



THE FEDERAL MARINER

MSC • NOAA • ARMY COE • MARAD

Volume 8 • ISSUE 3
July - September 2018



OFFICIAL PUBLICATION OF THE SEAFARERS INTERNATIONAL UNION'S GOVERNMENT SERVICES DIVISION

Federal Workers Alliance Prevails in Lawsuit Against Executive Orders

A judge recently ruled in favor of challenges to three executive orders that weakened federal workers' rights.

The executive orders were issued late on May 25, 2018 and subsequently were implemented by the administration. A lawsuit was filed by the Federal Workers Alliance and its affiliated unions, including the Seafarers. Other unions, including AFGE and NTEU, also filed separate lawsuits protesting these executive orders.

The unions' lawsuit specifically addressed:

- Several sections of Executive Order 13836 (concerning time spent representing workers by union representatives) which usurped Congress's legislative authority. The same executive order prohibited representatives from using official time to "prepare or pursue grievances (including arbitration of grievances) brought against an agency," but allowed it for employees working on their own behalf. The unions argued that treating a union and its representatives differently from individual employees encroaches on a union's right to take collective action on behalf of all employees.

- Executive Order 13837 (concerning due process rights) violated rules related to collective bargaining delegated to the Federal Labor Relations Authority, not

the president. The order illegally limited how much time employee representatives were able to use to help their fellow unit employees. The order did not allow payment for union representatives who may need to travel to represent employees in their units; would have charged unions to use office space and equipment which the Federal Labor Relations Authority has ruled is negotiable between the union and agency; and would have made union representatives take personal leave time to help process grievances, among other newly imposed restrictions.

- Executive Order 13839 (concerning merit principles) was an attempt to exclude matters from the negotiated grievance procedure, such as removals based on misconduct and incentive awards. Order 13839 also excluded (from the negotiated union and arbitration procedures) disputes about employee performance ratings, incentive pay, cash awards, quality step increases, retention and relocation expenses despite the fact that Congress has allowed these issues to be included for decades.

The president argued that he had both the statutory and constitutional authority to direct the manner of how collective bargaining would be carried out.

In the lawsuit, the unions argued that President Trump exceeded his authority by interfering with rights granted by Congress to unions and federal agencies to decide which matters are and are not subject to the negotiated grievance procedure. The unions also argued and that the orders violated other fundamental rights provided by the Federal Service Labor-Management Relations Statute (FSLMRS).

In a 119-page opinion, Judge Ketanji Brown ruled in favor of the unions in many of the claims they had asserted on behalf of federal employees. At the outset, Judge Brown summarized the important provisions of the FSLMRS. She wrote that "(f)irst and foremost, the FSLMRS firmly establishes the rights of federal employees to join labor unions for purpose of petitioning government officials about labor matters."

The judge also noted that the rationale for the statute is that labor unions and collective bargaining efforts safeguard the public interest and contribute to the effective conduct of public business, and to encourage the amicable settlement of disputes between employees and their employers involving conditions of employment.

After reviewing all the facts and arguments, the judge ruled that "the president is without the statutory authority to promulgate directives that reduce the scope of the statutory right to bargain collectively that Congress enacted in the FSLMRS; and, indeed, there appears to be no dispute that the president does not have the constitutional authority to override Congress' policy choices."

The judge also ordered that "the president's subordinates within the executive branch were enjoined (not permitted) from implementing or giving effect to any of the invalid executive order provisions."

The government has appealed this decision.

Upon hearing about the ruling, SIU Assistant Vice President Government Services Chet Wheeler said that this decision is one every mariner working in ACOE, SUISUN Bay, NOAA and MSC should know about and read the document, if possible.

Wheeler noted, "There have been many attempts under this administration to attack the work of federal employees nationwide. The outcome shows that when unions and the employees they represent work collectively, we have a better chance at ensuring that everyone's rights will be protected."

