

SUP PRESIDENT'S REPORT – AUGUST 2021

VACCINE MANDATES

Now comes the pandemic whiplash as the virus evolved and the risk that had slackened snapped back. In just four weeks, infection rates soared as the super-contagious and extra-lethal mutation known as the Delta variant spread, almost entirely among the unvaccinated. The United States surpassed again a seven-day average of 130,000 new cases per day. In Los Angeles since June 21 cases have increased more than twenty times, from just 124 per day then to an average of 13,000 per day last week. In Honolulu, San Francisco, and Seattle the average case rates shot up between 150% and 200% in early August. Much of Asia, including China, is back in lockdown. It is the highest COVID wave since the pandemic peak in January and it's still going up.

The vaccine remains remarkably effective – despite some rare breakthrough cases – and almost perfect against severe illness. How long will that persist? The first booster shots have been approved for the immune-compromised, and recently relaxed masking policies have been restored in public indoor spaces everywhere, even for the fully vaccinated, as the scientific understanding of transmission risk around Delta shifts.

The wave also brings enormous new pressure for workplace vaccination. President Biden announced that four million federal workers including the military will soon be required to vaccinate, or take weekly tests among other restrictions, and millions more of state and county employees come next. Major private employers including General Motors, United Airlines and many others followed with their own more stringent vaccination requirements. The AFL-CIO came out in support of vaccine mandates, and some large unions, such as the American Federation of Teachers, reversed its prior position and now support vaccination mandates. On the global maritime level, the Union representing international seafarers, the International Transport Federation (ITF) pleaded for access to the vaccine for international seafarers, mooting the mandate question. And on August 2, 2021, an arbitrator ruled in favor of the American Maritime Association's position that requires all mariners be vaccinated in ships aboard its member company vessels contracted with the Seafarers' International Union. It comes as no surprise. The arbitrator cited various recent decisions including a recent Department of Justice opinion that nothing in federal law prevents private-sector employers from requiring vaccines. The arbitrator said he based his decision on the unique nature of the maritime industry, including the fact that crews live together on the vessels, the cost of quarantines, the responsibility to maximize safety in light of the danger of the Delta variant, plus other recent legal rulings and opinions that support vaccination mandates. This final and binding decision will have a lasting effect on all maritime employment, including SUP ships, although as of today's meeting there are many questions still to sort out.

Members are advised that vaccination is Union business: wages, working conditions. Wages in ability to work at all plus potential vaccination incentive payments – and working and living conditions as a matter of workplace safety. It influences every aspect of our employment, and in this pandemic like pandemics of the past, the SUP has supported even facilitated voluntary vaccinations as the single most effective thing sailors can do to protect themselves and

their Union. Persistent resistance to vaccination increases risk and as a result vaccine mandates are coming – and soon. Whatever form the implementation takes shipping will not get easier, any soon be impossible, for the unvaccinated. Urge all hands to get the shot.

MATSON NAVIGATION CO.

Matson Ratification: At the coastwise meetings in July the SUP membership ratified the Matson Agreement covering the General Rules, the SUP Work and Shipping Rules, as well as the Maintenance and Extra Maintenance Agreements. At the same time the Matson restriction to ship settlement was approved and *Mokihana* MOU was approved. As of today's meeting, Matson has called for SUP crew for Mokihana, and RTS settlement checks were cut and sent in accordance with the Agreement.

Vaccination Incentive Payment: On August 2nd Matson CEO Matt Cox, closely following a similar proposal made in bargaining by the SUP Negotiating Committee as part of SIU-PD, made available a one-time \$500 vaccination incentive payment to every Matson employee (except standbys and vacation reliefs) who provide evidence of full vaccination against COVID-19. Participation in the payment requires showing the vaccination card to local Human Resources representative for shoreside employees or Marine Operation for offshore employees, either in person or via Zoom, or by scanned photos sent by email, before October 15. According to the Company documents, the verified vaccinations will be recorded but Matson will not retain copies of the vaccination cards. In addition to providing proof for the payment incentive, the information may be used to comply with applicable public health regulation and Matson COVID-19 protocols. Once the vaccination information is verified, the incentive payment minus standard payroll deduction and taxes, will be added to their paycheck in the following pay period.

