



West Coast Sailors

Official Organ of the Sailors' Union of the Pacific

Volume LXXII No. 12 583

SAN FRANCISCO, CALIFORNIA

Friday, December 18, 2009

Flag-of-convenience operators shirking duty in fight against piracy

The International Transport Workers' Federation (ITF) on November 23, threw down the gauntlet to those flag states and shipowners who have not taken action to fight Somali piracy to act now, before the threat makes it virtually impossible for seafarers to pass through the ever-widening danger area.

The Federation stated that: "save in exceptional circumstances, ships should not transit the (affected) area. The risk of attack is now so great that putting seafarers in harm's way amounts to a breach of the shipowner's duty of care." It went on to describe a motion adopted by its Fair Practices Committee as a statement of intent that flag states and shipowners have to assess the risks and act definitively to combat them, or risk finding themselves outside the law.

ITF Maritime Coordinator Steve Cotton explained: "There are countries actively fighting piracy and there are owners training and supporting their crews to resist it. Then there are others who are shirking responsibility and as good as accepting its steadily growing menace, which has now

brought us to the point where one of the world's great trading routes is now almost too dangerous to pass through. Our statement reflects the frustration of all those who work at sea at the dire situation we've reached. One where pirates act virtually unmolessted and, even if intercepted, with virtual impunity from arrest. It calls into question the very legality of continuing to send ships through much of the Indian Ocean. It is therefore imperative that not only must protective escorts be used but that flag states immediately decide on the protective measures that they must recommend for the ships that are flying their flag and that those ships' operators comply with them. We, and many others, also want to see the end of what's virtually an open secret in shipping—that many of the world's largest ship registers have provided not one vessel to patrol an ocean that can only be made safe by an increase in the number of warships needed to aggressively patrol and police it. I am not aware of a single flag of convenience country that is acting in this way to protect the ships that are supposedly their responsibility."

The ITF statement on piracy was adopted by the Fair Practices Committee (a joint decision making committee of seafarers' and dockers' Unions which, among other duties, considers war risks) is as follows:

Statement on Piracy

The ITF Seafarers Section having assessed the growing problem of piracy in the Gulf of Aden, off the coast of Somalia and now in the wider Indian Ocean has determined that save in exceptional circumstances

continued on page 12

Matson vindicated in Jones Act litigation

SUP-contracted Matson Navigation Company this month won a decisive victory in federal court which saved the roll-on/roll-off, lift-on/lift-off vessel *Mokihana* from being banned from the domestic (Jones Act) trades.

A lawsuit initiated in 2006 by the Shipbuilders Council of America and Pasha Hawai'i Transport Lines against the Department of Homeland Security, the Coast Guard, the National Vessel Documentation Center and Matson alleged that the Jones Act was violated when the *Mokihana* was partially retrofitted to add roll-on/roll-off capacity in a Chinese shipyard and at Atlantic Marine's shipyard in Mobile, Alabama. In essence, the charge was that the vessel was "rebuilt" in China in violation of the law.

The Shipbuilders Council and Pasha advanced a number of arguments claiming that the Coast Guard acted arbitrarily and contrary to law in issuing those determinations. Among other things, they argued that the claimed addition of a deck in China as the addition of a "major component," that the Coast Guard incorrectly excluded certain outfitting items from the steel calculation (such as auto platforms) and should have counted both removed and added steel in that calculation. Initially, Shipbuilders/Pasha also argued that the work done in Alabama should have been cumulated with the work done in China in determining whether a foreign "rebuild" had occurred.

The Coast Guard determines whether foreign shipyard work is disqualifying pursuant to a regulation issued in 1996 that provides that a vessel is considered rebuilt foreign "when a

major component of the hull or superstructure not built in the United States" is added to the vessel or if "work performed on

obtained both a preliminary and a final rebuild determination from the Coast Guard to the effect that the work to be done to



Photo: Courtesy of Matson

The m/v *Mokihana* rounds Diamond Head enroute to Sand Island.

its hull or superstructure constitutes more than 10% of the vessel's steelweight." Steel work in excess of 7.5% but less than 10% of the vessel's steelweight can also be disqualifying unless the Coast Guard in its discretion approves the amount. The regulations also provide a process for shipowners to obtain a preliminary rebuild determination in advance of the shipyard work being done in order to obtain some assurance that the work won't be disqualifying. Matson sought and

the *Mokihana* would not result in the vessel being considered "rebuilt."

The "major component" issue was decided against the Coast Guard in a related case involving two tankers owned by Seabulk Energy Transport which had been "double hulled" in China. However, the district court's decision in the Seabulk case was reversed by the U.S. Court of Appeals for the Fourth Circuit in favor of the Coast

continued on page 8

Congress fully funds the Maritime Security Program

With a Senate vote on December 13, Congress has now approved omnibus appropriations legislation for Fiscal Year 2010 that includes full funding of \$174 million for the Maritime Security Program (MSP). The appropriations for MSP are contained in the \$447 billion government spending bill that includes Fiscal Year 2010 funding for the Department of Transportation and a number of other federal departments and agencies.

The total appropriation of \$174 million is the amount necessary to provide full funding for the 60 militarily useful U.S.-flag vessels participating in the MSP through September 30, 2010. The omnibus funding measure is awaiting the President's signature.

Periodicals postage paid at San Francisco, CA (USPS 675-180)



Happy Holidays to all Hands from the
Sailors' Union of the Pacific

Update on counter piracy legislation

Legislation sponsored by Congressman Elijah Cummings (D-Maryland), Chairman of the Subcommittee on Coast Guard and Maritime Transportation of the House Transportation and Infrastructure Committee, added to its FY'10 Department of Defense authorizations legislation has gained strong support from the maritime industry.

Chairman Cummings' proposal would require the Department of Defense to provide armed security teams for U.S.-flag vessels deemed to be at high risk to attack from pirates while the vessels are operating in such high-risk waters. The Department of Defense -more specifically, the Department of the Navy- strongly opposed this provision and successfully convinced the House and Senate conferees to the defense authorizations legislation to reject it. It has been removed from the bill.

In its place, the conferees to the defense bill added two other provisions. The first requires that a report be submitted to the Congress by the Secretary of State and the Secretary of Defense informing Congress of the steps that both Departments have taken "to eliminate or reduce restrictions on the use of arms and the carriage of armed security teams aboard U.S.-flag commercial vessels for the purpose of self-defense; to negotiate bilateral agreements that would allow U.S.-flag commercial vessels to enter foreign ports while carrying arms for self-defense; and to establish common stan-

dards [for] the training and professional qualifications of armed security teams." The second provision added to the defense authorizations legislation by the conferees pertains specifically to vessels enrolled in the Maritime Security Program (MSP). The new legislation requires that all 60 vessels participating in the Maritime Security Program must "be equipped with, at a minimum, appropriate non-lethal defense measures" to protect against piracy, as determined by the Secretary of Defense and the Coast Guard. The FY '10 Department of Defense authorizations legislation, containing these two anti-piracy provisions, was signed into law by President Obama on October 28.

In addition to the above-two provisions, the House of Representatives also approved a proposal put forth by Congressman Frank LoBiondo (R-New Jersey) as part of the FY'10 Coast Guard authorizations legislation that was adopted on October 23, 2009. This proposal is intended to protect American mariners from liability as a result of actions taken in response to piracy. In other words, Congressman LoBiondo's provision works to make sure those mariners are not subject to after-the-fact legal liability for actions taken to protect themselves, their shipmates and their vessel from acts of piracy.

The FY'10 Coast Guard authorizations legislation, including the LoBiondo provision, is now pending in the Senate.

100% scanning of containers deferred

The Department of Homeland Security (DHS) confirmed a two-year delay in enforcing a controversial law requiring 100% scanning of all inbound containers. The 9/11 Commission Act of 2007 mandated that by July 2012, all U.S.-bound boxes must be scanned before being placed on a vessel at a foreign port, with unscanned containers barred from U.S. entry. The mandate was criticized as being impossible to achieve.

The Government Accountability Office on December 3, released a progress report on the scanning program. The report included detailed confirmation that the DHS does not plan to enforce the 2012 deadline. Instead, DHS will offer an extension to all foreign ports until July 2014. It will provide a blanket extension on the belief that port-by-port extensions could "potentially give a competitive advantage to some ports and lead to trade disruptions."

DHS believes a global extension is necessary because "most if not all foreign ports will not be able to meet the July 2012 target date." The 9/11 Act includes language that allows a deadline extension under certain conditions. DHS believes two of these conditions can be applied to all ports, allowing for a systematic extension that stays within the law and maintains "the continued flow of commerce" to the United States.

Final Departures

Walter Kahookele, Book No. 3127. Born in Hawai'i in 1923. Joined SUP in 1952. Died in Fremont, California, October 6, 2009. (Pensioner)

Charles Konrad, Book No. 3081. Born in Massachusetts in 1921. Joined SUP in 1953. Died in Brookings, Oregon, October 8, 2009. (Pensioner)

Alquin Niehaus, Book No. 2159. Born in Minnesota in 1924. Joined SUP in 1943. Died in San Francisco, California, November 4, 2009. (Pensioner)

Joseph McNabb, Book No. 6437. Born in Massachusetts in 1932. Joined SUP in 1956. Died in Massachusetts, November 9, 2009. (Pensioner)

Wesley Ingebretsen, Book No. 381. Born in California in 1932. Joined SUP in 1950. Died in South San Francisco, California, November 16, 2009. (Pensioner)

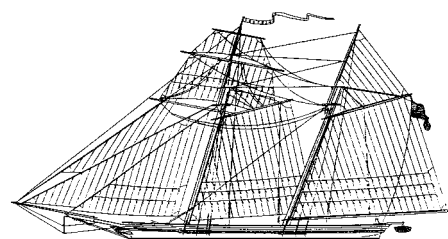
Dana Sargeant, Book No. 19079. Born in Florida in 1970. Joined SUP in 2003. Died in Mexico, November 13, 2009.

Chester Sherry, Book No. 7449. Born in Hawai'i in 1940. Joined SUP in 1960. Died in San Francisco, California, November 30, 2009. (Pensioner)

James Hoover, Book No. 4667. Born in Washington in 1919. Joined SUP in 1944. Died in Everett, Washington, November 30, 2009. (Pensioner)

David Pangan, Book No. 3866. Born in California in 1959. Joined SUP in 1992. Died in Daly City, California, December 6, 2009.

Louis King, Book No. 3137. Born in New Jersey in 1924. Joined SUP in 1956. Died in Portland, Oregon, December 4, 2009. (Pensioner)



The Seafaring Greeks



Pictured aboard Matson's *Mokihana* earlier this year enjoying the weekly barbecue are, from left, First Assistant Engineer George Thanash and his proud father, SUP member Art Thanash.

George graduated from California Maritime Academy in 1994, joined the Marine Engineers Beneficial Association and worked his way up to Chief Engineer serving in that capacity for three years aboard Matson's *ITB Moku Pahu* before being promoted to the *Mokihana*.

After serving in the Navy, Art joined the SUP in 1954 and has shipped steady ever since, both in the deck and engine departments.

Bill to study the feasibility of an Arctic deep water port introduced

Senator Lisa Murkowski (R-Alaska) on December 8, introduced legislation authorizing a study to determine the feasibility of building a deep water port in the Arctic.

The Arctic Deep Water Sea Port Act would direct the Secretary of Defense, in consultation with the Secretary of Homeland Security, to conduct the study in an effort to protect U.S. strategic interests in the region.

The two-year study would seek to determine what strategic capabilities a deep water port could provide as well as the best location to site such a facility. It also would look at the resource and time frame needs to establish such a port, given the complex environmental constraints that the Arctic marine environment provides.

"The United States needs to be able to guard its territorial claims and its economic interests in the Arctic, especially as a decrease in seasonal ice is leading to increased marine activity in the region," Murkowski said. "With the high potential for further industrial and commercial activity in the Arctic region, the United States must ensure that it is prepared to protect human life as well as the vulnerable Arctic environment."

Gas poisoning kills Ukrainian mariner

Police in Ukraine are investigating the death of a Ukrainian seafarer and the gas poisoning of four others.

