



BOARD OF EXAMINERS

New Orleans and Baton Rouge Steamship Pilots for the Mississippi River

Lee A. Jackson
Commissioner

Casey E. Clayton
President

Kevin G. Alario
Commissioner

FEBRUARY 22, 2022 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

An objection was made by a member of the public regarding the previous special meeting's minutes. A motion was made by Captain Jackson to amend the special meeting minutes to include an objection that was made by a member of the public "regarding the process and entering into executive session;" Captain Alario seconded. The motion was approved with Captains Jackson and Alario in favor and Captain Clayton opposed. Captain Jackson made a motion to approve the amended February 15, 2022 special meeting minutes and the November 3, 2021 meeting minutes; Captain Alario seconded. The motion was approved.

4. Old Business

a. Board Office Space

The Board advised that the rent for its new office space had been adjusted slightly higher than the amount approved at the previous meeting, but the lease was still approved by the State. The Board received comments from members of the public regarding the issue. Captain Alario made a motion to approve the amended lease; seconded by Captain Clayton. The motion was approved.

The Board advised that it had received a quote for moving services from a company recommended by the building who possessed the requisite insurance. Captain Alario made a motion to approve the moving company based on the quote received; seconded by Captain Jackson. The motion was approved.

The Board advised that it had received three quotes regarding new office furniture and had discussed with NOBRA regarding the furniture in the current office. The Board members discussed the quotes and the quality of furniture from each company. The Board noted that the furniture was for both the office space and the training room. Captain Alario made a motion to approve the LA Office Products quote for all areas except the training room; seconded by Captain Clayton. The motion was approved.

The Board advised that it would also need to obtain various office supplies for the new location but at this time had not specifically received quotes or prices. Captain Alario made a motion to authorize the Board to spend \$5,000.00 on ordinary and reasonable office expenses; Seconded by Captain Jackson. The motion was approved.

The Board advised that it intended to seek out a new IT/Tech company to service the Board in its new office space. The Board discussed the benefits of new companies versus continuing with the previous provider. The Board members agreed to look into costs.

The Board advised that it needed part-time temporary administrative help to perform work above and beyond the work performed by the current administrative staff. The Board discussed hours, compensation, and duties for the potential worker. The Board discussed whether the present administrative staff could be brought up to speed or whether additional help would be needed with differing skill sets. Captain Alario made a motion to hire an independent contractor on a six-month contract not to exceed \$3,000 per month; Seconded by Captain Clayton. The motion was approved with Captains Clayton and Alario in favor and Captain Jackson opposed

b. Administrative Rules Update/12 Hour Rest Rule

The Board noted that the recent proposed changes to the Board's administrative rules were not approved through the legislative process, including a proposed permanent 12 Hour Rest Rule. The Board further noted that the current 12 Hour Rest Rule was scheduled to expire on May 3, 2022. The Board discussed the new provision in the Administrative Procedures Act that only permits an Emergency Rule to be issued for no more than two consecutive periods. The Board concluded that the 12 Hour Rest Rule that had been in place as an Emergency Rule since 2019 should not be issued again in May, so that an Emergency Rest Rule could be implemented in future phases of high water or other potentially other hazardous river conditions should the need arise.

c. Retention of Records Board Policy

Counsel advised as to the process of developing a record retention policy after attending a training seminary with the Division of Archives. The Board discussed putting together a list of documents created, received, and/or used by the Board to generate the policy. The Board received public comment on this item.

d. Ethics Class/BOE Members

The Board advised that all its members have completed their mandatory ethics training.

e. Anti-Harassment Classes Update

The Board noted that all pilots have completed their anti-harassment training.

5. New Business

a. High Water Restrictions

The Board noted that measures were needed in anticipation of the upcoming high river. The Board discussed 12' and 16' triggers and restrictions that have historically been in place. The Board noted that each high river situation is different and that it is prudent to receive input from pilots for use in its consideration of high-water restrictions.

b. Apprentice Applications/Apprenticeship Program/Deputy Pilots

The Board noted that it added “a copy of” to the degree requirement in the application for the Deputy Pilot Program, making it clear to applicants that they need to provide a copy of their undergraduate degree. The Board discussed the need to formalize the apprenticeship program and Captain Alario volunteered to research other pilot groups and survey the Association. The Board also discussed utilizing additional criteria, besides time, for deputy pilots to advance in their restrictions. Captain Clayton advised that she would compile the turns for the deputy pilots for further discussion at the next meeting. The Board also discussed continuing education for the deputy pilots and confirmed that their first-year requirements are covered by the class(es) taken during their apprenticeship.

c. Drug and Alcohol Testing and Pilot Assistance Program

The Board discussed the procedure for conducting randomized hair testing of the pilots and need to ensure that the process is truly random. Captain Clayton advised that she would discuss with the current testing company.

The Board also discussed the Pilot Assistance Program it intends to create and Captain Alario volunteered to look into resources and other pilot groups for guidance.

d. NOBRA Incident Reporting Guidelines

The Board noted the need to have clear guidelines for the types of incidents that need to be reported to the Board. Members of the public offered comment into the types of incidents NOBRA requires reporting for as well as their policy regarding post-incident drug/alcohol screens. The Board noted its concern regarding pilots with habitual small incidents that do not rise to the level of reportable under the Coast Guard directives.

e. Executive Session

Captain Alario made a motion to go into executive session pursuant to La. R.S. 42:17 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 Alario made a motion to return to regular session; Seconded by Captain Jackson. The Motion was Approved.

6. Any Necessary Votes Arising from Executive Session

Captain Jackson made a motion to advance Captain Plaisance to the next deputy pilot level (755') on March 15; Seconded by Captain Alario. The motion was approved.

Captain Jackson made a motion to terminate the investigation on the GLORY FIRST with a finding of no pilot error; Seconded by Captain Alario. The motion was approved.

Captain Alario made a motion to retain Couhig Partners, LLC to represent the Board in all pending litigation; Seconded by Captain Jackson. The motion was approved.

Captain Alario made a motion, based on the advice of legal counsel, to find that the Board lacks jurisdiction to adjudicate the complaints received on January 20, 2022 from Captains Brown, Buff, Davisson, Gossell, Heitmeier, Ledet, J., Ledet, P., Morman, Rittiner, and Teen because they do not concern the duties of pilotage as required by the Board's rules; Seconded by Captain Clayton. The motion was approved.

7. Adjournment

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

The meeting was adjourned at 12:48p.m.