CIVMAR-Crewed USNS Wally Schirra Rescues Five

SIU Government Services Division mariners aboard the Military Sealift Command-operated (MSC) *USNS Wally Schirra* recently put their rescue training to use, as the vessel came across five Filipino fishermen on the remnants of an adrift and damaged boat in the South China Sea.

On Oct. 8, the CIVMAR-crewed *Schirra* was conducting a routine mission when the watch officer and lookout spotted the individuals in apparent distress. The crew sprang into action, working quickly to rescue the stranded men, who had reportedly been floating for five days after their hull was punctured by a blue marlin.

"Luckily, we were going at a slow enough speed to have spotted the fishermen," said civilian mariner Capt. Keith Sauls, the *USNS Wally Schirra's* master. "The individuals were waving their arms and a flag in the air. They were also flashing a white light that was previously thought to be a fishing buoy. The watch officer notified me and then the chief mate of a possible rescue situation."

"The fishermen salvaged what they could from the rapidly sinking boat, removing the outriggers and planks to turn it into a raft with floats and barrels underneath for flotation," said Chief Mate Leon Hadley. "They took with them some rice, clothes, batteries, an 8-watt bulb, an AM-receive-only radio and a handheld GPS. They had no water."

As the MSC vessel closed the distance, the fishermen entered the water and swam toward the *Wally Schirra*. A rigid-hulled, inflatable boat and search and rescue swimmers were deployed, and the fishermen were pulled to safety. Once the fishermen were aboard the *Wally Schirra*, qualified personnel conducted an initial medical assessment and security search of the individuals and their possessions.

The fishermen thanked the crew of the *Schirra* for rescuing and housing them, and for their generosity in providing them with spare clothes and cash donations. The men were then transferred to the Philippine Coast Guard while at sea.

"On average, death results two to three days after a diet of drinking undiluted salt water or urine in survival-at-sea events as it takes more water than is consumed for the body to process the waste and salt out of the kidneys, leading to a build-up of salt and



Personnel from the *USNS Wally Schirra* (right) deploy a rescue boat and begin retrieving the fishermen (left). (Photo courtesy U.S. Navy)

toxic ammonia in the body which only deepens the cycle and quickly leads to death if not stopped," said Hadley. "We're all lucky we found them when we did."

The *USNS Wally Schirra*, currently operating in the U.S. Navy 7th fleet area of responsibility, is a fleet ordnance and dry cargo ship. The union-built T-AKE ship incorporates international marine technologies and commercial ship-design features, including an integrated electric-drive propulsion system to minimize operating costs over its projected 40-year service life. Each of the 14 T-AKE vessels is 689 feet long, with a 106-foot beam. The ships can sail at 20 knots; they each carry civilian crews of 129.

President's Column

Election Day Almost Here

Since this edition of *The Federal Mariner* will be published right around Election Day, I'll begin this month's message with one more reminder to make sure you're registered to vote, and then, if possible, go with families and friends to the polls on November 6. If not, make sure to get and send in your absentee ballot. If you're not sure which candidates will be supporting the issues that protect federal employees and their families, you can seek information at: aflcio.org/tags/elections-2018 or <https://www.lww.org/elections/vote411>



Michael Sacco

Throughout my years with our union, I have consistently seen surprised reactions from new members (and even some who'd already been with us for a while) when they learn about the gigantic impact that politics has on their jobs. The short version is that if maritime unions, vessel operators, coalitions and other organizations from our industry were not politically active, there wouldn't be a public- or private-sector U.S. Merchant Marine. That's why we're on the front lines practically every day, fighting to protect policies that impact shipboard safety and health, promote adequate habitability, and ensure that federal mariners have the continued legal employment protections they need. You can see a good example about this in the article discussing the court victory fighting against recent executive orders.