Their poisoning on their Liberian-flagged dry cargo ship *St. Stephan* was detected late on December 3, when the ship was enroute to Saudi Arabia from the Ukrainian port of Yuzhny, where it returned.

High toxic phosphine was being used to protect vessel's 40,000 ton cargo of barley from vermin and other pests, Ukrainian news sources reported. Initial reports have suggested that the amount of the chemical aboard might have exceeded the regulated amount by 10-50 times.

The other 14 crew have received medical checks and were believed unharmed. The crew were all Ukrainian.

SUP Meetings

These are the dates for the regularly scheduled SUP meetings in 2010:

	Hdqs.	Branch
January	11	Tues. 19
February	8	Tues. 16
March	8	15
April	12	19
May	10	17
June	14	21
July	12	19
August	9	16
September	13	20
October	Tues. 12	18
November	8	15
December	13	20

West Coast Sailors

Published monthly by the Sailors Union of the Pacific (an affiliate of the Seafarers International Union of North America, AFL-CIO), Headquarters, 450 Harrison St., San Francisco, CA 94105. Phone: 415-777-3400. FAX: 415-777-5088. Dispatcher: 415-777-3616. Website: www.sailors.org. Periodicals' postage paid at San Francisco. (USPS 675-180). Printed by Howard Quinn Co., a Union shop.

Teresa Anibale, Editor
BRANCH OFFICES

Seattle, WA 98106
2414 SW Andover St. (206) 467-7944
Bldg. F, Ste. 105 FAX: (206) 467-8119
Wilmington, CA 90744

533 N. Marine Ave. (310) 835-6617
FAX: (310) 835-9367

Honolulu, HI 96813
707 Alakea St. (808) 533-2777
FAX: (808) 531-3058

WELFARE OFFICE
(415) 778-5490
PENSION PLAN OFFICE
(415) 764-4987

Jobless rate still bleak, with 15.4 million workers unemployed

The nation's unemployment rate moved from 10.2% to 10% in November, with 15.4 million American workers unemployed, according to U.S. Department of Labor data released on December 4. But when both unemployed and underemployed workers are counted, there still are some 26 million people without jobs or full-time work. At the start of the recession in December 2007, there were 7.5 million jobless workers and the unemployment rate was 4.9%.

Economic Policy Institute (EPI) Director Larry Mishel says he would not interpret this decline as the beginning of a on-going reversal in the unemployment rate. In fact, the jobs situation likely will worsen for up to the next 12 months, he said. One reason: There is a backlog of people who dropped out of labor force who will come back in—up to 3 million jobless workers. And when they start looking for jobs again unemployment will rise.

Unemployment rates for adult men now is 10.5%, 7.9% for women and 26.7% for teens. The jobless rate for white workers is 9.3%, 15.6% for African Americans, 12.7 for Hispanics and 7.3% for Asians.

Manufacturing jobs were hit hardest, falling by 41,000 in November. Construction employment declined by 27,000 in November, after averaging a 63,000 per month decline during the past six months. The number of jobs in transportation showed little change over the month while health care employment rose by 21,000.

EPI economist Heidi Shierholz said layoffs are still high but have gone way down from where they were. Yet, "hiring isn't happening."

There is more good news/bad news as we enter the 15th month of the Great Recession, said Shierholz. Hiring of temporary workers has increased for the past three months, which is an indicator that employers are testing the waters to increase staff. But hours need to rise before a recovery for jobless workers is really in sight—and so far, the number of hours worked remains flat, hovering at 33 hours per week since summer—the shortest on modern record.

There are now more than six U.S. work-

ers for every one job available—and that's the part of the jobs crisis that gets most attention. But something more insidious also is occurring: wages are declining while productivity is skyrocketing. Marvin Bohn, a professional cook and chef who was laid off when Antioch College closed last year, says he's been working for more than 40 years in food service. "I should be able to find a job anywhere, but can't find one. What I have found in the last two years, looking for work, is that my profession originally paid anywhere from \$40,000 to \$60,000 a year, and is now paying \$25,000 to \$35,000 for the same positions. So not only are you facing a lack of jobs, but you are also facing smaller paychecks. They are telling you to accept it, saying economic times are tough, and you look at the guy telling you who's driving a Lexus and you wonder, 'How is he suffering?'"

Compensation so far in 2009 has been cut by the largest amount in nearly two decades, with a government index of real average weekly earnings down 1.9% since its high point last December. But in the third quarter of this year, productivity grew at a faster rate (8.1%) than hourly compensation (5.4%).

At the December 3 White House jobs summit, AFL-CIO President Richard Trumka took the pain of America's workers directly to the president, telling him: "We need jobs now." Trumka discussed the AFL-CIO's five-point plan for immediate job creation, which includes increasing aid to state and local governments to prevent layoffs and maintain vital services and creating jobs through funding projects like repairing and building infrastructure. Economists like Nobel Prize winner Paul Krugman say that now is not the time to cut the federal deficit—that in fact, without spending money to create jobs immediately, the nation will return to an official recession.

Private-sector corporations—some of whom have made off with billions in taxpayer money—have failed to create jobs. Corporations didn't hesitate to ask for help from the government—and America's workers deserve no less. Congress and the White House need to act immediately.

Source: AFL-CIO by Tula Connell

Matson to raise Hawai'i freight and terminal rates

Matson Navigation Company announced that it will raise its rates for the company's Hawai'i service by \$120 per westbound container and \$60 per eastbound container, effective January 3, 2010. Matson estimates that this increase will raise rates by an average of 3.8%. The increase will be filed with the Surface Transportation board. In addition, Matson will raise its terminal handling charge by \$125 per westbound container and \$60 per eastbound container, also effective January 3, 2010.

Matson's terminal handling charge was first implemented in 2003 and is designed to recover a portion of the costs associated with the movement of cargo through terminals. "Terminal handling costs comprise over 40% of Matson's operating costs," said Dave Hoppes, Senior Vice President Ocean Services. "Matson continues to absorb most of the costs associated with terminal operations, the majority of which are driven by factors that are outside of our control, but needs to pass on some of the expenses to our customers."

Anti-pirate training required for Filipino mariners

Filipino seafarers will be required to have anti-piracy training before they are allowed to board oceangoing ships from the beginning of next year.

The Philippine Overseas Employment Administration said seafarers seeking certification will have to take the course, which is aligned with recently issued guidelines on 'practical measures to avoid, deter or delay piracy attacks'. The anti-piracy training is expected to last not more than a day and has to be conducted separately from the regular pre-departure orientation seminar. Somali pirates have taken captive 68 Filipino seafarers on six ships in the past few months.

Labor Secretary Marianito Roque recently met with shipmanagers and crewing agency leaders in Manila to discuss issues including counselling and financial assistance for the families of abducted seafarers.

Pan American Victory to be scrapped



S/S Pan American Victory docked in San Francisco, date unknown.

The number of World War II-era Victory ships continues to dwindle. Late last month, the *Pan American Victory* (pictured above) was towed from the Suisun Bay Reserve Fleet to the BAE Systems San Francisco Ship Repair (the old Bethlehem Shipyard), where it will be cleaned of marine growth and loose exterior lead paint. After cleaning, the vessel will be towed to Brownsville, Texas, where it will be scrapped and recycled at All Star Metals.

The *Pan American Victory* was launched on April 14, 1945, and was turned over to American President Lines to operate by the U.S. War Shipping Administration on May 9, 1945. Her seagoing career was short-lived as she was laid-up in Suisun Bay. In 1967, she was broken out for the Vietnam War and operated by Pacific Far East line (a defunct SUP-contracted company) but returned to Suisun Bay when that conflict ended.

The Victory ships were an enhancement on the previous Liberty Ship design. In particular, they had a higher speed of 15 to 17 knots compared to 11 knots. The higher speed was significant because it made them less easy prey to German U-Boats.

Beginning with the launching of the *United Victory* in 1944, 534 Victory ships were built. American vessels frequently had a name incorporating the word "Victory". The British and Canadians used "Fort" and "Park" respectively. After the *United Victory*, the next 34 vessels were named after allied nations, the following 218 after American cities, the next 150 after educational institutions and the remainder under U.S.-flag given miscellaneous names. The 117 AP5 *Haskell*-class attack Victory transports were named after U.S. counties with "Victory" in their name with the exception of the *USS Marvin H. McIntyre*, which was named after President Franklin Roosevelt's late personal secretary.

Excluding the *Pan American*, there are only nine Victory ships in the United States. The *Earlham Victory*, *Rider Victory* and *Winthrop Victory* are at Suisun Bay and are slated to be scrapped. The *USS Range Sentinel* (ex-*USS Sherburne*) is at the James River Reserve Fleet and is bound for the scrap heap, while the *USS Gage* is undergoing scrapping in Brownsville.

The *American Victory* in Tampa, Florida; the *Lane Victory* in Los Angeles; and the *Red Oak Victory* in Richmond, California, are being maintained as museum ships.

America needs jobs now

No one needs to tell America's families that unemployment and underemployment are at crisis levels. We need jobs—and we need them now.

Wall Street has gotten its bailouts. Now it's time for Main Street to get some immediate help.

The AFL-CIO is calling on Congress and the Obama Administration to take five steps now to care for the jobless and put America back to work.

1. Extend the lifeline for jobless workers. Unless Congress acts now, supplemental unemployment benefits, additional food assistance and expansion of COBRA health care benefits will expire at the end of the year. They must be extended for another 12 months to prevent working families from bankruptcy, home foreclosure and loss of health care. Extending benefits also will boost personal spending and create jobs throughout the economy.

2. Rebuild America's schools, roads and energy systems. America still has at least \$2.2 trillion in unmet infrastructure needs. We should put people to work to fix our nation's broken-down school buildings and invest in transportation, green technology, energy efficiency and more.

3. Increase aid to state and local governments to maintain vital services. State and local governments and school districts have a \$178 billion budget shortfall this year alone—while the recession creates greater need for their services. States and communities must get help to maintain critical frontline services, prevent massive job cuts and avoid deep damage to education just when our children need it most.

4. Put people to work doing work that needs to be done. If the private sector can't or won't provide the needed jobs, the government should step up to the plate, putting people who need jobs together with work that needs to be done. These should never be replacements for existing public jobs. They must pay competitive wages and should target distressed communities.

5. Put TARP funds to work for Main Street. The bank bailout helped Wall Street, not Main Street. We should put some of the billions of dollars in leftover Troubled Asset Relief Program funds to work creating jobs by enabling community banks to lend money to small- and medium-size businesses. If small businesses can get credit, they will create jobs.

