



## BOARD OF EXAMINERS

*New Orleans and Baton Rouge Steamship Pilots for the Mississippi River*

Casey E. Clayton  
*President*

Kevin G. Alario  
*Commissioner*

Sharon Ann Geraci  
*Executive Secretary*

Lee A. Jackson  
*Commissioner*

### AUGUST 11, 2021 QUARTERLY MEETING MINUTES

#### 1. **Call to Order**

The quarterly meeting was called to order at 10:00 a.m. by President Casey Clayton.

#### 2. **Roll Call**

Roll call was taken. Board members present were President Casey Clayton, Captain Lee Jackson, and Captain Kevin Alario.

Also present were Ralph Wall, Cory Grant, Jack Capella, and various members of the public.

#### 3. **Adoption of Minutes**

A motion was made by Captain Alario to approve the May 25, 2021 and July 29, 2021 meeting minutes; seconded by Captain Jackson. The motion was approved.

#### 4. **Old Business**

##### **a. Standards of Care/High Interest Vessels**

The Board noted that the information regarding the new directive has been distributed to all relevant parties relative to certain vessels previously identified as HIV. The Board is working on creating a more workable definition of HIV.

##### **b. 12 Hour Rest/Emergency Rule**

The Board noted that the current emergency rule will expire on November 4, 2021, at which time it will have to be renewed. It was also noted that the 12 hour rest rule is included as part of the proposed new proposed administrative rules.

##### **c. Mandatory Retirement Age**

Counsel advised that Act 902 of the 2004 Legislative Regular Session, which contained a provision stating that “no state pilot shall retain their state commission beyond the end of the calendar year in which they reach the age of seventy years old,” continues to and does have the force of law despite not being codified in the revised statutes. The Board asked

questions of counsel and discussed whether requesting an Attorney General opinion would be wise. The Board also discussed its prior practices with regards to requesting Attorney General opinions. The Board received comment from various members of the public on this issue.

**d. Anti-Harassment Classes Update**

Counsel advised that it remains a question whether pilots are required to take anti-harassment classes as they are not public employees but recommended that they continue to do so as it is a good policy. The Board also advised that the pilot classes will start in September and will be conducted via Zoom.

**e. Administrative Rules/Proposed Changes**

The Board advised that subsequent to the special meeting held on July 29, 2021, small changes were made to the draft of the proposed changes to some of the Board's Administrative Rules in response to comments made and issues identified. Counsel advised as to the process and the public's ability to offer input at various stages. The Board received comment from various members of the public on proposed changes. Captain Jackson made a motion to table to rulemaking process, but it failed for lack of a second. Captain Alario made a motion to move forward with the rulemaking process, which was seconded by Captain Clayton. The motion was approved with Captains Clayton and Alario in favor and Captain Jackson opposed.

**5. New Business**

**a. MPI/COVID Restrictions**

The Board noted that MPI was still holding classes with COVID-19 restrictions in place.

**b. E&O Insurance Update**

The Board advised that the Board's insurance premium had been paid.

**c. Retention of Records Board Policy**

The Board noted that a recent public records request has revealed that the Board did not have a document retention policy that had been filed with the State. Counsel presented its research on the Board's requirements to do so and noted that it would move forward with developing a policy with the Board's assistance.

**d. Ethics Class/BOE Members**

Counsel advised as to the requirement that Examiners undergo Governmental Ethics training every year and outlined the process.

**e. Executive Session**

Captain Alario made a motion to go into executive session to discuss the below items; Seconded by Captain Clayton. The Motion was Approved.

- i. Incidents Pending before the Board**
- ii. Individual Pilot Review**
- iii. Investigations Pending**
- iv. Return to Regular Session**

Captain Jackson made a motion to return to regular session; Seconded by President Clayton. The Motion was Approved.

## **6. Adjournment**

Captain Alario made a motion to adjourn the meeting; Seconded by Captain Jackson. The Motion was Approved.

The meeting was adjourned at 12:38p.m.