That's also why I continue to discuss grassroots political action. It's why we support pro-maritime candidates at every level of government, regardless of party. Our involvement is a matter of survival, but a strong American-flag fleet – and reliable, well-trained, U.S. citizen crews – are equally vital to national, economic and homeland security.

The stakes are just as high when it comes to workers' rights and freedom of association. It's no secret that unions have been under attack for decades, and those legislative and judicial assaults are only intensifying. But the labor movement is fighting back, and we are winning some key victories. Teachers protests this spring brought better pay and working conditions in West Virginia, Kentucky and Arizona. Unions also led the way in defeating so-called right-to-work provisions in Missouri. You can read more about that on page 4.

The positive impact of all this collective action is not lost on our fellow citizens. Non-partisan polling shows that the public's opinion of unions is at a modern high point. In fact, nearly two-thirds of the people 35 and under who were polled expressed their support for unions, according to Gallup.

Put all of that together and it's easy to see why we must vote for pro-maritime, pro-labor candidates this year. At stake are all 435 seats in the U.S. House of Representatives, 35 positions in the Senate and 36 governorships, along with state-level and local offices. So get out there and vote.

SIU Government Services Unit Updates

Jesse Ruth, previous CSU west coordinator at the Military Sealift Command has joined our Government Services team. I was pleased to welcome Jesse to the SIU when he was in Maryland for union training. Jesse will be working on the West Coast with Assistant Vice President Chester Wheeler and will assist federal mariners in ACOE, NOAA, MSC and SUI SUN Bay. Read more about Jesse Ruth the next edition of our newsletter.

Lastly, Kermet Mangram, the vice president of the union's Government Services Division has retired after four decades of service with the Seafarers International Union. Kate Hunt, a longtime Government Services Division representative and most recently the national director of the SIU-affiliated United Industrial Workers union, will be taking over that spot. Check out the article about Kate that's also on this page.

Safety First and Foremost

As federal mariners know, the SIU keeps workplace health and safety conditions first on our priority list when we go to bat for federal mariners. For the 4,200 MSC unlicensed mariners covered by the SIU collective bargaining agreement, safety is impacted by many factors including the high-op tempo on vessels and manning concerns. This is especially true during underway replenishments.

The SIU-MSC joint labor-management safety committee was formed to address all aspects of workplace safety and health. You can read about the most recent meeting on page 4. It is critical that all federal mariners notify SIU representatives with concerns you may have about safety and health issues in your workplace. Your union operates most effectively and can provide the greatest protection when there is continual, open communication, and federal mariners look out for each other.

SIU Directory

Michael Sacco, *President*

Augustin Tellez, *Executive Vice President*

David Heindel, *Secretary-Treasurer*

George Tricker, *Vice President Contracts*

Kate Hunt,
Vice President Government Services

Chester Wheeler,
Asst. Vice President Government Services

Union Appoints Hunt to Vice President Government Services Position

Kathleen "Kate" Hunt has been appointed by the SIU's executive board as vice president of the SIU's Government Services Division. She succeeds former SIU Vice President Kermet Mangram, who retired from the post effective Aug. 31.

Hunt assumes her new duties after serving as National Director of the SIU-affiliated United Industrial Workers (UIW), a position she had held since August 2016. In that capacity, she oversaw the operations of dozens of UIW shops in the continental United States, Alaska and the United States Virgin Islands.

Hunt began her maritime career as an AB working on ferries in Cape Cod, Massachusetts, in 1976. In 1980, she became the first female patrolman for the National Maritime Union (NMU), and thereafter spent many years as an NMU official.

Following the SIU/NMU merger in 2001, Hunt was assigned to be a representative for the SIU's Government Services Division. Among other duties, she worked with the SIU crews aboard Military Sealift Command ships, National Oceanic and Atmospheric Administration research ves-

sels and other government-owned ocean-going platforms.

During that same period, Hunt also worked as a business representative for the SIU-affiliated Seafarers Entertainment and Allied Trades Union (SEATU). Based at the union's New York-area office, she addressed and met the needs of SEATU members employed at worksites in the Northeast.