America's jobs situation would be even more dire without the economic stimulus program President Obama and Congress enacted, which has saved or created 1 million jobs. But the depth of this crisis demands that we do more—and that we do it now, before more people lose their jobs, their homes, their health care and their hope

SUP Honor Roll

Voluntary contributions from the membership to the following funds in 2008:

Organization/General Fund

Gordon Abbott 100.00	Art Garrett 50.00	John McAuliffe 125.00	Mike Sposeto 100.00
Albert Abramson 30.00	Joseph Ginez 10.00	Jose McDonald 20.00	Donald Steffens 25.00
Abraham Acosta 60.00	Marvin Glasgow 25.00	Ian McLeod 50.00	Ernest Stimach 290.00
Jose Angeles 40.00	Allen Gonzalez 20.00	John McNeil 40.00	Richard Stinson 10.00
Emo Aulelaua 25.00	Jonathan Goodwin 20.00	Joe McShane 100.00	Ed Suguitan 40.00
Bienvenido Banzon 50.00	David Green 90.00	Ray Minor 11.19	John Svane 75.00
Pete Benavidez 20.00	Robert Greene 155.00	Ramiro Montoya 25.00	David Sylstra 50.00
Bill Berger 10.00	Marshall Griggs 100.00	Leo Moore 50.00	Tulilo Tautala 50.00
Rogelio Berioso 20.00	Rolando Gumanas 10.00	Daniel Moran 80.00	Douglas Taylor 200.00
Brenden Bohannon 25.00	John Hamann 70.00	Trev Motlow 100.00	Robert Taylor 40.00
Robert Booth 30.00	Rex Harper 50.00	Harry Naeole 20.00	Arthur Thanash 500.00
Chris Bujnowski 100.00	Phil Howell 50.00	Vince O'Halloran 210.00	Morris Thibodeaux 100.00
Charles Bulmer 40.00	David Ibarra 50.00	Miguel Palacios 10.00	Tim Thomas 100.00
Robert Burns 20.00	Isnin Idris 100.00	Darrell Palmer 100.00	Dennis Tinsley 50.00
Marc Calairo 70.00	Norhaslan Idris 10.00	David Pangan 140.00	Daniel TinTun 50.00
Scott Carson 20.00	Noel Itsumaru 100.00	Ricky Pangan 475.00	Carl Turner 60.00
Liam Casement 45.00	Marcelo Javier 35.00	Timothy Patricio 100.00	Tom Tynan 50.00
Lyle Cavin 20.00	Knud Jensen 100.00	Alan Peightal 90.00	Rene Valles 100.00
Robin Colonas 150.00	Jan Peter Johnsson 60.00	John Perez 275.00	Peter Villanueva 20.00
Dave Connolly 150.00	Monte Kalama 50.00	Jordan Polon 25.00	Joe Waldera 25.00
Jennifer Corner 110.00	Melvin Kessler 200.00	Rich Reed 100.00	Francis Walsh 50.00
John Crockett 100.00	Jerold Komoto 50.00	Alexander Romo 45.00	Bruce Waygood 50.00
Douglas Crute 50.00	Hannu Kurppa 100.00	Steven Ross 400.00	Grant Wegger 100.00
Donald Cushing 100.00	Norman Kurtz 25.00	Stephen Rydberg 100.00	Eric Weintraub 50.00
Hank DeSilva 50.00	Klaus Lange 40.00	John Savage 25.00	Patrick Weisbarth 200.00
Michael Dirksen 200.00	Lincoln Lee 50.00	Greg Schauf 50.00	K. Whitworth 60.00
Thor Erikson 70.00	Volkert Lories 20.00	George Shaffer 40.00	Tim Wilcox 100.00
Diane Ferrari 100.00	Gunnar Lundeberg 250.00	Andy Simkanin 50.00	William Williamson 125.00
Erik Finneman 100.00	Jason Magi 50.00	Gabriel Sipin 100.00	J.B. Winterling 100.00
Louis Frazier 50.00	Joe Marusak 100.00	Knud Sorensen 90.00	Roy Yates 200.00
David Garcia 30.00			Steve Zombro 120.00

Sailors' Political Fund

Gordon Abbott 100.00	DP Green 40.00	Mike Orosz 50.00	Remoni Tufono 10.00
Abraham Acosta 60.00	Robert Greene 60.00	Miguel Palacios 10.00	Louie Urbano 40.00
Knud Andersen 50.00	Clinton Gregg 100.00	John Palenapa 25.00	Joe Waldera 25.00
Jose Angeles 20.00	Nabeel Hafid 100.00	David Pangan 20.00	Richard Watkins 100.00
Mike Arceo 45.00	Rex Harper 50.00	Ricky Pangan 225.00	Grant Wegger 20.00
Emo Aulelaua 20.00	Walter Harris 50.00	Michael Parenteau 20.00	Eric Weintraub 100.00
Dennis Belmonte 100.00	Nick Hoogendam 20.00	David Partikian 30.00	Tim Wilcox 50.00
John Benson 50.00	Thomas Hooke 25.00	Edwin Pastolero 40.00	Erik Williamson 10.00
Rogelio Berioso 30.00	David Ibarra 50.00	John Perez 75.00	William Williamson 175.00
Brendan Bohannon 75.00	Jan Peter Johnsson 20.00	Jesper Pfeil 85.00	Gilbert Wilson 50.00
Peter Bragg 20.00	Robert Jones 50.00	Ray Pinochi 20.00	Elroy Wong 30.00
Chris Bujnowski 160.00	Monte Kalama 50.00	Jordan Polon 10.00	William Wood 50.00
Stephen Campbell 100.00	Brandon Keopuhiwa 45.00	Paul Purugganan 40.00	Danilo Ycoy 20.00
Alex Capistrano 50.00	Jerry Komoto 50.00	John Rawlings 50.00	Steve Zombro 20.00
Scott Carson 20.00	Douglas Krute 50.00	Rich Reed 75.00	
Liam Casement 10.00	Norman Kurtz 25.00	Emmanuel Rezada 70.00	
Norm Christianson 25.00	Eli Lalich 100.00	Javier Riano 75.00	
Robin Colonas 50.00	David Larsen 100.00	Alexander Romo 45.00	
Dave Connolly 200.00	Lincoln Lee 50.00	Steven Ross 100.00	
Kevin Conroy 100.00	Kyle Londigan 80.00	Randy Runyan 50.00	
Nick Cooper 100.00	Gunnar Lundeberg 250.00	Stephen Rydberg 100.00	
Jennifer Corner 50.00	Raul Macalinao 80.00	John Savage 25.00	
Richard Crowell 50.00	Juan Magana 10.00	Gregory Schauf 75.00	
Andre Dayley 20.00	Duke Maringer 20.00	Ralph Senter 3100.00	
Colin Dewey 100.00	Brian McCarthy 75.00	David Shands 80.00	
Jay Dillon 10.00	Michael McLavy 200.00	Andy Simkanin 50.00	
Mike Dirksen 150.00	Ian McLeod 50.00	Gabriel Sipin 40.00	
Mike ElMobdy 60.00	David Mercer 50.00	Kris Skorodynski 10.00	
David Erikson 100.00	Steve Messenger 50.00	Michael Soper 40.00	
David Fadoul 200.00	Ramiro Montoya 25.00	Philip Spiniao 50.00	
Diane Ferrari 50.00	Leo Moore 50.00	William Sullivan 100.00	
Edgardo Franco 20.00	David Moran 80.00	John Svane 25.00	
John Gabourel 10.00	Trev Motlow 100.00	Tulilo Tautala 25.00	
P. "Tattoo" Gardiner 70.00	Dennis Murphy 100.00	Robert Taylor 120.00	
Art Garrett 50.00	Vince O'Halloran 400.00	Arthur Thanash 500.00	
Joseph Ginez 40.00	Terence O'Neill 50.00	Tim Thomas 200.00	
Marvin Glasgow 25.00	William Ofthus 100.00	Dennis Tinsley 25.00	

Dues-Paying Pensioners

Gordon Abbott	Book #3785
Robert Copeland	Book #4763
Romaine Dudley	Book #2593
Alexander Earle	Book #1885
Duane Hewitt	Book #5748
Knud Jensen	Book #3940
John Jewett	Book #4291
Kaj E. Kristensen	Book #3120
Eli Lalich	Book #4062
Stanley Lane	Book #4106
James K. Larsen	Book #4055
Duane Nash	Book #2437
John Perez	Book #3810
Alex Romo	Book #3193
James Savage	Book #7488
Ralph Senter	Book #7323

West Coast Sailors

Gordon Abbott 100.00	Tony Figueroa 50.00	Eli Lalich 50.00	Javier Riano 75.00
Abraham Acosta 60.00	Erik Finneman 100.00	Thomas Larkin 45.00	Rizal Rillo 25.00
Archie Aki 50.00	Ledo Forassiepi 20.00	Gunnar Larsen 25.00	Alexander Romo 45.00
Karl Andersen 25.00	Mike Fox 25.00	Orson Larsen 25.00	Angelo Rossano 25.00
Melvin Armon 25.00	Sylvan Frankel 25.00	Lincoln Lee 50.00	Lloyd Rust 40.00
Walter Arndt 25.00	Michael Freng 50.00	Han Lilledahl 30.00	Terrance Ryan 25.00
Takayuki Asai 25.00	Paul Fuentes 20.00	ILWU Local #8 25.00	Stephen Rydberg 50.00
Dave Babbitt 25.00	Mike Fukano 25.00	Belford Lomba 25.00	George Schemoon 25.00
Robert Bacon 25.00	P. "Tattoo" Gardiner 50.00	Armando Martinez 50.00	Carl Schou 30.00
John Ban 25.00	Roberto Garcia 30.00	John Masterson 100.00	Charles Schroeder 10.00
Thomas Basford 30.00	John Gladstone 25.00	Joe McShane 25.00	Ralph Senter 30.00
Billy Bell 79.00	Marvin Glasgow 25.00	Joseph Mechan 25.00	George Shaffer 25.00
Raymond Bell 50.00	Allen Gonzalez 20.00	Rodolfo Mechan 25.00	Virgil Sieben 20.00
Archie Bickford 25.00	George Gooden 25.00	Joe Mele 25.00	Andy Simkanin 25.00
Herbert Blake 25.00	Burnett Green 40.00	Rolando Mendoza 20.00	Ray Simpson 25.00
Richard Blossom 20.00	Robert Greene 20.00	Steve Messenger 50.00	Egil Sleveland 30.00
Donald Bohle 20.00	Fred Gregorio 50.00	Jack Milano 25.00	Bruce Smith 25.00
Robert Booth 25.00	Ruben Guerra 25.00	Richard Moore 25.00	Francis Smith 30.00
George Boyeas 25.00	John Gugich 30.00	Joseph Muir 25.00	William Smith 25.00
Joe Bracken 25.00	Herman Hallman 25.00	David Munroe 25.00	Kai Sorensen 25.00
Roy Bradshaw 25.00	Robert Hampshire 25.00	Dennis Murphy 100.00	Eugene Souza 25.00
Hal Bresock 125.00	John Harmann 30.00	John Nannini 30.00	Philip Spinaio 50.00
Calvin Browning 40.00	Rex Harper 25.00	Kenneth O'Halloran 15.00	Donald Steffens 25.00
Gunther Brummer 60.00	Frank Haugen 25.00	Charles Oakley 25.00	Robert Taylor 40.00
Al Byoff 25.00	James Hearn 25.00	Sidney Oakley 25.00	Morris Thibodeaux 200.00
Gene Castano 80.00	Lester Hofstad 25.00	William Ofthus 50.00	Tim Thomas 25.00
George Castege in memory of Frank Castige 225.00	William Holladay 25.00	Robert Palakiko 25.00	Bruce Thompson 25.00
Joseph Castege in memory of Frank Castige 600.00	Kim Hoogendam 50.00	John Palenapa 25.00	William Tice 25.00
Thomas Casynn 100.00	John Houlihan 25.00	Edward pardo 25.00	Dennis Tinsley 25.00
Lee Cherry 20.00	Phil Howell 55.00	Edwin Pastolero 10.00	Robert Tovano 25.00
Richard Chung 25.00	Shermiah Iaea 10.00	Tonni Pedersen 25.00	Peter Villanueva 25.00
Robin Colonas 25.00	Anthony Ingegneri 25.00	John Perez 75.00	Colin Walker 25.00
George Cooney 30.00	Arne Jakobsen 50.00	Jesper Pfeil 25.00	Richard Walsh 105.00
Hugh Crandall 25.00	Romero Jalomo 30.00	Amund Petersen 25.00	Carl Walters 25.00
Douglas Crute 25.00	Herbert James 30.00	Michael Pfleeger 100.00	Jacob Wanner 25.00
Cal Cunningham 25.00	Egon Jorgensen 50.00	James Phelps 25.00	Michael Webb 25.00
Carol Curl 25.00	Arthur Kardinal 30.00	Ronald Pittman 25.00	Charles Weber 25.00
William DeBenedictis 20.00	James Kawasaki 25.00	Robert Porteous 25.00	Franklin Whitman 50.00
Mike Dirksen 50.00	Brandon Keopuhiwa 45.00	Jack Post 25.00	William Williamson 25.00
Robert Doyle 25.00	Melvin Kessler 150.00	Roberto Ramirez 25.00	Paul Wuestewald 25.00
Leo Endries 25.00	Francis Kim 25.00	Elmer Rank 45.00	Roy Yates 25.00
Thor Erikson 25.00	Richard Kingsbury 25.00	John Reed 25.00	Bud Yost 25.00
	James Kula 25.00	Rich Reed 25.00	Carl Ziegler 20.00
	Norman Kurtz 25.00	John Rescino 25.00	Steve Zombro 20.00

Nurses Unions amalgamate

Nurses from three Unions, including the powerful California Nurses Association, have founded a new national Union to influence national health care policies and try to extend California's patient ratio law into other states.

