chair Carr’s suggestion would require regulatory change because the Board’s current regulations would not allow for an interview-only process. He noted that all candidates would be interested in applying through an interview process instead of the exam. Assistant Director Millspaugh added that it would be a better idea to reach out to the various under-represented groups and regularly provide information regarding the program. These outreach efforts could be referenced when citing what the Board has done to diversify the candidate pool.

Captain McIntyre asked if the exam and simulator are legally required and suggested removing the simulator portion of the exam and only holding an interview or a written test and an interview. She stated there are several other pilot organizations that select candidates through an interview. She further expressed, if the goal is to make the trainee positions more accessible, then the Board could reduce the number of steps candidates go through to become a trainee. Further stating, the Board should evaluate the process and determine where the process can be streamlined and what is required. She suggested utilizing the current flexible trainee period so candidates can have shorter or longer trainee time frames depending on

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their experience and rate of learning. Captain McIntyre voiced doubts regarding the Board being able to have a regular exam ready by 2026.

Committee member Pullin and Executive Director Garfinkle did not agree with the idea that the candidate pool would expand if the simulator portion of the exam was removed. There are a limited number of people that qualify to be pilots and that pool does not change.

Committee member Gates recommended outreach through newspapers, in addition to union schools and academies. He stated that there's a lot more diversity in the gulf and towboat industry because they recruit deckhands, not just licensed personnel that graduated from academies. It would be a good idea to try researching where other entities recruit and integrate more aggressive recruiting with those sources.

Committee member Pullin noted that pilot positions in the bay are less appealing because of the high cost of living associated with the area.

In response to Chair Carr's suggestions, Executive Director Garfinkle pointed out that the Board would have to have a psychometric firm evaluate any changes in the qualification and exam process for hiring trainees to ensure they would be legally defensible. The contract process to hire the firm would take approximately six months; with the contract potentially going out in April or May 2025 for a process that could be implemented the following summer. Board staff could check with CalHR or Dainis to see if they have the experience to suggest regulatory changes but that would take additional time as well. There would not be enough time to pursue this method instead of the exam process, but it could be pursued as a parallel process, in addition to the exam process, with a goal of having the trainee selection exam in place by summer 2026.

Captain McIntyre stated that since the Board must review the exam process, including the simulator and written portion, to move forward with the future exam, it would be advisable for the Board to also look at the feasibility of revising the regulations and removing the simulator portion of the exam to meet the urgent need to get candidates. Removing the simulator portion would significantly reduce the timeframe needed.

Committee member Gates recommended expanding the candidate pool from just masters and people with command experience to also include those with less experience, to increase diversity. He noted that some East Coast piloting organizations allow second mates to apply, which is something the Board may want to consider. Chair Carr also suggested expanding to second mates and asked how diversity initiatives could be framed so they are compliant with California laws. Executive Director Garfinkle noted that would be a question for Board Counsel. Committee member LeSieur voiced concerns with a high number of tug candidates due to tug rules being more expansive than the deep-sea rules. Committee member Pullin stated the Board would also benefit by being on par with other entities that have higher compensation, to attract more candidates. Captain McIntyre stated that the harder the Board



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makes the requirements the less appealing the pilot positions in the bay will be. Also, since the Board requires such a high level of experience, new pilots start later in life. Pilots are currently joining in their thirties or forties and only staying ten years. It would be better to require less experience while provide more training so the pilots join when they're younger and stay longer, which would also assist with retaining institutional knowledge.

Chair Carr, in response to Executive Director Garfinkle's remarks, stated that the Board would need to thoroughly study the potential removal of the simulator component, rather than making a unilateral decision to eliminate it. He further noted that no action on removing the simulator would be taken at this meeting, but a summary of the discussion would be presented to the Board.

**7. Determine efforts, including issues and considerations related to the Exam process. Considerations may include the need for further research and analysis.**

**Possible committee action to make recommendation(s) to the Board regarding efforts and considerations needed to establish or implement future Exams.**

Chair Carr stated there were points discussed in agenda items 4 and 5 that covered to agenda item 7.

Committee member Gates stated some exam detail considerations, including the three classes of evaluators the regulations require (the shipmaster's, the licensed pilots from another jurisdiction, and the licensees from this jurisdiction), the three to four days of exams, considerations related to a longer exam period and regulatory changes. Captain McIntyre added that the simulator creates an extra burden on this process and Chair Carr stated the Board would consider changes to the simulator segment.

**8. Committee member and public comments on matters not on the agenda. (Chair Carr)**

Committee member Gates suggested including recent incidents in continued education for pilots and the exam for candidates to see how candidates would respond to similar situations.

**9. Schedule the next Committee meeting, and proposals for items on the next meeting agenda, if applicable. (Chair Carr)**

The committee agreed to review the August 1, 2024, Exam Committee minutes in the next Exam Committee meeting to be held November 7, 2024, at 9:30 a.m.

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**10. Adjournment.**

Chair Carr adjourned the meeting at 11:42 a.m.

Submitted by:



Executive Director Garfinkle  
Executive Director

DRAFT

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**ACRONYM INDEX**

<b>Acronyms / Abbreviations</b>	<b>Definition</b>
AI	Artificial Intelligence
BOPC/Board	Board of Pilot Commissioners
CA	California
CalHR	California Department of Human Resources
CHP	California Highway Patrol
CMA	California State University Maritime Academy / California Maritime Academy / Cal Maritime
Dainis	Dainis & Company, Inc.
DOJ	Department of Justice
Exam Committee	Ad Hoc Committee to Review the Pilot Trainee Training Program Selection Exam
PEC	Pilot Evaluation Committee
PMI	Project Management Institute
RFP	Request for Proposal
SFBP	San Francisco Bar Pilots