The SIU represents thousands of American workers aboard U.S.-flagged vessels in both the private and public sectors. One of its most important membership groups consists of mariners who are employed by the federal government aboard Military Sealift Command, National Oceanic and Atmospheric Administration and other government service ships.

On a daily basis, SIU Government Services Division representatives advocate for Civilian Mariners in discipline cases, loss of security clearances, workman's compensation matters, fitness for duty issues, retirement questions and other concerns that have real, tangible effects on the day-to-day lives of federal mariners.



Pictured from left to right are SIU President Michael Sacco, SIU VP Government Services Kate Hunt and SIU Secretary-Treasurer David Heindel.

NOAA Note: Negotiations Scheduled

The Seafarers International Union's Government Services Division will soon be negotiating a new collective bargaining agreement with the United States Department of Commerce, National Oceanic and Atmospheric Administration (NOAA).

The current agreement has been in effect since the previous negotiations were completed in 2011. The union's negotiating team will include SIU Representative Sam Spain, Associate Counsel Jon

Madden and several NOAA bargaining unit members.

The negotiations are scheduled to take place in Norfolk, Virginia beginning October 29, 2018 and continue for up to two weeks.

Over the course of this past year, the SIU Government Services Division has sought and received input from our members, which were taken into consideration in preparing for these negotiations. We will keep you updated on the negotiations.

Federal Laws Still Regard CBD Oil as Controlled Substance

Regardless of the specific laws concerning cannabidiol (CBD) in a mariner's home state, there's no ambiguity in the eyes of the government: CBD is a Schedule I controlled substance, and illegal under federal law.

As explained in a recent article by Consumer Reports, "Cannabidiol, commonly called CBD, holds the promise of relieving a long list of ailments, from pain to epilepsy to multiple sclerosis. While this chemical compound comes from marijuana or its close relative hemp, CBD does not get users high, unlike another compound from the marijuana plant, tetrahydrocannabinol, or THC."

While it's true that some CBD oils are made with hemp instead of marijuana, and therefore contain a much lower level of THC, the vast majority of CBD products are not regulated by the Food and Drug Administration, and the aforementioned claims have not been verified.

As CBD is still illegal at the federal level, any positive test for either THC or CBD would cause a mariner to fail that drug screening.

Additionally, even if a mariner legally purchased a product that contains CBD in their home state, they would not be allowed to possess it while aboard a vessel.

According to the Substance Abuse and Mental Health Services Administration (SAMHSA), "CBD is chemically distinguishable from THC and will not cause a positive drug test result under the current drug testing panel but is a Schedule I drug. However, CBD products may contain other cannabinoids such as THC, therefore, use of CBD oils and marijuana-derived products may result in a positive urine drug test for THC.... There have been no changes to the drug testing panel regarding marijuana, under the federal Drug-Free Workplace Program (DFWP). The DFWP (as established under Executive Order 12564, Public Law 100-71 and the Mandatory Guidelines) will continue to operate in accordance with federal law, which identifies marijuana and marijuana extracts (e.g. CBD) as a Schedule I controlled substance."

Sen. Kaine, Rep. Scott Discuss Maritime Industry

With representatives from 16 different international unions present – including the Seafarers – the Hampton Roads (Virginia) Port Council kicked off Labor Day weekend on Aug. 31 with a lunchtime question-and-answer session featuring U.S. Sen. Tim Kaine (D-Virginia) and U.S. Rep. Bobby Scott (D-Virginia).

Iron Workers Local 79 hosted the meeting in Norfolk, Virginia.

The port council is part of the AFL-CIO Maritime Trades Department (MTD), to which the SIU is affiliated. SIU Government Services Division Representative Sam Spain and SIU Port Agent Georg Kenny were among the attendees, as was MTD Executive Secretary-Treasurer Daniel Duncan, who served as moderator.