Organizers said the 150,000-member National Nurses United, the largest professional Union for registered nurses in the country, will also flex its power to push for a stronger voice in the health care overhaul process going on in Congress and the expansion of representation for non-Union nurses.

The merger, approved on December 7, at a convention in Phoenix, combines the California Union, which has 83,000 members in several states, with the Massachusetts Nurses Union, with 23,000 members, and the 45,000 members from the United American Nurses, who work primarily in the Midwest. The Unions will continue to operate separately, but will be aligned under the larger umbrella of National Nurses United.

The Union's creation, which has been eight months in the works, comes at a time when the country is involved in a debate over how to overhaul the nation's health care system.

"We're just thrilled we are finally all moving forward together, and we're expecting we will be able to play a much

bigger role in the health care debate in the future," said Karen Higgins, a Massachusetts nurse who is one of three organizers elected president of National Nurses United.

The nurses, while virtually uniformly in favor of a national or single-payer health care system, a concept that is not on the table in Washington, say they also want a larger voice in setting policies that affect patient care and the quality of health services.

The California Nurses Association/National Nurses Organizing committee and an increased demand for nurses, partially brought on by the Union's push for a California law that establishes nurse-to-patient ratios, have been largely credited with helping the dramatically raised nurses' salaries.

The average income for a California nurse rose from \$59,937 in 2004 to \$81,428 last year, with about a fifth of registered nurses reporting salaries of more than \$100,000 according to the California Board of Registered Nursing's 2008 survey of nurses. National studies have shown that nurses who are represented by a Union make an average of 5%-10% more than non-Union nurses.

It is estimated that there are three million nurses in the United States.

Gigantic iceberg drifting toward Oz

Ships in the Southern Ocean were warned on December 10, to watch out for an iceberg twice the size of Hong Kong island.

The ice monster was identified by satellite after two smaller icebergs were recently discovered off Australia's Macquarie Island, Australian news sources reported.

The mega-chunk, with a surface area of 140km², is thought to have broken off from the Antarctic ice sheet 10 years ago, said glaciologist Neal Young from the Australian Antarctic Division.

Ice could pose a threat to shipping as larger pieces break up in warmer waters, making the ice harder to spot. The giant iceberg is thought to have broken off from an even more mammoth chunk a year ago. It is about 1,600km off Australia's West Coast, drifting north. The ice mountain is followed by a floe containing more than 100 smaller chunks, which is heading for New Zealand.

Stranded crew sues owners

Lawsuits have been filed by the 12 Filipino crew members of *Aetea Sierra* against the ship operator, alleging non-payment of wages and seeking damages. They assert that they are owed wages from July. The crew had been stranded on the arrested Panama-flagged bulk-carrier in Greece this summer.

An International Transport Workers' Federation lawyer filed the case on December 4. One other crewman has also filed a lawsuit, while two other crew members from Montenegro are also thought to be suing.

Shipping sources in Athens said that the complainants agreed to leave two of their Filipino shipmates aboard while the

others go home to await the outcome of the lawsuit. The Philippines embassy in Greece is said to have offered aid to repatriate the crewmen in coordination with the Philippine Overseas Employment Administration.

The 28,786 dwt *Aetea Sierra* is owned, managed and operated by Thesarco Shipping of Piraeus, according to Sea-Web. It appears to have been at the Piraeus anchorage continuously from August, and possibly for some months before, according to AIS Live data.

The ship was carrying steel coils to Algiers, but was held by the port authority in Piraeus due to a complaint by Russian charters alleging a breach of contract.

ESU Office Assignment

For the month of January, Leo DeCastro will be in the Seabrook office.

ESU NEWS

DECEMBER 2009

Official Publication of the Exxon Seamen's Union

Back-Up Care Advantage Program

All members should be familiar with a new benefit that is now offered by ExxonMobil through ExxonMobil Magellan Health Services.

What is back-up care?

Back-up care is temporary care that you may use for family members when primary care arrangements break down or will be unavailable. It includes alternate care arrangements needed due to illness, caregiver emergency or vacation, day care center closure, non-traditional hours of care (e.g. overnight), or for a loved one who lives elsewhere. The *Back-Up Care Advantage Program™* helps you locate available care that meets your need and subsidizes the cost of up to 20 uses per calendar year per employee. You can go to work and have peace of mind because you have the *Back-Up Care Advantage Program™* to assist you in balancing the competing demands of work and life. Use of this program is voluntary on your part.

Some examples of when the *Back-Up Care Advantage Program™* may be the perfect solution for you include:

- Elder/adult family member needs temporary non-medical care such as help with household tasks, cleaning, cooking, shopping, laundry, or personal care services such as dressing or bathing.
- You have to work an evening or a weekend due to short term business needs and unable to care for elder/adult family member.
- Your child cannot attend his/her regular care program due to mild, short term illness such as a low-grade fever, common cold and/or rash.
- You are waiting for a spot to become available for your child at a child care center.

Eligibility

Eligible employees include active full-time regular and active part-time regular U.S. dollar payroll employees, excluding CORS payroll employees. The program applies to eligible family members which includes dependent children or adult direct relatives for whom you or your spouse has back-up care responsibility.

Costs

Eligible employees receive up to 20 uses of back-up care per calendar year subsidized* by ExxonMobil. There is also an employee co-pay, shown below:

- \$15 per child per center visit (or \$25 per family per visit)
- \$4 per hour for weekday in-home care with a 4 hour minimum (Co-pay per provider**)
- \$6 per hour for in-home care

on weekends, nights or holidays (Co-pay per provider**)

·Other charges may apply where skilled medical care or assistance is required

*Subsidy is treated as imputed income and will be taxable.

**Number of providers sent by the agency is dependent on the number of children needing care.

Dependents and/or family members who may need back-up care must be registered before you can make a reservation. Reservations for care are required and can be requested one month in advance up to the day that care is needed. Registration is accomplished by phone or online:

By phone

·Call Life Assistance Resource (EHAP) toll free number at (800) 442-4123

·Tell the customer service representative that you want to register for the *Back-Up Care Advantage Program™*

·You will be connected to a Bright Horizons customer service specialist who will walk you through the registration process over the phone*

Online

·Visit online at www.magellanhealth.com/member.

·If you already have an account, sign in using your ID and password or click on the "New or unregistered" link in the Member Sign In box

·Enter your program's toll free number 1-800-442-4123 and click "Continue"

·You will enter the Exxon Mobil Magellan Health Services site

·Click "Back-Up Care"

·Click "Access the Bright Horizons website"

·Click "Register for Back-Up Child Care" or "Register for Back-Up Adult/Elder Care"

·Click "Register online"

·Complete the information to create a new account

·Register each child/adult dependent who requires care*

*Note: Dual ExxonMobil career employees should register separately for each child

ExxonMobil GUL insurance premiums suspended

Due to favorable claims experience, ExxonMobil Group Universal Life Insurance (GUL) premiums will be suspended for approximately four to six months beginning in January. Premium deductions will continue to show on participants' pay statements; however, they will be offset by a corresponding "negative deduction" resulting in a net zero premiums.

It is anticipated that the suspension will last four to six months. However, it could be shorter or longer depending on claims experience during the

same time period.

Retirees who pay their premiums via automatic deduction from monthly pension payments will also see a "negative deduction" on their monthly pension statements. Retirees who are direct billed will not receive invoices until premiums are reinstated.

Participants who wish to continue making contributions to the Cash Accumulation Fund may do so.

Employees who are not currently participating in GUL may apply for coverage during the

premium suspension period and will be required to provide evidence of insurability (EOI) consistent with the normal enrollment process.

Retirees who are currently enrolled in GUL may increase their coverage during the premium suspension period and will also be subject to the EOI requirements.

If you have any further questions about this plan, you can call Dona M. Steadman, SeaRiver Maritime Inc. Human Resources at 713-656-2556.

Lost airline luggage on the rise

All members need to be aware, especially if you are traveling during the holiday season that there has been a dramatic increase in lost luggage by the airlines. Please ensure your important papers (MMD and STCW) and any needed medicines are carried on the plane with you when traveling to and from the vessel. Having your documents replaced by the Coast Guard can be more difficult than having them renewed.

A report just out from the Transportation Department reveals passenger complaints of mishandled luggage have gone up dramatically. That new report from the Department of Transportation shows lost luggage complaints have increased by more than 90% this year compared to last year.

Mishandled and lost luggage is nothing new but the problem has increased due to the new ban of carrying liquids on planes that followed the discovery of plot to blow up commercial jetliners by London authorities. Transportation officials say that the ban has led to a significant increase in the number of bags being checked and the increase has overburdened the baggage operations around the country.

If you are flying today or in the near future, airport officials are reminding you to keep those baggage stubs they give you at the ticket counter. Should your baggage become lost you will need your baggage claim stubs to help locate your bags.

Also it is a good idea to have the phone number and address for the local agent wherever you are joining the ship in case you need to have the bags delivered, in the event your bags get lost. If the baggage claim representative does tell you your bag is currently completely lost, don't panic 98% of all bags that are missing at this stage but will be found in the next four or five days, and most of those will be found in the first 24-48 hours.

If you need to file a claim with the airlines, here are some tips on how to do this and your rights as a passenger. How to keep in contact with the airline, and how the airline can keep in contact with you, until such time as your bag's status is resolved? Most airlines now have websites where you can key in their lost bag tracking number and get real time information on the status of the bag. Other airlines force you to rely on old fashioned phone calls, and usually they do not have 24-hour service at their lost bag centers. Get and give as much contact information as possible.

What will be the process between now and the time at which your bag will either be delivered to you or declared lost for good? Ask them when is the soonest they might get an update on the bag's status. Ask what hours their lost bag service center is open for taking phone calls and how they will get your bag to you and how long will that take from when the bag arrives on a flight to when it is delivered to your

agent/hotel/home/wherever.

Also ask them how long it would be before your bag is declared lost and gone for good. Will you then need to fill out a lost bag form (almost certainly, yes)? If so, and just in case the worst does come to the worst, can you take a copy of that form with you now?

Recently the Department of Transportation has taken an increasing interest in airline policies and practices in the case of how the airlines reimburse passengers with missing bags. On October 9, 2009, they issued a guidance letter to the airlines asking them to review their policies related to the reimbursement of passengers' expenses related to lost, damaged, or delayed baggage. The airlines were warned to not set arbitrary limits on reimbursements, such as the denial of related expenses for baggage that is 'expected' to reach the passenger within 24 hours, or limiting compensation only to passengers on outbound flights (if you're flying home, you have rights for compensation too).

The DOT's baggage liability rule contains no such limitations and even states that an airline 'shall not limit its liability for provable direct or consequential damages'. According to the DOT, an airline should remain willing to cover all reasonable, actual, and verifiable expenses related to baggage loss, damage, or delay up to \$3,300 per passenger. The airlines were given 90 days from the date of the notice to amend their contracts of carriage and related policies to more correctly comply with the regulations.

Lastly, if you feel you've been unfairly denied reimbursement by an airline, you should file a complaint with the DOT: Office of Aviation Enforcement and Proceedings, (C-70), United States Department of Transportation, 1200 New Jersey Ave SE, Washington, D.C. 20590

2010 Holiday Schedule

As per the CBA, Article IV:

New Year's Day, Friday, January 1

Martin Luther King Day, Monday, January 18

President's Day, Monday, February 15

Memorial Day, Monday, May 31

Independence Day, Monday, July 5

Labor Day, Monday, September 6

Columbus Day, Monday, October 11

Veteran's Day, Monday, November 11

Thanksgiving Day, Thursday, November 25

Christmas Day, Saturday, December 25

ESU News

Mileage rate remains unchanged

Effective January 1, 2010, the optional standard mileage rate for all miles of vehicle use for business purposes will remain at 55 cents per mile. Reimbursements made using this rate will satisfy IRS accounting requirements and will not be included in the employee's W-2 income or subject to withholding.

