

## **SUP PRESIDENT'S REPORT – MAY 2021**

### **VACCINE URGENCY**

The good news is at last unquestionably good. The vaccine works and works well. It works not only against the main strain of coronavirus, but also so far against the mutations, as well as against asymptomatic spread of the disease. And because the vaccine works, the new case numbers are in dramatic decline. The pandemic still rages around the world, and remains a concern, but the vaccine has changed the outlook on the U.S. West Coast.

The Union has helped members seeking the protection to get vaccinated first via information on vaccine schedules and sites, then through prioritized access to certain clinics in March, then through vaccination enrollment assistance in mass vaccination sites in April, and now through special localized access sites by Company and unit, and now through a new method: trial clinics in the Union halls. Starting first in San Francisco this week, on May 14, there will be a licensed clinic provider delivering shots to those who work and could work at Matson and have enrolled by today. The next round will be in Wilmington on May 17 depending on participation.

SUP members and their families, agents and staff all deserve congratulations for their resilience and perseverance. We weathered the storm. Now it is all about the vaccine and there is some urgency. For those in need of further research consider this: health experts have proven it safe, and the effectiveness is self-evident. Epidemiologists say that full resumption of normal life is now a race of the vaccine against the mutations. If the virus persists, a difficult vaccine divide may widen, and disparate treatment could be the result. We have by diligence protected individual rights and maintained against all odds dispatching fairness, whether a member has the vaccine or not. That is neither simple nor guaranteed and with a “full use authorization” on the Pfizer vaccine pending before the FDA it could become tougher to defend. In any case, going to sea for living has almost always included inoculations and today the strength and resiliency of the SUP depends to some degree on the uptake rate. Urge all hands to do their part.

### **PATRIOT CONTRACT SERVICES**

***Haina Patriot:*** On May 1, 2021 the Union was contacted by the Chief Legal Counsel Boriana Farrar at Patriot regarding the Company purchase of the tankship HAINA PATRIOT, ex-AMANI. The HAINA PATRIOT has a length overall of 340 feet and draws 15 feet, putting her in the same Shallow Draft Tanker category as SNLC PAX, and like PAX, management has set the present manning of the HAINA PATRIOT at three AB watchstanders. And although she is listed as a commercial tanker for nominal purposes, management is expecting to bid the ship to MSC charter in the Asia Pacific trades, and the MOU contains a clause that reserves application of the terms of an RFP under which the charter would be made. Accordingly, the Company proposed terms and conditions in a Memorandum of Understanding covering three years, as well as a wage scale consistent with the present Patriot-operated tanker called SNLC PAX.

However, since the proposed HAINA PATRIOT MOU held the general terms and

conditions of a military contract, but also expressly stated the present configuration as a commercial enterprise, the MOU held conflicting standards. There is also possibility that the ship could later become enrolled in the fledgling Tanker Security Program, which would vastly change the economics of ship operation. In consultation with the MFOW and the SIU, I sent wage and language counterproposals, but to date there is no definitive response and so the matter is pending.

**General Rudder:** On May 1, the Union received job orders from Patriot for certain unlicensed deck crew in the training ship *General Rudder*. The SUP in past years has occasionally filled such short-term positions in various training or research ships as a benefit to interested members and sometimes at the request of the federal government. Some uncertainty about payroll and benefits, however, made dispatching problematic and so I indicated to Patriot unless and until a Memorandum of Understanding covering the basic terms and condition of employment was in place, the Union could not fill such job orders. In response Patriot sent a draft Letter of Understanding (included in the communications package) along the following lines:

1. The draft Letter of Understanding between the SUP and PCS. PCS is acting as General Agent for the United States Maritime Administration to provide crew to the Training Ship GENERAL RUDDER, during training cruises of approximately 120 days total, commencing on May 5 2021, and
2. The terms of employment of all deck ratings shall be governed by the SIU-PD PCS Memorandum of Understanding for MarAd Ready Reserve Force vessels (the “RRF MOU”), as it applies to the SUP, and;
3. PCS will pay all deck ratings FOS or ROS wages in accordance with the RRF MOU. PCS will make ROS/FOS contributions into the SUP benefits plans in accordance with the RRF MOU.
4. PCS will have the right of selection of all deck ratings.

Although these jobs can be intermittent, the work is similar to an activation of the military’s Ready Reserve Force ships, and the RRF MOU will provide good operational language and excellent wages and benefits to interested members. Therefore, Mr. Chairman, I recommend ratification subject to the production of a signed Letter of Understanding confirming the above referenced terms.