Guam Shore Leave: On July 25 Matson management issued a Guam shore leave update (COVID-19 Update #49) that permitted shore leave for the fully vaccinated in Guam provided all local government requirements are met. Crew is considered fully vaccinated two weeks after receiving the second dose of the Pfizer or Moderna vaccine, or two weeks after receiving the single dose of the Johnson and Johnson vaccine. The following documentation is required for shore leave:

- 1) Valid government ID;
- 2) CDC COVID-19 Vaccination Record Card;
- 3) Secondary form of COVID-19 vaccination verification (vaccine health authority record, vaccine provider letter, or receipt from COVID-19 vaccination;
- 4) Signed health declaration form on arrival (no COVID-19 symptoms, provided by Guam Public Health Department).

Twenty-four hours prior to arrival in Guam the Master emails a list of all crew members going ashore to the Guam Nursing Resource Command Center and copies Matson Guam Operation. On arrival crew members travel to the NRCC for vaccination verification. The NRCC is located at the Bay View Hotel in Tumon. Crew members are required to observe social distancing among other normal COVID-19 protocols while ashore in Guam.

Crew members on Matson China ships (CLX or CCX) who are not fully vaccinated are not permitted ashore in Guam. This is because of Chinese port regulations including the

problems of potential at sea MEDEVAC operations, other crew medical care, repatriation problems from China and Japan due to government COVID restrictions, and the recrewing problems that stem from COVID infections after departing Guam.

MARITIME ADMINISTRATION

Tabletop Exercise – The 2021 Simulated Breakout Exercise called for the “tabletop” activation of eight ships crewed by the Union on July 21, 2021. Coordinated by SUP VP Matt Henning, all SUP halls contributed to the filling of more than 40 billets in a single day. Ten ships were participating in the exercise, managed by Patriot and Matson, but two were already actually deployed in Full Operating Status on missions overseas. The purpose of the exercise is to test the readiness and coordinate procedures of strategic sealift in a mass activation. Tabletops are frustrating for dispatchers and members alike, as they try to fill real jobs at the same time as demonstrate virtual readiness. But everyone contributed anyway to prove the SUP readiness and kudos are due for going the extra mile yet again. Sources within the military have advised us that an actual Turbo-Activation of Ready Reserve ships is expected in the next few weeks.

APL MARINE SERVICES

APL’s Director of Labor Relations John Dragone informed the Company’s signatory Unions that the *APL Saipan* will flag out of U.S. registry as part of the Company ship renewal and upgrading process. The *CMA CGM Dakar* is scheduled to replace the *APL Saipan*, under the U.S. flag and with the SUP on board before the end of this year. The *CMA-CGM Dakar’s* replacement of the *APL Saipan* follows the *CMA-CGM Heradote* replacement of the *APL Guam* earlier this year.

CALIFORNIA GOVERNOR RECALL ELECTION

Ballots will soon be mailed to all registered voters in California on the recall of the Governor Gavin Newsom. Less than three years ago, California voters elected Newsom with a large majority. A recall election is intended for cases of gross incompetence or malfeasance, but now if a majority votes for it out of general dissatisfaction, and there is plenty to go around this year, a candidate needs only to be the top vote getter. This is how a very slim margin of victory could gain an unfair shot at governing California. Not only is it antithetical to the purpose of a recall, it is undemocratic. Polling nevertheless suggests some vulnerability on low turnout, and the big money interest is not limited to California. The election has attracted the negativity of all of the national corporate opposition to progressive, worker-focused and worker-friendly government. The Governor’s labor record is mixed, to be sure, but the alternatives would be disasters. Consistent with previous membership action, we join with the rest of California’s unions to oppose the recall and fight back against the anti-Union and anti-democratic forces that paid for this unnecessary election.