Under the current Collective Bargaining Agreement unlicensed employees are permitted to use an automobile for business travel and receive reimbursement from the company. Article IX, Section 6 and paragraph A of the current of the Collective Bargaining Agreement describes the contractual right to receipt of this reimbursement, and states:

"When an employee uses an automobile as transportation from his/her home to a vessel, to/from a training program, or to/from a meeting, or for other reasons approved by the COMPANY, the employee shall be paid for the actual miles driven for a reasonably direct route at the mileage rate then current for the COMPANY. Actual miles driven shall include round trip mileage when an employee is driven by another person who returns to the employee's home. The COMPANY will also reimburse any tolls actually paid for the trip. In no case will the total payment be greater than the cost of the prevailing coach class airfare as described herein plus ground transportation allowances provided when traveling by air."

Requests for mileage reimbursements should be submitted to the appropriate Fleet Manning contact.

Style is very important!



During coffee break aboard the Kodiak, left to right: Cook Noland Mcadaan and MS Ein Cooley compare their different styles and share information on keeping it very bright.

Ship reports

S/R American Progress

Since last month's report the AP has settled in the ANS crude trade between Valdez and the Puget Sound area. The ESU visited the vessel on December 15, while at the city dock in Port Angeles, Rudy Benavides the Ship Representative on board reports all is well.

S/R Baytown

The Baytown continues in cold lay-up, in Labuan, Malaysia. There are no crewmembers assigned to the vessel at this time. Future plans for the vessel are unknown at the present time.

Kodiak

Board officer visited the Kodiak on December 17, in the Puget Sound, Washington. Ship Representative Tim Williams back on board also Board Member Frank O'Malia part of the crew. Everything going well the vessel continues in the Alaska to Puget Sound route for the time being.

S/R Long Beach

The Long Beach continues in cold

lay-up, in Labuan, Malaysia. There are no crewmembers assigned to the vessel at this time. Future plans for the vessel are unknown at the present time.

Sierra

The vessel has been trading between Valdez and San Francisco Bay. Ship Representative Thor Floreen on board, communicating frequently with the ESU office, reports no beefs and everyone staying busy, the vessel will continue on the same run between Alaska and the Bay Area.

S/R Wilmington

Board officer visited the vessel in Beaumont, Texas, on December 3, and 12. Ship Representative Jeff Harris is back on board. There were some questions in regards to pension plans that were addressed and some relevant information was left on the ship, otherwise everything else running smooth. The crew is starting to get ready for the Holidays with the arrival of a fresh Christmas tree.

Steward Department Trustee



In his favorite environment (galley), onboard the Kodiak, Steward Department Trustee FC Kurt Kreick takes care of business with safety in mind, even in the galley there are numerous hazards to deal with. Kurt has been the Steward Department Trustee for two years and stays very active in representing the Steward's Department on all issues. Kurt calls Pensacola, Florida his home.

The Merchant Marine Act of 1920

For decades now seamen have heard about the Merchant Marine Act of 1920, also known as the Jones Act, but in reality many may not be that familiar with some of the provisions of this important law to the merchant mariner and the U.S. merchant fleet.

The Merchant Marine Act of 1920 (P.L. 66-261) is a United States Federal statute that regulates maritime commerce in U.S. waters and between U.S. ports. Section 27, also known as the Jones Act, deals with cabotage (i.e., coastal shipping) and requires that all goods transported by water between U.S. ports be carried in U.S.-flag ships, constructed in the United States, owned by U.S. citizens, and crewed wholly by U.S. citizens. In addition, amendments to the Jones Act, known as the Cargo Preference Act (P.L. 83-644); provide permanent legislation for the transportation of waterborne cargoes in U.S.-flag vessels.

The Preamble to this was the necessity for the national defense and for the proper growth of its foreign and domestic commerce that the United States shall have a merchant marine of the best equipped and most suitable types of vessels sufficient to carry the greater portion of its commerce and serve as a naval or military auxiliary in time of war or national emergency, ultimately to be owned and operated privately by citizens of the United States; and it is declared to be the policy of the United States to do whatever may be necessary to develop and encourage the maintenance of such a merchant marine, and, in so far as may not be inconsistent with the express provisions of this Act, the Secretary of Transportation shall, in the disposition of vessels and shipping property as hereinafter provided, in the making of rules and regulations, and in the administration of the shipping laws keep always in view this purpose and object as the primary end to be attained.

The cabotage provisions restrict the carriage of goods or passengers between United States ports to U.S. built and flagged vessels. In addition, at least 75 percent of the crewmembers must be U.S. citizens. Moreover foreign repair work of U.S.-flagged vessels' hull and superstructure is limited to 10 percent foreign-built steel weight. This restriction largely prevents American ship-owners from refurbishing their ships at overseas shipyards.

The U.S. Congress adopted the Merchant Marine Act in 1920, formerly 46 U.S.C. § 688 and codified on October 6, 2006 as 46 U.S.C. § 30104. The Act formalized the rights of seaman which have been recognized for centuries. It allows injured sailors to obtain damages from their employers for the negligence of the ship-owner, the captain, or fellow members of the crew. It operates simply by extending similar legislation already in place that allowed for recoveries by railroad workers and providing that this legislation also applies to sailors.

So now that we understand and realize what this so called Jones Act we hear so much about means to the future of the U.S. merchant seamen, we encourage everyone to get involved and call, e-mail or write to your legislators in your home town and remind them the true purpose of this important law, especially in today's economic environment where we need to create jobs not give them up to foreign identities.

EXXON SEAMEN'S UNION

Founded March 28, 1941

Affiliated with the Sailors' Union of the Pacific

913-A Hardesty Avenue, Seabrook, TX 77586

Tel (281) 474-2430

Fax (281) 474-2463

E-Mail: esusea@sbcglobal.net

President/Secretary John Straley

Vice President/Treasurer Leo DeCastro

Board Member at Large Frank O'Malia

Board Member at Large John McCarthy

Deck Trustee Pat Campbell

Engine Trustee William Ackley

Steward Trustee Kurt Kreick

Matson vindicated in Jones Act litigation

continued from page 1

Guard on August 21, 2009. On appeal, the Coast Guard's view that a "major component" should be judged based on whether it is "separable" was validated. On that basis, the Coast Guard found that the addition of an inner hull piece-by-piece was not the addition of a "major component."

On December 3, Judge T.S. Ellis III of the United States District Court for the Eastern District of Virginia concurred and found that the addition of a deck piece-by-piece to the *Mokihana*, none of which was "major," did not constitute the addition of a "major component" within the meaning of the Jones Act. Judge Ellis also rejected Shipbuilders/Pasha's other arguments, finding in each instance that the actions of the Coast Guard were reasonable and within its lawful discretion. Finally, Judge Ellis concluded the Coast Guard was correct in focusing on the foreign portion of the work in assessing whether there was a foreign "rebuilding" under the law. The Judge then dismissed the plaintiff's case with prejudice and entered a judgment in favor of the defendants.

The Shipbuilders Council and Pasha sued the Coast Guard initially in November 2006, seeking to disqualify the *Mokihana* from the U.S. coastwise trade because of work to be done to the vessel in China. That suit was dismissed in 2007, but then re-initiated on December 10 of that year after the work on the vessel was completed and the *Mokihana* re-entered Matson's Oakland/Honolulu service. The retrofit involved adding a garage on the stern of the vessel which enables the ship to carry 1,200 autos in addition to 1,000 containers.

The legal proceedings for Matson, et.al, did not start off well. On September 30, 2008, Judge Ellis granted a motion for summary judgment in favor of the Shipbuilders and Pasha that the *Mokihana* had been rebuilt foreign and that its coastwise endorsement should be revoked. Judge Ellis also denied a motion of Homeland Security, et.al., and Matson, which joined the case as a defendant-intervenor, to dismiss the suit and stated that he would issue a final opinion within two weeks.

However, that opinion was not forthcoming.

On November 6, 2008, Judge Ellis cancelled the preliminary order and stayed the matter until an appeal in another Jones Act related case is heard and ruled upon in federal appellate court in Virginia. In that case the Shipbuilders Council, Crowley Maritime and Overseas Shipholding Group sued Seabulk Energy Transport, Inc. over the work done on the tanker *Seabulk Trader* in a foreign shipyard. In his decision Judge Leonie Brinkema of the U.S. District Court for the Eastern District of Virginia remanded the case to the Coast Guard with instructions to revoke the *Seabulk Trader's* coastwise endorsement. As previously mentioned, that decision was overturned.

Victory for Matson and the mariners who sail in *Mokihana* was finally achieved on December 3.

Airline crews look forward to family and medical leave act coverage from Congress

Flight crews will soon have the same family and medical leave coverage that other working Americans have enjoyed since 1993. Transportation labor applauds the passage of the Airline Flight Crew Technical Corrections Act, which is expected to be signed into law soon.

"Congress never intended to exclude flight crews from this coverage," said Edward Wytkind, President of the Transportation Trades Department (TTD), AFL-CIO. "But flight attendants and pilots have had to trade away other benefits in contract negotiations in order to receive Family and Medical Leave Act (FMLA) coverage that should have been theirs from the start." The SUP is a TTD affiliate.

The FMLA guarantees that eligible workers can take up to 12 weeks off to care for themselves or a family member. But because of the unique way their work hours are counted, pilots and flight attendants have found it difficult - if not impossible - to meet the 1,250-hour per year threshold required for FMLA eligibility. For example, pilot duty time is capped at 1,000 hours per year, making it virtually impossible for them to qualify for this important coverage.

"It's time that flight attendants and pilots get family and medical leave just like millions of other American workers," Wytkind said.

Senator Patty Murray (D-Washington), Representative Tim Bishop (D-Georgia), and Representative Thaddeus McCotter (R-Michigan) championed this long overdue, common sense legislation.

North Korean ships will no longer carry Somalia food aid

The World Food Program (WFP) has stopped chartering ships flagged in the Democratic People's Republic of Korea for Somalia-bound anti-piracy forces.

The Rome-based WFP was a regular charterer of North Korea-flagged ships but said that it no longer used them because crew refused to cooperate with naval escorts and would not have armed protection teams on board. "North Korea does not allow teams on board their ships and they do not follow the instructions of the naval escorts," said WFP ocean transportation service deputy chief Dierk Stegen. "That is why we have taken this decision."

The WFP has shipped around 500,000

tons of food aid to starving Somalis over the past two years. It is part of the United Nations system and is the world's largest humanitarian agency. Ships carrying aid are provided with naval escorts as well as onboard military teams by the European Union Navfor operation.

The North Koreans are understood to be wary of onboard teams because fire-fights with pirates could catch North Korean crew in the crossfire, sparking off a diplomatic incident. Unlike many other flags, North Korean ships employ North Korean crews.

The WFP is still using North Korea-flagged ships elsewhere in the world, Stegen said.



The SUP Welfare Plan
Wishes you a Happy and Healthy
Holiday Season

Michelle Chang, Administrator
Patty Martin
Virginia Briggs
Michael Jacyna
Berit Eriksson

Telephone: 415 778-5490 or 1800 796-8003

Obama taps David Matsuda to lead MarAd

President Obama has nominated David T. Matsuda to head the Maritime Administration, where he has filled the top position on an acting basis since July.



The White House said Obama will also nominate Michael P. Huerta, a Department of Transportation official in the Clinton Administration, to fill the number two post of Deputy Administrator at the Federal Aviation Administration.

Matsuda has a background in varied issues involving government oversight of transport modes, including a brief stint earlier this year at DOT as deputy assistant security for policy. Before that he spent seven years as a Senate aide working on most major transport legislation since 2002. The White House said he worked on modernization of oil pollution prevention and response programs, overhaul of the passenger rail system, and security improvements at U.S. seaports. Before joining the administration, he was senior counsel and primary transportation advisor to Senator Frank Lautenberg (D-New Jersey), who chairs the Surface Transportation and Merchant Marine Subcommittee. Earlier, he also worked for the office of chief counsel at the Federal Railroad Administration.

Harley-Davidson workers agree to massive job cuts to save jobs

Workers at Harley-Davidson Inc.'s largest factory agreed on December 2, to job cuts of nearly 50%, more work-rule flexibility and an unusually long labor deal, in exchange for the motorcycle maker's commitment to invest \$90 million in the plant.

The unusual seven-year pact at the company's massive York, Pennsylvania, plant represents an acknowledgment by the plant's work force of the vulnerability of well-paid U.S. manufacturing jobs. Harley had threatened to move the jobs from York to a new plant in Kentucky if the Union rejected the contract.