## **MATSON NAVIGATION CO.**

**Manulani Emergency:** Like the *President Eisenhower*, the M/V *Manulani*, a CV 2600 had departed for Guam when a fire in the engine room required immediate crew response. Donning fire gear and on air, Bosun Paul Harsany and others put out the fire. The ship is presently laid up for repairs in Honolulu. The CV 2500 Mauna Lei, which was scheduled for reserve layup in Tacoma, continued on with embarked crew to fill in. Kudos to all involved.

**Gangway Security Watches:** Because of longshore gang shortages related to the pandemic, some gangway security watchstanders have gone unfilled, especially in Los Angeles. Past misassignments were under investigation when Matson management disclosed that present

security guards were unavailable and the Company had been asked by the ILWU to temporarily fill the jobs using ship's crew. Because the jurisdiction and past practice for such duties when not covered by the ILWU falls within the intent of our Agreement, because we are qualified for the work given our VPDS (Vessel Personnel with Designated Security Duties) endorsement, I reached agreement on May 3 with Matson management to cover the work. Misassignments in the past notwithstanding, the work shall be offered to the crew first at the applicable overtime rates, and then to SUP standbys payable under the terms and conditions of the Extra Maintenance Agreement.

**SUP Matson Negotiating Committee:** As reported at the last meeting in this report and as published in the West Coast Sailors, the SUP and the SIU-Pacific District Unions notified Matson and the Federal Mediation and Conciliation Service of its desire and intent to bargain a new contract. We expect bargaining to begin following the formal receipt of the SIU-PD Pension Plan's actuarial report at the trustee meetings in mid-June. To prepare for bargaining however, as this report has mentioned in the past (and published in the West Coast Sailors), a Matson Negotiating Committee is open for nominations. In accordance with Article XVII of the SUP Constitution, the committee shall consist of five members from the rank and file who are affected by the contract being negotiated. Mr. Chairman, I recommend that you call for nominations. The Committee will meet immediately afterwards with other meetings as necessary to prepare. In the meantime, as mentioned many times in the past, members who have written proposals for contract improvements at Matson can submit them before the June meeting in writing to SUP HQ for referral to the Committee.

## **APL MARINE SERVICES**

**President Eisenhower Emergency:** at about 0330 On April 28, 2021, off Gaviota, California, in the Santa Barbara Channel, the *President Eisenhower* experienced a disabling engine room fire. The ship lost propulsion while the entire crew, with SUP sailors on the bridge and in the fire squads, rose to the emergency, extinguished the fire, and dealt with its long aftermath. The ship returned to Los Angeles under tow, the fire is under investigation, and extensive repairs are being made. During the repair period, the Company lifted the restriction to ship provisions for the ship but otherwise maintained the regular COVID safety protocols including masking, social distancing, testing and quarantining of joining crew. Kudos to the firefighting bravery and skill of the entire SUP gang.

**Restriction to Ship Agreement:** As part of the Union's investigation of complaints related to payment of claims under the RTS Agreement, the SUP, MFOW and SIU, proposed various improvements to APL management. Working in concert with the MMP and MEBA, we reached a tentative settlement, that will extend the agreement another 30 days and maintain the present stipend rate but make it (non-retroactively) payable on arrival in the Los Angeles anchorage independent of any formal clearance by customs. Since this improves the Agreement by closing a loophole, and despite the lifting of the restriction in the Eisenhower no other relief is possible, Mr. Chairman I recommend ratification.

## **TTD MEETING**

The semi-annual meeting of the Executive Committee of the Transportation Trades Department, AFL-CIO, was held online on April 21, 2021. There was a strong sense of momentum having emerged from the anxiety and heartbreak of the pandemic. We kept our members employed throughout, and agreed that despite the partisan headwinds, now it is time to press ahead for lasting generational changes and not only in infrastructure. These are not merely dry policy considerations but in fact represent the priorities of this membership. The goals ranged from Buy American, to Fly American, to Ship American in ways that were all aids and not obstacles to American workers.

Maritime has emerged from the shadows in transportation policy, and this period could be a turning point for the U.S.-flag fleet. The good jobs that we have built are critical the national economic and military security. The President acknowledged this at the outset of his Administration and continues to do so. For more on this see this month's issue of the *West Coast Sailors*.

On legislative matters, the 2.7 trillion-dollar American Jobs Plan, following the 1.9 trillion-dollar American Rescue Plan, holds maritime money for ports, ferries and waterways, but also for projects not fully identified. Maritime labor is looking ahead to the next appropriations for the Maritime Security Program and the Tanker Security Program which both now seeks funding after authorization. Important to note is that labor's support for green energy and infrastructure comes with the understanding that American jobs should also be the beneficiary.