The 90-minute gathering brought together elements from the Norfolk-area's shipbuilding, ship repair and seafaring communities. The two elected officials dealt with a variety of questions ranging from port activities to finding new ways to spark apprenticeship programs.

Kaine and Scott both serve on their bodies' main committees that oversee labor and workforce issues. Before taking questions, both spoke briefly about creating legislation that would allow federally funded Pell Grants to be used to cover the costs associated with apprenticeship training. (Currently, Pell Grants only help cover expenses associated with getting a college degree.) In addition, both spoke out strongly against President Trump's announcement the day before to cancel a 2 percent pay raise for federal workers.

Kaine and Scott reiterated their longstanding support for the Jones Act, the Maritime Security Program and cargo preference. Both noted the need for a strong domestic shipbuilding industry to maintain America's military and commercial fleets.

The pair cited Norfolk's efforts to become the largest port in terms of cargo along the U.S. Atlantic coast, stating they would do whatever is possible in Washington to help achieve this goal. However, both were unaware that the Norfolk/Tidewater/Hampton Roads region is the only major U.S. port on the East Coast that does not have a seamen's center for U.S. and foreign mariners whose



Pictured from left at the port council event are SIU Senior Political Consultant Terry Turner, SIU Port Agent Georg Kenny (who also serves as secretary-treasurer of the port council), Tracy Burke of MEBA, U.S. Sen. Tim Kaine, ITF Inspector Barbara Shipley, U.S. Rep. Bobby Scott, Capt. Randall Rockwood of MM&P, and SIU Government Services Representative Sam Spain.

ships dock at the facilities. Both agreed to work with local governmental and business officials to alleviate that concern.

SIU President Michael Sacco also serves as president of the MTD, which is a constitutionally mandated department of the AFL-CIO. The MTD features 21 affiliate unions (representing around five million

members) and a network of 21 port maritime councils. Those port councils give the affiliates a mechanism to pool their resources on a wide range of issues and projects.

The SIU's affiliation to the MTD benefits Government Services Division members by amplifying their voices on Capitol Hill and across the country.

Federal 'Open Season' Begins November 12

The Federal Employees Health Benefits (FEHB) Program is fast approaching its "Open Season" (as of press time), which gives government employees and retirees the opportunity to review the 2019 rates and benefits, and change their health care coverage if desired. It will also give employees the chance to select supplemental dental and/or vision coverage.

Additionally, federal employees can elect to participate in a tax-deferred Flexible Spending Account (FSA) for health care and/or dependent care. According to the Office of Personnel Management (OPM), "A Flexible Spending Account, or FSA, is an employee benefit program that allows you to set aside money, on a pre-tax basis, for certain health care and dependent care expenses.... FSAFEDS is the Federal Flexible Spending Account Program which is the FSA for most federal employees. FSAFEDS offers three types of accounts: Health Care FSA (HCFSA), which is used to pay for

eligible medical, dental, and vision care expenses; Limited Expense Health Care FSA (LEX HCFSA), which is used to pay for qualified out-of-pocket dental and vision care expenses; and Dependent Care FSA (DCFSA), which is used to pay qualified out-of-pocket dependent care expenses"

OPM has estimated that the average FSAFEDS participant saves 30 percent on their eligible out-of-pocket expenses as a result of being enrolled.

By federal regulation, Open Season is held each fall from the Monday of the second full week in November to the Monday of the second full week in December. This year, that runs from November 12 through December 10. Any changes made during Open Enrollment will enter into effect on the first day of the employee's first full pay period in January.

The biweekly and monthly premiums for 2019 have been set, and the average 2019 total premiums for current non-Postal employees and retirees enrolled in plans under the FEHB Program will increase 1.3 percent, the lowest increase since the 1996 plan year. The overall average premium for dental plans will increase by 1.2 percent, while the overall average premium for vision plans will decrease by 2.8 percent.