The state of Pennsylvania also offered its own sweeteners: job training, low-interest loans and \$15 million for upgrades.

The contract, approved by members of the International Association of Machinists and Aerospace Workers (IAM), paves the way for Harley to meet a previously stated goal of cutting almost half of the 2,000 nonmanagerial jobs at the plant.

The contract institutes a new category of "casual" worker to be used on an as-needed basis and who will earn about 30% less than first-tier production workers. The company eventually expects to

employ about 250 casual and 750 full-time production workers.

The Union also agreed to slash the number of job classifications to five from more than 60 and allow for much greater flexibility in moving workers from one task to another.

The lowest-paid production technicians in the first wage tier will earn \$24.10 an hour as of February, when the contract takes effect, while a comparable new hire would earn \$19.28 an hour, and a casual worker would earn \$16.75 an hour.

The new contract signals that job security—even if it covers fewer jobs—is a top priority for organized labor. It is rare for a Union to agree to both deep job cuts and wage and benefit concessions, especially given the contract's length, said Gary Chaison, a professor of industrial relations at Clark University in Worcester, Massachusetts.

Harley, which had an 84% skid in third-quarter profits, had "unprecedented retail sales declines" during the recent downturn, said Sharon Zackfia, a partner at investment bank William Blair & Company in Chicago.

Money sent home by Filipino mariners increased substantially in 2009

Remittances by Filipino seafarers back to the Philippines hit a record \$2.5 billion in the first nine months of 2009. The 4.5% hike is an increase of \$108 million compared to the same period in 2008, according to the Philippine Overseas Employment Administration.

Official sources said the rise could be down to European and Asian shipowners replacing multinational crews with cheaper Filipino crews as trade dwindled in the wake of the economic crisis. Filipino seafarers are considered loyal and competitive for shipowners and managers looking to cut operational costs.

Remittances from Filipino crewmembers onboard Norwegian ships increased by 110% to \$229.6 million in the first three quarters of 2009, while those onboard Japanese ships paid \$222.5 million, a jump of 57%.



SUP President's Report

December 14, 2009

MATSON NAVIGATION COMPANY

In a victory for Matson and for those who sail her, the roll-on/roll-off, lift-on/lift-off vessel *Mokihana* (ex-*President Monroe*) can continue to operate in the domestic trades.

On December 3, Judge T.S. Ellis, III of the U.S. District Court for the Eastern District of Virginia dismissed a complaint filed in 2007 by the Shipbuilders Council of America and Pasha Hawai'i Transport Line that Matson violated the Jones Act when retrofit work was done on the vessel in China.

If the court had ruled against Matson, the *Mokihana*—retrofitted in China and the United States to carry autos between the mainland and Hawai'i— would have been banned from that trade and likely would have been sold to a foreign operator.

Full details of the *Mokihana* case will be published in this month's *West Coast Sailors*.

APL MARINE SERVICES

As reported last month, APL plans to drydock its C-11 Class vessels in Singapore beginning in December and flag-in the *APL Turquoise* as a replacement vessel while the other ships are undergoing repairs. After the drydocking period, which should take approximately eight months, the *Turquoise* will revert to foreign registry.

No written agreement covering the *Turquoise* was received from APL in time for the November membership meetings, however, the membership on a coastwise basis did ratify a verbal agreement with the company that the *Turquoise* would operate under the same terms and conditions that apply to the *APL Agate* and *APL Japan*. A written Memorandum of Understanding to that effect was received and signed by the company and the SUP, MFOW and SIU-Marine Cooks on November 19.

During the time the C-11s (*APL China*, *APL Korea*, *APL Philippines*, *APL Singapore*, *APL Thailand*) are in drydock, the C-11 *APL Japan* will operate in the TransPacific Service, while the *Turquoise* will relieve the *Japan* in the Suez Express Service.

As noted last month, when the *Japan* begins operating TransPacific, the regular shipping rules shall apply: 200 days, including a mandatory trip off for Class A members and 90 days for Class B and C members and Class D registrants. Sailors in the *Japan* shall have the right to return to their original port of engagement which was San Francisco. When the *Japan* returns to the Suez Express Service, "shuttle ship" rules (Shipping Rule 8) will again apply.

SUP MONEY PURCHASE PENSION AND 401(k) PLANS

The Standard, the third party administrator that provides administrative services for the Money Purchase Pension and 401(k) Plans, has recently become deficient in providing services for participants and the SUP Plan Office.

While the funds of participants (those employed by APL, Foss, Matson and the officers of the Union) are safe, The Standard has failed to perform.

The following are a few of the many instances of non-performance: The third quarter statements which were supposed to be mailed on October 15, are still not complete; incorrect participant allocations on The Standard's website; late transmittal of participant fees to the SUP Plan Offices; referral of participant customer service to the SUP Plan Office instead of responding to the calls themselves; and failure to adequately resolve the issue related to the reporting of mandays worked to participants. In addition, The Standard's response to the repeated inquiries on these issues made by the Plan Administrator and the Union Trustees has been inadequate.

On December 11, the attorneys for the Plan sent the executives of The Standard a strongly worded demand

letter that they appear at the Board of Trustees meeting tomorrow (December 15). Either The Standard begins to immediately perform as previously agreed and rectify its mistakes or the Trustees will go through the due diligence process and select another company to provide services for the Money Purchase Pension and 401(k) Plans.

For the membership's information, the SUP Money Purchase Pension Plan was established on April 1, 1991 and the SUP 401(k) Plan on June 1, 1999. With the creation of the 401(k) Plan, the Trustees selected Portland, Oregon-based Columbia Management Company as the provider of retirement management services including its highly rated mutual fund platform and recordkeeping. The custodian was called Columbia Trust Company which in turn was owned by FleetBoston Financial Company. In 2004, FleetBoston merged with Bank of America, which determined that it would not be able to provide the same level of service as Columbia. Therefore, in August of 2005, the Trustees authorized the transfer of Plan assets to Crowne Point Trust who set-up the MasterPlan platform under a new company called Dougherty & Petroff Associates (DPA) which was also based in Portland and comprised of many of the same people that worked for Columbia. Unfortunately, DPA was purchased by The Standard in July, 2007. The Standard kept the MasterPlan platform for the SUP Plans for more than a year as they prepared to transition to their own system. Despite assurances of a seamless transition, The Standard has thus far failed.

This situation is unacceptable. The Union Trustees (your secretary and the assistant secretary) will take all action necessary to resolved this problem as promptly as possible.

Update: On Tuesday, December 15, the Trustees (Tom Percival for Matson, Bob Stephens for APL and the SUP President and Vice President) of the SUP Money Purchase Pension and 401(k) Plans along with Plan attorneys, Plan accountant and Administrator Michelle Chang, met with representatives of The Standard. Gina Gurgiolo, Manager for Retirement Plans Administration; Investment Advisor Todd Smithpeter; and Account Manager Jim Bouchard were in attendance for The Standard.

Ms. Gurgiolo acknowledged the serious shortcomings of The Standard in implementing the conversion from DPA. She took full responsibility for all the previously mentioned problems, as well as others, and promised to devote the resources necessary to correct the mistakes and properly service the Plans in the future. Because the Union Trustees were unwilling to accept mere promises, Ms. Gurgiolo agreed to send a memorandum to the Trustees and administrator by December 18, putting the company's commitment to rectifying the situation.

First, The Standard agreed to provide improved administrative support and communication to the Plan and its participants. In connection with that support they agreed to rectify any mistakes made relating to incorrect investment election and/or allocation and to make whole any adversely affected participant. Ms. Gurgiolo further committed to restoring to the Plan any costs incurred by the problems. Finally, she said that the third quarter statements would be ready for mailing on December 18, and understood that the Trustees would require a single statement containing work history as well as the account values of both the Money Purchase and 401(k) Plans. Together with the Plan Administrator and the plan attorneys, the Trustees will keep a weather eye on this outfit. Participants are encouraged to carefully review the coming statements. If there are any statement errors, contact Ms. Chang at 800 796-8003.

SAN FRANCISCO BAR PILOTS

The current agreements with the Bar Pilots covering marine personnel and all classifications of dispatchers

expire on December 31. However, last month Captain Peter McIsaac, Port Agent for the Pilots, requested an extension of the agreements to February 28, 2010, with the caveat that any financial adjustments resulting from bargaining shall be retroactive to January 1. After caucusing with members employed by the Pilots, signed a Memorandum of Understanding on November 19, extending the agreements, subject to general membership approval.

On December 11, the Trustees of the Pilots Marine Employees Pension Plan met to discuss the status of that Plan. Over the last few years it has been the goal of the Pilots to fully fund this Plan. After contributing considerable sums, the Plan was fully funded last year. However, due to the financial meltdown at the end of the year, Plan assets suffered a 25% loss. The Pilots, despite experiencing a substantial decline in their own business during the recession, are committed to fully funding the Plan. It should be noted that the Pilots Plan has an integration agreement with the SIU-Pacific District Pension Plan.

MEDICAL CENTER

On December 6, Dr. Calvin Shapses, Director of the Seafarers Medical Center, notified the Unions that due to new Coast Guard physical evaluation guidelines to renew Merchant Mariner Credentials that go into effect January 1, mariners should begin the renewal process at the clinics in the various ports five or six months prior to their expiration date.

SEATTLE BRANCH

In May, reported that the MFOW intended to close their Seattle office on January 1, with the SUP Seattle Branch Agent handling business assigned by the MFOW. MFOW President Anthony Poplawski has informed your secretary that the closure will be postponed for 90 days to further review the closure and to draft a Port Serviced agreement.

Reducing Seattle to a "one man" port will be a substantial cost savings measure for both Unions.

BUILDING CORPORATION

The Masters, Mates & Pilots, tenants at Headquarters for the past 16 years, notified your secretary last month that they intend to vacate the premises and terminate their lease effective January 31. In order to advance their alliance with the MEBA, they will move into the MEBA Hall in Oakland.

It is unfortunate that the MM&P is leaving as their presence at Headquarters strengthened the working relationship between the two Unions plus they paid \$4,800 a month in rent.

The Building Corporation will market this space to attempt to get a new tenant. It should be noted that there is a surplus of office space in San Francisco, just as there is in the rest of the country. It should also be noted that beginning in August, Headquarters acquired three new tenants who collectively pay \$1,900 per month in rent.

CALIFORNIA LABOR FEDERATION

As a Vice President of the California Labor Federation, AFL-CIO, participated in a meeting of the organization's Executive Council on December 1, in Sacramento.

Items on the agenda included updates on health care reform, the Employee Free Choice Act, the California high speed rail initiative and the 2010 political races.

Another difficult California legislative session has come to an end. This year was marked by a dismal economy, the longest budget standoff in history, and some of the deepest cuts to the social safety net. The Federation worked hard to defend workers' rights, put Union members back to work and keep the state's

continued on page 10

President's Report continued

Unions united. The following are excerpts of the legislative report submitted to the Executive Council:

"Throughout the year, California's unemployment rate increased dramatically, to the highest level since World War II. Long term unemployment soared as work dried up, leaving job seekers with few prospects. Local Unions, especially those in the building and construction trades, saw unemployment rates within their locals of over thirty percent.

In April, the Federation passed two bills that extended unemployment insurance benefits by up to 20 weeks and changed the eligibility criteria to allow more seasonal workers to qualify. These changes were not only good for workers, but allowed us to draw down \$3 billion in federal stimulus funds to help pay those extended benefits. Through aggressive lobbying, we were able to win bipartisan support and a Governor's signature, a great way to start the legislative year.

We also faced the usual slew of bills to roll back workers rights. We defeated bills to take away the eight-hour day, eliminate the right to a lunch break, and deny access to justice when workers rights were violated. In addition, we were able to keep these core labor standards from being leveraged in the budget process.

Governor Schwarzenegger signed four Federation-sponsored bills into law. In a year of tremendous hardship for working families, these bills represent some important gains for our members.

Right for injured workers to see their own doctors - SB 186 (DeSaulnier).