On regulatory matters, our opposition to hair follicle drug testing continues and although the Biden Administration is not yet decided on it and it is expected that most prior regulatory initiatives will be either dropped, amended, or delayed. One such example is the Administration's scrapping of the anti-worker rules on independent contractors, also known as the misclassification issue. Secretary Walsh subsequently took a strong stance in opposition to misclassification, going beyond a mere push to a state-by-state battle. Throughout the vast regulatory framework of the federal government, the tide has turned from anti-worker to pro-worker. Members also heard from the following speakers:

**Deputy Secretary of Transportation Polly Trottenberg**, the new No. 2 at DOT, acknowledged that for transportation workers the DOT functions as the Department of Labor does for other Unions. She cited the infrastructure bill as transformational for the workforce and transportation labor in particular. She also recognized and thanked maritime labor as the best example of workplace safety during the pandemic.

**Rep. Brian Fitzpatrick (R-PA)**, a member of the House Transportation and Infrastructure Committee, spoke to the Board in support of the PRO Act. It wasn't lip service: Fitzpatrick worked to get that legislation through the House with some Republican support and has emerged as a key figure in bi-partisan negotiations.

**Speaker Nancy Pelosi (D-CA)**, in a remarkably frank exchange spoke to the Board at length on a wide range of topics. She noted that all the talk about the "middle class" cannot lose sight of the Union label on it, and thanked transportation labor for the courage and resilience to keep our economy going. Noting roughly \$200 billion allocated in the last two years for the

transportation sector, with another \$600 billion in the latest proposals, she said it was a once in a century chance to build something better.

## **GOVERNMENT MEETINGS**

On April 30, 2021, along with MFOW President Anthony Poplawski I attended a brief meeting with the Robin Hutchison, deputy Secretary of the Department of Transportation, to hear advance announcement of a continuation of the “masking directive” set to expire on May 12, 2021. The DoT and the TSA, also on the call, extended the mask wearing policy on all public transportation including commercial ships through September 12, 2021.

Other contact with government officials revealed the strong likelihood of an activation of Ready Reserve Force ships this summer. In the midst of the some of the worst days of the pandemic last year there was a no-notice turbo-activation of more than a dozen ships. This year could be larger and for longer, as the military tests readiness in a contested environment against the backdrop of the pending recapitalization of the Ready Reserve fleet. Interested members are urged to get all their documents in order and be ready to ship as early as late July.

## **AFL-CIO ANTI-DISCRIMINATION AND ANTI-HARASSMENT POLICY**

On March 14, 2017, the Executive Council of the AFL-CIO adopted an updated Anti-Discrimination and Anti-Harassment Policy and recently reconfirmed it for constituent entities. Generally, it condemns and does not tolerate discrimination or harassment, covers important definitions, outlines the standard expected and unacceptable behaviors, and gives guidance to the aggrieved. For the protection of the membership and Union staff, we are advised by Union legal counsel to broadly confirm the intent and adopt the policy consistent with and subject to the considerations of the SUP Constitution. An SUP handbook of relevant policies for agents and employees of the Union is in draft form and the final version will also cover such issues. The policy is in effect a supplementary code that as an affiliate of the AFL-CIO also applies to the Union.

## **SUP ELECTION**

The triennial election of SUP officers and referenda on proposed amendments to the SUP Constitution and Shipping Rules will commence on December 1, 2021 and will concluding on January 31, 2022.

Although nomination for elective office will not occur until September, the membership is reminded that in accordance with Article XXVII of the SUP Constitution, proposed Constitution and Shipping Rule changes must be submitted, in writing, to any Headquarters or Branch meeting by June.

Resolutions submitted will be referred to a rank-and-file Committee on Constitution elected at the June Union meetings. The Committee, as per the Constitution, will consist of three members from headquarters and one member elected at the Seattle, Wilmington, and Honolulu Branch meetings.

## **HOLIDAYS**

**Memorial Day:** All SUP Hiring Halls will be closed on Monday, May 31, 2021 in observance of Memorial Day which is a holiday under all SUP contracts.

**Kamehameha Day:** All SUP hiring halls will also be closed on Friday June 11, 2021 for Kamehameha Day. In accordance with the contract with Matson Navigation Co., the day is a holiday for all ships in port and at sea, and for the Paint and Rigging gang working under the Maintenance Agreement and Extra Maintenance Agreements.

#### **ACTION TAKEN**

M/S to approve the APL RTS Agreement extension. Carried.

M/S to approve the LOU with Patriot covering T/S *General Rudder* under same wages, benefits and other terms and conditions as the SUP Ready Reserve Force MOU. Carried.

M/S to nominate Paul Fuentes, Robert Reed, James Salera, Mike Worth, and Roy Tufono to the Matson Negotiating Committee. Carried.

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