SUP ADMINISTRATIVE AND ELECTION UPDATE

Committee on Constitution: On July 6, 2021, the Committee on Constitution met and debated the proposals put before it by the membership for consideration on the SUP’s 2021-22 election ballot. The dues increase proposal (as amended by the Committee) was recommended

for concurrence and the membership ratified their report in the coastwise meetings in July. That report will be referred to the Committee on Election and the Balloting Committee that will prepare the ballot, handle the usual election oversight and adherence to the SUP Constitution's election requirement. The first of those committees will begin their work after nomination and election at the coastwise September meetings and carry through the election.

Nominations for SUP Election: As previously noticed, 2021-22 marks an election year for the Union. The election begins in December and carries through the end of January 2022. Under Article XII Section 2 of the SUP Constitution the nomination of regular officers shall be made at Headquarters and Branches in the regular meetings held in September. Written notice of this fact shall be published in the August issue of the West Coast Sailors. Any eligible member may place his/her own name in nomination for any regular office or may be nominated by another member. Nomination may be made either in person or by mail; however, any nomination made by mail must be received at the Branch or Headquarters at least one day prior to the meeting at which nominations will be received. The names and membership numbers of the nominees shall be recorded in the minutes. The Balloting Committee shall prepare a list of names and nominees for each office and forward copies thereof to each Branch. Such lists shall be conspicuously posted in each office or hall. All nominees shall be notified by mail of their nomination and such notice shall be mailed within five working days after the nominating meeting. All nominees who desire to become a candidate shall have the necessary qualifications and acceptance in the off of the Committee on Candidates (c/o Sailors Union of the Pacific, 450 Harrison St, San Francisco CA 94105) prior to midnight of October 14, 2021.

Any member of the Union shall be eligible to be a candidate for and hold any regular office, provided he/she is a member in good standing at the time of nomination, has achieved "B" Seniority as defined in the SUP Shipping Rules; and is not disqualified by law. A member shall not be eligible to be a candidate for and hold any regular office if within the past five years he/she has been convicted of, or served any part of a prison term resulting from conviction of robbery, bribery, extortion, embezzlement, grand larceny, burglary, arson, violation of narcotics laws, murder, rape, assault with intent to kill, assault which inflicts grievous bodily injury, or violation of Title II or III of the Landrum-Griffin Act, or conspiracy to commit any such crimes.

The regular Union offices for the 2021-2022 term shall be in accordance with Article X of the SUP Constitution: one President/Secretary-Treasurer, one Vice President/Assistant Secretary-Treasurer, one Seattle Branch Agent, one Wilmington Branch Agent, one Honolulu Branch Agent, one San Francisco Business Agent, five trustees of the SUP Building Corporation, two of whom to not hold any other Union office, and a presently expected three delegates to the 2022 Seafarer's International Union of North America Convention (subject to confirmation from SIUNA). In accordance with Article XII of the SUP Constitution, no one may be a candidate for more than one office with the exception of the positions of Trustee of the Building Corporation and delegate to the SIUNA Convention.

Employee Policy Handbook: On the advice of Union counsel to remain in accordance with ever-changing law and regulation, and consistent with the SUP Constitution and previous membership action, an update to the Union's policy handbook includes new information items such as the Union's equal opportunity policy, non-discrimination and anti-harassment protocols,

computer and electronic mail use, employee wage and benefit information, as well as regular employment practices among other things. The revised manual will continue to be updated as per the recommendation of Union counsel.

Honolulu Branch: Honolulu Branch Agent Mike Dirksen has assisted Patrick Weisbarth filling in as a temporary agent while Mike handles a personal issue. As an interim step, in accordance with Articles X, XIII, and XIV of the SUP Constitution, Weisbarth has agreed to serve as Acting Honolulu Branch Agent, for a period yet to be determined and subject to considerations specific to the situation. Requesting that all agents and members continue to work with brother Weisbarth to maintain the smooth functioning of SUP operations in the Honolulu Branch.