As a reminder, you can manage your FEHB account on OPM's website (www.opm.gov). To register you will need your Annuity Claim Number, and you will

be prompted to enter a unique username and password to activate your account. You must register for each new open season, even if you registered for the previous year.

When it isn't Open Season, an employee's ability to adjust their coverage is much more limited. As OPM states on their website, "Outside of Open Season, you can make changes due to certain events, called qualifying life events (QLEs). The most common QLEs for changing enrollment type or plan are: marriage, acquiring a child, moving away from the area served by your Health Maintenance Organization (HMO), losing health insurance coverage, or changing employment status."

To enroll during the Open Season, visit www.benefeds.com, or call 1-877-888-3337.

Established in 1960, the FEHB Program is the largest employer-sponsored health benefits program in the United States, providing health care benefits for about 8.3 million employees, retirees and family members. Approximately 85 percent of all federal employees participate in the Program.

Moreover, another resource that may be worth examining is the Washington Consumer Checkbook, located online at <https://www.checkbook.org/newhig2/hig.cfm>. This tool helps federal employees compare plans.

How to Become an SIU Member

Joining the SIU is easy and an important step in protecting your workplace rights. The union's website – www.seafarers.org – includes printable PDF versions of forms that mariners may use to request and authorize payroll deductions for labor organization dues. The forms are posted at:

www.seafarers.org/memberbenefits/civmar.asp

Forms are also available under "union forms" in the SIU membership tab.

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TWIC Cards Get New Look

The Transportation Worker Identification Credential (TWIC) has been redesigned, the first in over a decade. On July 10, the Transportation Security Administration began issuing TWIC cards sporting the new design, for both new applicants and renewals, officially dubbed TWIC NexGen.

As outlined in documents released by the TSA, "The NEXGEN effort is focused on enhanced card functionality, new physical security features, and changes to the Technology Infrastructure Modernization system to realize a NexGen card. Where TWIC is used often as a 'flash pass' physical updates to deter counterfeiting were a priority of TSA."

The updated design includes, according to the TSA: enhanced card substrates; covert, overt & forensic features; color-coded expiration field; and optically variable devices. In addition, the laminate itself has been enhanced with a variety of security and tactile features.

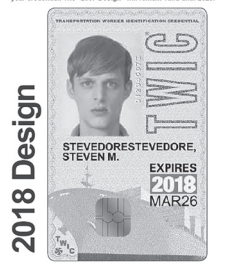
This redesign is part of a larger series of policy changes and enhanced security measures the TSA has been introduc-

Transportation Worker Identification Credential



2007 Design

Design Comparison



2018 Design

The TSA issued this image of a sample card showing the new TWIC design.

ing in recent years. The previous design of the TWIC will remain valid until 2023.

For additional information, contact the TSA at twic.issue@tsa.dhs.gov.

Missouri Defeats Right-to-Work (for less) Law

Missouri voters on Aug. 7 provided the state's working families – and the labor movement nationwide – with a tremendous victory by rejecting the state's so-called right-to-work law.

Senate Bill 19, which appeared on the ballot as Proposition A during the state primary, afforded voters the opportunity to strike down a measure the state legislature passed in early 2017. If allowed to stand, Prop A would prohibit employees from being required to join a union (even though a majority of employees would have voted for representation) or to otherwise pay "fair share" fees to a given workplace's union.

In dramatic fashion, the electorate made its feelings crystal clear: There would be no right-to-work (for less) during their watch. By better than a 2 to 1 ratio (67 percent to 33 percent), voters in the Show Me State smashed the measure.

AFL-CIO President Richard Trumka, in a prepared statement released in the wake of the primary's result, said, "Missouri is the latest sign of a true groundswell, and working people are just getting started. The defeat of this poisonous anti-worker legislation is a victory for all workers across the country. The message sent by every single person who worked to defeat Prop A is clear: When we see an opportunity to use our political voice to give workers a more level playing field, we will seize it with overwhelming passion and determination. Tonight is the latest act of working people changing a rigged system that for decades has been favoring corporations, the mega-wealthy and the privileged few.

