

PACIFIC MERCHANT SHIPPING ASSOCIATION
RESPONSES TO PUGET SOUND PILOTS' DATA REQUEST NOS. 120-164

DATE PREPARED:	June 19, 2020	WITNESS:	Capt. Michael Moore, Vice
DOCKET:	TP-190976		President, PMSA
REQUESTER:	Puget Sound Pilots	RESPONDER:	Pacific Merchant Shipping Association, Capt. Michael Moore

PSP DATA REQUEST NO. 150:

With respect to the statement in Exhibit MM-01, p. 48, lines 6 – 9 that “watch standing policies prioritize schedule flexibility for pilots, individuals can choose to be more productive or less productive with their time,” is it the contention of PMSA that pilots on-watch are permitted to decline assignments without financial repercussion under PSP’s governing documents?

PMSA RESPONSE TO PSP DATA REQUEST NO. 150:

Objection: This Data Request seeks information that is already available to PSP in its internal documents.

Subject to and without waiving said objections, PMSA answers as follows:

This Data Request mischaracterizes Capt. Moore’s testimony, which was not limited to PSP pilots on-watch. The statement of productivity and efficiency speaks to deviations in average pilotage assignment levels and participation in callbacks.

The entire question and answer is here:

“Q: How would you describe the impacts of having significant differences in actual assignment levels amongst pilots and large deviations from the average pilotage assignment level?

A: The PSP watch system is inefficient, and this inefficiency results in an outcome which allows most pilots to be flexible and maximize their time not working. As the watchstanding policies prioritize schedule flexibility for pilots, individual pilots can choose to be more productive or less productive with their time and can choose when to participate in callbacks and when not to participate in callbacks.”

Despite this mischaracterization, PMSA would answer the question posed in the affirmative: Yes, pilots are allowed to and do decline assignments without any reported financial repercussion, and in fact they decline assignments while continuing to get paid for pilot duty days.

There are many situations where pilots on-watch are allowed to decline pilotage assignments which have been disclosed in this proceeding, including:

- when choosing to exercise a “comp day” (PSP By-laws §16.4.4.2) instead of working while on-watch (PSP Responses to PMSA DR No. 123-124);
- when authorized by the PSP Board of Directors (PSP By-laws §16.4.4.3) to take leave rather than performing an assignment while on-watch;

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- when a pilot exercises the duty to refuse an assignment due to fatigue (RCW 88.16.103(3)) (see WT-1T, p. 20 (“... pilots who are on duty but fatigued, can take a day off without financial penalty.”));
- when pilots are participating in “Training & Continuing Education Programs” or in “Board, Committee & Key Government Meetings (BPC, PSP, USCG, USACE, Port & similar)” (PSP_000035-PSP_000040); or
- when the Vice-President reported working on “administrative assignments” 245 times in 2019, while only performing 20 actual pilotage jobs while in his on-watch rotation in the entire year. (PSP Response to PMSA DR 78).