PATRIOT CONTRACT SERVICES

The shallow draft tanker *SNLC PAX* agreement’s anniversary date calls for a 2% increase in wages and wage related items for all deck unlicensed ratings. As the membership is aware, crewing of *PAX* has been challenging, at least in part due to its high level of required training and slightly lower wage scale (in terms of total compensation) as compared to some other SUP contracts. As a result, and in concert with the expected *Haina Patriot* bid, we applied the entire 2% increase be applied to wages and wage related items across the board, but with such additional allocation from the various fringes to wages to improve recruitment and retention of qualified sailors as follows:

Full Operating Status

<u>Rating</u>	<u>Base Wage Monthly</u>	<u>Base Wage Daily</u>	<u>Supp. Wage Base Monthly</u>	<u>Supp. Wage Monthly</u>	<u>Supp. Wage Daily</u>	<u>Overtime Hourly</u>	<u>MPP</u>
2021 AB/W	4,783.59	159.45	4,236.09	1,976.84	65.89	23.29	10.00

Unlicensed personnel shall earn fourteen (14) days of supplemental wages for each thirty (30) days employed in FOS, or pro rata.

Reduced Operating Status

<u>Rating</u>	<u>Base Wage Weekly</u>	<u>Base Wage Daily</u>	<u>Overtime Hourly</u>
Bosun	1,748.43	249.78	27.62
AB/D	1,607.01	229.57	25.40
AB/Watch	1,251.69	178.81	23.29

Unlicensed personnel shall earn one and one half (1.5) days of supplemental wages for each thirty (30) days employed in ROS, or pro rata and paid by the Company.

The Hourly Overtime Rates above shall be paid for all work performed in excess of eight (8) hours on any day Monday through Friday and for all work performed on Saturdays, Sundays and holidays, in FOS and ROS.

In the event that additional ratings are necessary, including bosun, AB maintenance, and Ordinary Seaman the parties agree to establish the appropriate rates based on previous bids

Mr. Chairman, with this allocation members employed in this ship will retain access to SIU-PD Pension Plan contributions and credits, Group II health and welfare benefits, continuing SUP Money Purchase Pension contributions, the same vacation and overtime rates and a much improved base wage. I recommend ratification.

As reported last month, Patriot disclosed in a meeting with its Unions that it had acquired another shallow draft tanker called the *Haina Patriot*. Similar in size and purpose to *PAX*, the *Haina Patriot* is also expected to bid for government and commercial work in the refined product trades of the western Pacific. For the SUP, the goal of increased manning in the bid was rejected by management. Improving wages for AB watchstanders with a blend of the higher rates included in the original bid also fell on deaf ears. Management countered with same rates and manning on the grounds of the uncertain mission, charter rates, and overall commercial viability of the ship. Exchanging draft proposals with on wages and contract language is ongoing, however, in coordination with MFOW President Anthony Poplawski and SIU West Coast Vice-President and a report on a tentative wages schedule for *Haina Patriot* using the *PAX* template is likely in the months ahead.

The attached Memorandum of Understanding, following the template of the *PAX*, is a standard military contract with most of the same terms and conditions covering the employment in *Haina Patriot*. There are some small improvements including a protection on travel cost deductions and a four-hour overtime per day restriction to ship provision. The timeline for crewing is not known at this time, and much else is uncertain about this ship, but we will continue to press for expanded and improved job prospects of members.

RICH TRUMKA

The SUP joined with the rest of organized labor and working people around the world to note with sadness the passing of the President of the AFL-CIO Richard Trumka. He died in mid-stride, a brilliant and unyielding leader that never lost touch with regular working people. Armed with only the principles of fairness and justice loaded with care in a Union slingshot, he confronted the far more powerful adversaries of labor for decades. Those principles were not airy ideals for Trumka, they were the tools of the job, and the essence of Union representation. The best way to honor him would be to pass the PRO Act to aid workers in a country deeply in need of labor law reform.

HOLIDAY

Labor Day: SUP hiring halls will be closed on Monday, September 6, 2021, in for Labor Day, a holiday under all SUP agreements. Most official Labor Day celebrations are again canceled this year due to the COVID-19 pandemic.

ACTION TAKEN

M/S to concur in two percent increase and allocation of wages in *SNLC PAX*. Carried unanimously.

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