The right to predesignate and see our own doctors if we got injured on the job was going to sunset at the end of 2009. SB 186 makes predesignation a permanent right, allowing union members to continue to be able to seek treatment from their own doctors. Schwarzenegger's 2004 workers' compensation reforms allowed employers to create their own medical provider networks and force injured workers to see the "company doctor." This bill was co-sponsored by the California Professional Firefighters and the California Teamsters.

Car wash registry - AB 236 (Swanson)

In 2004, the Legislature initiated a Car Wash Registry to assist in enforcing labor laws in an industry rife with blatant and widespread abuses of low-wage car wash workers. When workers rights were violated, companies would close up shop and reopen under new names to avoid liability. AB 236 extends the program that required car wash owners to register with the state and post a bond for another two years. This program has resulted in unprecedented organizing among car wash workers who want to make a better life for their families. It has also led to a significant increase in state enforcement activities to protect these vulnerable workers.

Mortgage lending reform-AB 260 (Lieu)

Union families have been hit hard by the foreclosure free-fall, triggered by unregulated, irresponsible lending practices. One of the most abusive practices was called steering, when families who qualified for lower risk loans were steered into subprime, riskier mortgages because the broker got a financial incentive for it from the bank. AB 260 bans broker steering, requires brokers to put the interest of the borrower ahead of their own financial interest, and prohibits some of the loan products that led to record foreclosure rates.

Workers' Compensation Database- AB 433 (Buchanan)

One of the ways unscrupulous businesses cheat is to go without workers' compensation coverage. This bill helps us crack down on that kind of fraud by establishing a publicly searchable database of employers and their workers' comp insurer. The Department of Insurance will create this database by January 1, 2011. This bill will protect injured workers, responsible businesses, and the state from the costs of workers' compensation fraud.

Several other Federation-sponsored bills were vetoed:

AB 838 (Swanson) would have required Cal-OSHA to develop a heat safety standard to protect workers in hot indoor workplaces.

AB 943 (Mendoza) would have prevented employers from using credit reports to deny employment opportunities.

AB 1276 (Skinner) would have required legislative approval before the Governor could bind California to international trade agreements.

One co-sponsored bill, with the California Professional Firefighters and the Teamsters, did not make it to the Governor's desk. AB 155 (Mendoza) would have prevented cities and counties from using municipal bankruptcy to break Union contracts. That bill stalled in the Senate Local Government Committee because we could not get the support of Senator Lois Wolk. Without the protections in this bill, California remains one of the few states that allow cities and counties to have unfettered access to municipal bankruptcy, even when they are using it for the sole purpose of getting out of the commitments they made to workers and retirees.

In the last days of the legislative session, the Federation supported a bill to get an NFL football stadium built in the Los Angeles region. We were successful in getting that bill out of the Assembly and the Senate with strong bipartisan support. The bill, which granted a limited CEQA exemption for the project, will result in 18,000 new union jobs.

The Federation also opposed a last minute push to add eleven new enterprise zones. The enterprise zone program is a massive tax giveaway that has not resulted in new job creation or economic growth. When the Assembly Jobs Committee held informational hearings on enterprise zones, we worked with the consultant to ensure that Labor's perspective was included."

On December 2, along with Berit Eriksson, the Andrew Furuseth School of Seamanship's Workforce Development Director, attended the California Labor Economic Recovery Summit in Sacramento, sponsored by the Federation.

The agenda featured many informed speakers on how to spur economic recovery plus breakout sessions where Summit participants discussed rebuilding California's crumbling infrastructure; the need to invest in a 21st Century workforce; the need to enact a middle-class bill of rights; the necessity of repairing the social safety net (health care, labor rights); and the need to develop and implement an economic vision for the future.

The Summit laid out a course to restore, rebuild and revive California. It is up to the people of the state to demand their political leaders to follow it. There is no doubt that the California Labor Federation will be in the vanguard of that effort.

COALITION TO SUPPORT PL 480

This month the Sailors' Union joined the Coalition to Support PL 480. The primary purpose of the Coalition is to maintain a robust, fully funded U.S. Government in-kind food aid program. The secondary purpose of the Coalition is to support U.S. cargo preference laws.

Public Law 480 also known as Food for Peace (and commonly abbreviated PL 480) is a funding avenue by which U.S. food can be used for overseas aid. It has four parts, Titles 1, 2, 3 and 5. Title 1 is managed by the USDA (United States Department of Agriculture), while Titles 2, 3 and 5 are managed by the U.S. Agency for International Development (USAID).

The full name for Public Law 480 is the Agricultural Trade Development Assistance Act, which the SUP played a key role in passing, signed into law on July 10, 1954, by President Dwight D. Eisenhower. In signing the legislation, Eisenhower stated that the legislation's purpose was to "lay the basis for a permanent expansion of our exports of agricultural products with lasting benefits to ourselves and peoples of other lands."

In 1961, President John F. Kennedy renamed it as "Food for Peace," stating: "Food is strength, and food is peace, and food is freedom, and food is a helping to people around the world whose good will and friendship we want." This legislation was reauthorized through the Federal Agriculture Improvement and Reform Act of 1996 (FAIR).

The purpose of PL 480 is to combat world hunger

and malnutrition; promote sustainable development including agriculture development; expand international trade; develop and expand export markets of U.S. agricultural commodities and products; foster private enterprise and democratic participation; and profitably supply surplus U.S. commodities to foreign countries.

Title 2 of PL 480 ("Food for Peace"), which provides for donations of safe, high quality U.S. commodities to combat hunger overseas, is the largest food aid program and has a highly successful track-record since its inception. Food for Peace provides government-impelled cargoes essential to the vitality of the U.S. Merchant Marine. Under the provisions of the Cargo Preference Act of 1954 and Food Security Act of 1985, shipper agencies are required to ship 75% of PL 480 cargoes on U.S.-flag vessels. MarAd regulations limit ocean carriers to "fair and reasonable rates" and MarAd reimburses the U.S. flag premium, if any, to the food aid programs.

In recent years, various factions have proposed diverting Food for Peace funding to the purchase of foreign commodities. Such "local and regional purchase" ("LRP") initiatives would hurt both U.S. farmers and the U.S. merchant mariners that depend upon Food for Peace cargoes, with no demonstrated benefit to the food aid programs.

LRP proponents, including factions within USAID, argue that the initiative could save cost and help deliver commodities faster in emergencies by procuring commodities closer to the place of need.

Because adequate volumes of relief food cannot be procured from subsistence or small-holder farmers, so-called "local and regional" purchases are purchased from sophisticated commercial sellers hundreds or thousands of miles from the place of need, eroding the assumed efficiency gains of LRP.

LRP proponents have attacked Food for Peace on the grounds that too many program resources go to non-commodity costs such as transportation and program administration. Due in part to the visibility of cargo preference laws, and poor transparency regarding both inland transportation costs and administrative costs, U.S.-flag carriers have been unfairly blamed for assumed program inefficiencies. Throughout the debate on LRP and transportation costs in LRP, stakeholders have been sidelined and often not had a voice at the table. Hence, the need to form the Coalition to Support PL 480.

The purported benefits and risks of LRP are the subject of a four-year, \$60 million pilot program authorized by the 2008 Farm Bill to inform the food aid/LRP debate for the upcoming Farm Bill. To the extent that Food for Peace is found to have inefficiencies, the Obama Administration should address them rather than abandon the program for experimental LRP initiatives. Such improvements may include: making greater use of prepositioning sites; streamlining contracting and procurement processes to adopt more commercial practices; cutting administrative costs; diverting commodities to areas of extreme need in emergencies, consolidating responsibility for food aid programs and improving interagency coordination; eliminating "bunching" of procurements.

Sending cash instead of food overseas promotes corruption, price-gouging, and hoarding. Food for peace has positive economic and tax benefits here at home that would be lost with a move to LRP.

Sourcing humanitarian aid programs with agricultural competitors instead of in the United States takes away American jobs and works to undermine key political support for those programs. When Europe switched to donating cash instead of food, overall aid budgets dropped dramatically.

The other members of the Coalition are: America Cargo Transport Corporation, American Maritime Congress, American Maritime Officers, American Maritime Officers Services, APL Limited, Hapag Lloyd USA, LLD, Intermarine, International Organization of Masters, Mates & Pilots, Liberty Maritime Corporation, Maersk Line Limited, Marine Engineers' Beneficial Association, Maritime Institute for Research and Industrial Development, Patriot Shipping, LLC, Seafarer's International Union, Transportation Institute, United Maritime Group and Waterman Steamship Corporation.

continued on next page

President's Report continued

It should be noted that while shipping companies and industry associations pay dues to belong to the Coalition, the Unions do not. Instead the Unions are expected to provide full political and other in-kind support for the Coalition's initiatives.

SUP ELECTION

All members eligible to vote in the 2009-2010 biennial election of Sailors' Union officers for the 2010-2012 term and referenda on proposed amendments and a Shipping Rule change to the SUP Constitution should have received their secret mail ballot by today's meeting.

In accordance with Article XII, Section 8, of the SUP Constitution, "If for any reason a member in good standing does not receive his/her ballot, he/she may make a written request for a ballot to the Impartial Balloting Agent. The request shall include a statement that the member has neither received a ballot nor voted in the election and the address to which the ballot is to be sent. The Impartial Balloting Agent shall mail a ballot to the member at the address indicated which shall be marked "duplicate" on the outer envelope."

If an eligible member has not received a ballot, there are three ways to obtain one: 1) By letter: Robbin A. Johnson, Manager, Pacific Election Services, Inc., 1650 Stanmore Drive, Pleasant Hill, CA 95423; 2) By fax: 925-685-4937; or 3) By email: rjohnson7128@sbcglobal.net. When requesting a ballot, members must include their name, mailing address and membership number. It must be noted that no ballots will be mailed to any SUP hiring hall.

Balloting will continue through December and January and will be tallied on Monday, February 1, 2010, at Headquarters. Full participation in the balloting process is key to Union democracy. Urge all hands to vote.

HOLIDAYS

As a reminder all SUP halls will be closed Christmas Eve, Christmas Day, New Year's Eve and New Year's Day.

The Honolulu Branch will be closed on Monday, January 4, in observance of an ILWU Local 142 holiday (Jack Hall Day).

All SUP halls will be closed on Monday, January 18, in observance of Martin Luther King, Jr.'s birthday, a holiday under all contracts except those with Chevron and Foss. Due to the holiday, the Branch meetings will be held on Tuesday, January 19, 2010.

ACTION TAKEN

M/S to approve two-month extension of SFBP agreement. Carried unanimously.

M/S to concur with the balance of the President's Report. Carried unanimously.

President/Secretary-Treasurer

FRANKLIN D. ROOSEVELT THE SECOND BILL OF RIGHTS

Excerpt from President Roosevelt's January 11, 1944 State of the Union message to the Congress of the United States

We have come to a clear realization of the fact that true individual freedom cannot exist without economic security and independence. "Necessitous men are not free men." People who are hungry and out of a job are the stuff of which dictatorships are made.

In our day these economic truths have become accepted as self-evident. We have accepted, so to speak, a second Bill of Rights under which a new basis of security and prosperity can be established for all—regardless of station, race, or creed. Among these are:

- The right to a useful and remunerative job in the industries or shops or farms or mines of the Nation;
- The right to earn enough to provide adequate food and clothing and recreation;
- The right of every farmer to raise and sell his products at a return which will give him and his family a decent living;
- The right of every businessman, large and small, to trade in an atmosphere of freedom from unfair competition and domination by monopolies at home or abroad;
- The right of every family to a decent home;
- The right to adequate medical care and the opportunity to achieve and enjoy good health;
- The right to adequate protection from the economic fears of old age, sickness, accident, and unemployment;
- The right to a good education.



Vice President's Report

December 2009

In addition to the routine duties of the front office, checked the following ships:
APL Agate: Joe Moniz, delegate. Boarded in NY the day after Thanksgiving. Steve Huggins relieved by Kelly Eggers as bosun. No problems. Clarification on election.

APL China: Norman Kurtz, delegate. Crew laundry dryer not working for more than 30 days. Brought it to the attention of the captain—parts and new dryer is on order and should be delivered in San Pedro.

APL Singapore: William DeBenedictis, delegate. Delegate was right: penalty meal accounting is one hour for the lost meal and one hour for the work.