"The victory in Missouri follows a national wave of inspiring activism that is leading to life-changing collective bargaining agreements and electoral triumphs that remind America the path to power runs through the labor movement," he continued. "From statehouses and city councils to the halls of Congress, working people are fighting back, and this November, we will elect our allies and retire our enemies. Working people across Missouri made this transformational moment possible, and we are following their lead to changing the world."

Mike Louis, president of the Missouri AFL-CIO, was equally pleased with the primary's outcome, offering "Working people made our voices heard at the ballot box today and overturned 'right to work.' It's a truly historic moment. Thousands of hard-working men and women in Missouri talked to their neighbors, friends



Missouri AFL-CIO President Mike Louis



AFL-CIO President Richard Trumka

and co-workers. We owe them this victory.

"Together, we knocked on more than 800,000 doors, made more than 1 million phone calls and talked to working people on more than 1,000 different job sites across the state," Louis added. "Tonight, we celebrate, but tomorrow we're getting back to work. We're going to take this energy and momentum and build more power for working people in Missouri."

The Missouri vote marked a major victory for unions during an era saturated with anti-worker attacks at different levels of government and from extremists. For instance, as reported earlier in the Seafarers LOG, the U.S. Supreme Court on June 27 issued its opinion in the much-anticipated Janus v. AFSCME Council 31 case, which overturned 40 years of public-sector collective bargaining policy. The 5-4 decision bars states from requiring non-members from paying what are known as agency or fair-share fees to unions who collectively bargain on behalf of an entire unit in a public-sector workplace.

The Supreme Court held in 1977 that unions could charge non-members fees for benefits they received from certain representational activities. But the late-June decision overturned that ruling on First Amendment grounds, and it is expected to weaken workers' rights.

A little more than a month earlier on May 25 in the late afternoon right before the start of Memorial Day weekend, the administration issued three executive orders (numbered 13836, 13837 and 13839) that aggressively restricted collective bargaining in federal organizations and constrained the ability of labor leaders to represent not just their members but all employees in a bargaining unit, regardless of whether they pay dues.

The foregoing setbacks and others notwithstanding, the Missouri vote came on the heels of a string of successful red-state protests about teachers' wages. Teachers strikes and demonstrations in West Virginia, Oklahoma, Kentucky and Arizona were successful as educators rallied and demanded fair wages and improved working conditions for the betterment of students.

As a result, many union members around the country now are viewing the win in Missouri as a watershed moment and a sign of victories to come. If polls offer any indications as to where organized labor stands, then union members' optimism could be well-founded. According to Gallup, Americans' views on unions hit a 14-year high last year, reaching 61 percent approval, just above its historical average in recent decades.

Know Your Workplace Rights

This piece is one in an occasional series of articles discussing federal mariner workplace rights. CMPI (Civilian Marine Personnel Instruction) 610 is one of the core documents every MSC CIVMAR should have constant access to and be thoroughly familiar with. Knowledge of this document will ensure you are aware of your shipboard work rules and are earning the appropriate amount of premium and overtime pay for your work. (Editor's note: We appreciate the input from an unlicensed MSC CIVMAR who suggested we cover this topic.)

One-Hour Meal and Rest Time Requirements Aboard MSC Vessels

Here is a summary of CMPI 610 Section 4-4 Unbroken Hour for Meal and Rest Time. This is a summary

only. You can read the entire section by getting a copy of CMPI 610 from your purser or online at <https://civmar.sealiftcommand.com/resources/policies>.

All day-working CIVMARs will be allowed a full unbroken hour off-duty for meals and rest. If a full hour for meals and rest cannot be provided, due to operational requirements, CIVMARs will be paid a penalty meal hour. This provision also applies to watch standers while working mandatory overtime outside of their normal watch hours. Exception: CIVMARs working voluntary overtime shall not receive a penalty meal payment.

Under this section, pyramiding of overtime (the ability for the mariner to earn two types of overtime for the same work) is permitted.

Section 4-4 also spells out the hours CIVMARs will normally be served meals and notes that with adequate notice, these times may be varied to accommodate ship operations. Such variations should not exceed one hour either way. Every effort will still be made to allow CIVMARs to receive their full unbroken hour for meals and rest.

One of the biggest lessons learned during the three years CMPI 610 was negotiated between MSC and the SIU was that many times, different ships were applying the rules in different ways, leading to unfair results. Consistent application of work rules is key to fair wages and working conditions.

A big part of a CIVMAR'S wage is the overtime/premium pay he or she earns. Make sure to claim your pay if you are not provided a full hour for meals and rest under this section. Also make sure you have access to CMPI 610, study the provisions and contact your union representative if you have questions regarding the interpretation of this instruction.

SIU, MSC Conduct Joint Labor-Management Safety Committee Meeting

On July 19, 2018, SIU Government Services Division representatives and a delegation from the Military Sealift Command (MSC) conducted the latest Joint Labor-Management Safety and Health Committee meeting at the Seafarers-affiliated Paul Hall Center for Maritime Training and Education, located in Piney Point, Maryland.

Many significant issues were discussed at the meeting. MSC reported that since the last meeting in April a number of shipyards have been visited by Commander Morris Oxendine, MSC's Force Safety Officer to ensure that conditions are safe. MSC and the SIU agreed that CIVMARS should be encouraged to inform MSC safety department and union representatives about any safety and health concerns during a shipyard period.

Operational Risk Management (ORM) was also a discussion topic during this meeting. ORM is a way of navigating through daily activities where personnel are trained and motivated to personally manage risk in everything they do, on and off duty, both in peacetime and during conflict, thus enabling successful completion of all operations or activities with the minimum amount of risk.

The Navy has issued a new Instruction signed by the Navy Safety Center; MSC will be developing its own Instruction shortly. The SIU and MSC agreed to set up a joint education effort to help the fleet learn more about the ORM concept.

Facial hair and beard trimming to correctly don protective equipment was also on the agenda. SIU Assistant Vice President Chet Wheeler explained that the SIU has heard from CIVMARS that the beard policy negotiated between the unions and MSC was being applied inconsistently aboard MSC vessels. Some shipboard supervisors were requiring CIVMARS to be clean-shaven. It was agreed that further fleet-wide education is necessary to ensure consistent application of the policy, and both the union and MSC would work to ensure this education is implemented.

A large part of the meeting focused on a discussion about MSC's Sexual Assault and Prevention and Response Office (SAPR). The discussion was led by Tina Carter, head of this program. Carter reported that she is engaged in face-to-face training, both CONUS and OCONUS about this most important issue. The SAPR program offers crisis intervention

for sexual assault victims. The intervention portion of the program is designed to support victims and their families as they deal with the many issues following sexual assault trauma. Civilian victims have the option of making an unrestricted report and seeking confidential response and care via the SAPR Program Manager, Installation SARC, SAPR VA or at the local rape crisis center.

If you or someone you know has been sexually assaulted, you may call your union representative, seek information at <https://www.msc.navy.mil/sapr/> or call the MSC SAPR 24/7 hour crisis helpline at (757) 803-4530 or the DoD SAFE Helpline at (877) 995-5247. You may also access the DoD SAFE Helpline via the web at safehelpline.org. A trained SAPR VA will be assigned to help you. The advocate will provide you with the information you need, explain to you the required procedures, assist you throughout the course of the process and answer your questions.

All CIVMARS are encouraged to call your union representatives with any safety or health concerns you have. Contact information is located on page 3.