APL Japan: Charlie Noble, delegate. Clarification on reversion to regular shipping rules: following the shipyard in Singapore this ship will cease shuttle ship rules on arrival in the first US West Coast port. That means that B or C members, or D registrants who have more than 90 days in must get off but may return the ship to the port of engagement or closest port when not returning to port of engagement. Since pay starts when you fly, port of engagement is the fly-out port.

President Adams: Morris Thibodeaux, delegate. In at New York with minor problems. Linen beef investigated and Captain promised correction. Sandwiches allowable only as third entrée. Helmsman in hand-steering cannot serve as lookout.

Maunawili: Robert Morgan, delegate. Clarification on delayed sailing and restriction in China. Settled on board to the satisfaction of the delegate. Relief steward: lousy feeder.

Mahimahi: Phil Howell, delegate. Clarification on 19(e) — lashing or unlash cargo is payable at the applicable cargo rate in addition to the tie up or let go minimum.

Matsonia: Teo Rojas, delegate. Washdown is payable rain or shine. Along with the Lurline, ship laid up in SF after two trips to the Islands.

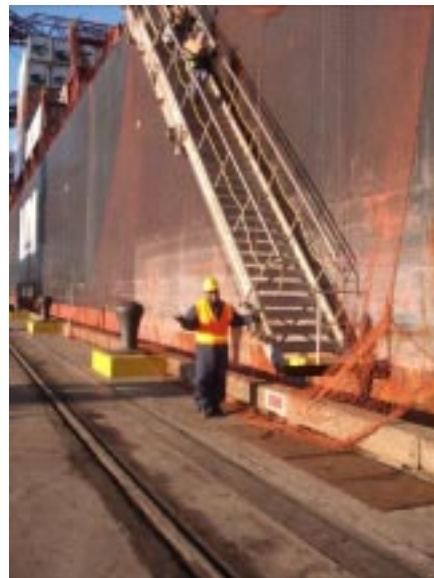
Maui: Allen Gonzalez, delegate. Learned about problems with third quarter Money Purchase and 401(k) statements from the bosun John Hamann and began investigation. See President's Report.

USNS Waters: Corey Burton relieved Lez Jezorowski as delegate. Paul Harsany is the bosun. Shipboard Security Training and Tactics now another requirement for this ship. Found her in good shape near the Kennedy Space Station in Florida.

Cape Jacob: Andy McElhaney, delegate. Mike Henderson is the bosun. Ship passed a tough MarAd inspection with flying colors. Shipboard transfer of ammo payable at the overtime rate. Access to the internet and shoreside facilities improved.

Vice President

At the gangway on the East Coast



Arrival: James Buster finished securing the gangway net of the *President Adams* at Howland Hook, New York. Photos: Dave Connolly



Bosun Paul Harsany and AB Corey Burton stand by the gangway on the *USNS Waters* at Cape Canaveral Air Force Station near Cocoa Beach, FL.

Submission of Merchant Mariner Credential applications to REC via email to begin

Beginning January 4, 2010, the Coast Guard will begin accepting credential applications at the 17 Regional Examination Centers (REC) using e-mail.

Instructions for e-mailing applications to an REC: E-mail only **complete** application packages that meet the Coast Guard's Application Acceptance Checklist requirements. The subject line of your e-mail must be: your last name, your first name, your middle initial, and your mariner number (if known). Attach a complete application in pdf format not to exceed 10 MB in size. Applications must be scanned at a resolution not to exceed 300 dpi.

The e-mail attachment must include a copy of your TWIC or TWIC application receipt. User fees (if applicable) must be paid using www.pay.gov. The e-mail attachment must include a copy of your [pay.gov](http://www.pay.gov) user fee receipt.

Questions regarding this new submission process should be directed to the NMC Mariner Information Call Center at 1-888-IASKNMC (1-888-427-5662).

SUP Branch Reports

Seattle

November 16, 2009

Shipped during the period: 2 Boatwain shipped and filled with 1 A and 1 B member; 10 Able Seaman berths shipped to 5 A members; 3 B's, 1 C and 1 D registrant; 1 Ordinary Seaman's job shipped to a C member; and 6 standby jobs taken by 4 B's, 1 C and 1 D registrant.

Registered during the period: 7 A cards for a total of 18; 11 B cards for a total of 30; 5 C cards for a total of 10.

Ships Checked

Matson vessels *Maui* and *Manoa* called twice in Seattle with little or no problems. I received a complaint from a watchstander aboard one of the Matson ships alleging crew members did not allow him to go to the front of the line for supper. Any department watchstander eats first and proceeds to the front of the line; plain and simple. The *President Truman* called New York with no beefs.

I represented the SUP at the following meetings: the King County Labor Council meetings; the Washington State Labor Council, Transportation Committee meeting; and an ILWU Local 19 Political Action Committee meeting with Seattle Port Commissioner Bill Bryant.

The Inlandboatmen's Union of the Pacific hosted their National Convention in Seattle this month and we joined them at their opening reception. The SUP and the IBU have strong ties and continue to work together protecting U.S. flag vessels and the waters they sail in.

If you are eligible to vote in this SUP election and have not received your ballot as you read this report, contact the Impartial Balloting Agent listed in the *West Coast Sailors*. Voting in your Union election is the most important act a member can make. The issues you vote on direct the business of the Union. The business of the Union is to protect our ability to go to work.

The membership in the Seattle Branch wish a Happy Holidays and a safe and prosperous New Year to all!

Seattle Branch Agent

had to speak to him about the way he talks to our brothers also his alleged attempts to intimidate our brothers physically. The Union had a talk with him and the company. Brother if the captain is up at 0600 or earlier banging weights around put in for noise money. Brothers if the captain is trying to physically intimidate you and or coerce you into doing anything, get it on paper and we will end this harassment.

Apologies to any captain that may have thought this was about him. Where as most of our captains are men and are secure in their job, there are even some that I call outstanding men of the sea.

As always yours in struggle,
Wilmington Branch Agent

Honolulu

November 16, 2009

Shipped during October: 1 Bosun return, 3 ABWs, 1 ABD relief, 1 AB maint., and 1 OS. These jobs were filled by 5 A members, 1 B member and 1 D registrant. Also shipped 24 standby jobs filled by 4 A members, 7 B members and 13 C members, for a total of 31 jobs shipped.

Registered during October: 3 A members, 5 B members, 4 C members and 1 D registrant. To date registered are: 13 A members, 8 B members, 7 C mem-

bers and 1 D registrant for a total of 29 registered members

Ships checked

Manulani, Manukai, Manoa, Maunalei, Maunawili, Mahimahi, R.J. Pfeiffer, Matsonia, Lurline and Maui; all with few or no beefs.

Paint and Rigging gang running smooth with Monte Kalama as bosun.

On November 6, along with Patrick Weisbarth (on executive board) attended the 23rd biennial Hawai'i state AFL-CIO Convention. Election of new officers, Hawai'i state workers woes (lay offs and furloughs due to budget cuts) and to begin a legislative push to grant collective bargaining right to TSA employees were discussed. The AFGA (American Federation of Government Employees) specifically requested the waterfront connected Unions (TWIC holders) to help them in their organizing campaign.

On November 18, attended the Hawai'i Ports Maritime Council meeting.

It is SUP election time again and I encourage all members to vote. A large turnout shows the industry we have a cohesive membership. Urge YES vote on all five constitutional amendments.

The Honolulu membership wished all our SUP brothers and sisters and their families a Mele Kalikimaka (Merry Christmas) and a Hauoli Makihika Hou (Happy New Year).

Honolulu Branch Agent

San Francisco Business Agent

December 14, 2009

Visited and paid off the following ships:

Lurline— Hannu Kurppa, bosun: Made two trips, then going to lay up at Howard Terminal.

Mahimahi— Phil Howell, delegate, Tim Thomas, bosun: Good gang, no disputes. Question on relief trip.

Manoa— Mike Dirksen, delegate: Ship is running smoothly; no disputes.

Maui— Allen Gonzalez, delegate: In from Seattle with John Hamann as bosun. All well, good gang.

Moku Pahu— Phil Romei, delegate: In from the Islands with a load of sugar, then going to lay up at Richmond waiting for a charter; good gang.

APL Singapore— Wil DeBenedictis, delegate: Voyage pay off. Two questions: one on delay sailing, which was payable and the other on the watch below when called for a security drill, which is payable.

Colorado Voyager— Peter Nervin, delegate; Bosun Thor Erikson runs a good ship. Made at Richmond Long Wharf.

Washington Voyager— Franklin Dyer, delegate: Doing a good job as delegate. Made at Long Wharf. Steward Isaac Levy doing an excellent job at feeding the crew.

Worked in the front office.

Business Agent



Didn't receive a ballot?

If an eligible SUPmember has not received a ballot for the 2010 election, there are three ways to obtain one:

- 1) By letter: Robbin A. Johnson, Manager
Pacific Election Services, Inc.
1650 Stanmore Drive
Pleasant Hill, CA 95423
- 2) By fax: 925-685-4937
- 3) By email: rjohnson7128@sbcglobal.net

When requesting a ballot, members must include their name, mailing address and membership number. It must be noted that no ballots will be mailed to any SUP hiring hall.

Balloting will continue through December and January and will be tallied on Monday, February 1, 2010, at Headquarters. Members must be in "good standing" in order for their vote to be counted.

Wilmington

November 16, 2009

Shipping: 1 bosun, 10 ABs, 5 ABDs, 1 STOS, 52 standbys. Total 69 jobs.

Registration: 33 A cards, 18 B cards, and 4 C cards.

Ships Checked

Matsonia, Mahimahi, China, Korea, Maunawili, Manulani, Philippines, Pfeiffer, Maunlei

We had two beefs with Matson mates. The company agreed to explain to them what top to bottom stem to stern means.

Brothers our value is in the work we do. So I always ask that we give the company a good days work. But I know it is hard to want to do a good days work when you get a captain that thinks he will climb the ladder at APL by giving you the bare minimum in overtime. Yes these insecure persons are still out there. I had a real classic last month. He is up at 0600 lifting weights and banging them around. Yelling I am the captain and this is my ship. This was not the first time I

FOC operators shirking duty in fight against piracy

continued from page 1

ships should not transit the area. The risk of attack is now so great that putting seafarers in harms way amounts to a breach of the shipowner's duty of care.

The exceptional circumstances relate to: having close active protection from naval forces or being in a convoy which has an adequate naval escort; or the ship can be classified as low risk and has a proven level of protection measures in place.

The ITF also considers that seafarers should suffer no detriment from refusing to take ships into these high risk areas. Seafarers have a right to refuse to put themselves in harms way and the right to be relieved before the ship enters a high risk area. The ITF calls on flag states and shipowners to uphold seafarers' rights in this regard: The ITF reaffirmed the position that seafarers should not be armed. The ITF call's on the wider shipping industry to support this position and to take all measures to ensure the protection of seafarers by not putting them in harms way."

Timely Reminder First quarter 2010 dues are due and payable now!

SUP Constitution ARTICLE VI DUES AND INITIATION FEE

Section 1. The initiation fee shall be Eight Hundred Dollars (\$800.00) payable in installments with the sum of One Hundred Dollars (\$100.00) being due and owing upon the members's admission into the Union and the balance of Fifty Dollars (\$50.00) per month for each month or part thereof in SUP-contracted vessels.

The initial installment of One Hundred Dollars (\$100.00) shall accompany the application of membership and the dues shall be One Hundred Fifty Dollars (\$150.00) per quarter, payable in advance.

Dispatcher's Report

Headquarters—Nov. 2009

Deck	
Bosun	5
Carpenter	0
MM.....	4
AB	12
OS	1
Standby	26
Total Deck Jobs Shipped	48
Total Deck B, C, D Shipped	11
Engine/Steward	
QMED	0
Pumpman	0
Oiler	0
Wiper	0
Steward	0
Cook	0
Messman	0
Total E&S Jobs Shipped	0
Total E&S B, C, D Shipped	0
Total Jobs Shipped - All Depts. ...	48
Total B, C, D Shipped-All Depts. .	11
Total Registered "A"	38
Total Registered "B"	18
Total Registered "C"	10
Total Registered "D"	21