

MEMORANDUM

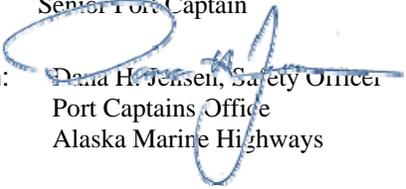
STATE OF ALASKA
Department of Transportation & Public Facilities
Alaska Marine Highway System

To: All AMHS Vessel Employees

Date: December 28, 2006

Thru: 
Richard Gordon
Senior Port Captain

Telephone : (907) 228-7277

From: 
Dana H. Jensen, Safety Officer
Port Captains Office
Alaska Marine Highways

File:

Subject: **PASS PRIVILEGES**

Attached herewith are excerpts from the three vessel union contracts covering Pass Privileges. IBU excerpts are the first 4 pages, MEBA the next 3 pages and MMP the last two. All employees should be familiar with your union contract, including the section covering Pass Privileges.

These privileges have been negotiated by your union with the state. You have a right to use Passes, but not to abuse them. Abuse of this privilege is cause for disciplinary action.

This information is being posted on the AMHS Learning Portal to get the word out to the fleet.

cc: James Beedle, Operations Manager (e-mail)
Darryl Tseu, IBU (e-mail)
Scott Macaulay, MMP (e-mail)
Wayne Phillips, ISM Coordinator (e-mail)
Mark Perez, Senior Port Engineer (e-mail)
All Vessels (e-mail)

Ben Goldrich, MEBA
Johnathan Robichaud, Port Captain (e-mail)
Mike Wilson, Port Steward (e-mail)
Narcisco Flores, Engineering Manager (e-mail)
Michele Michaud, HR Specialist, (e-mail)

Reader Files: Safety Officer
Training Specialist

“Providing for the movement of people and goods and the delivery of state services.”

32.06 Laundry or uniform allowances are to be paid only if the required items are worn as stated. Union delegates shall assist in demanding such compliance. Recipients may be required to sign time sheets or other forms attesting to their eligibility to receive payment. Notwithstanding these conditions, there shall be no deduction from these allowances during periods of vacation, sick leave or accumulated time off.

32.07 Employees may display the Union's insignia on the working uniform in accordance with standards developed by the Employer and the Union.

32.08 AMHS may choose to provide uniforms and cleaning services to bargaining unit members in lieu of the laundry or uniform allowance in 32.05.

RULE 33 - SHUTTLE OPERATIONS

33.01 The parties recognize that during the term of this agreement the Employer may begin operating vessels, not currently in its inventory, as daily shuttles. The distinguishing characteristics of these shuttles are limited or lack of crew berthing and frequent operation between the same ports, primarily during the day.

33.02 At such time as AMHS shuttle operations are to begin the parties will meet and confer regarding the effects of daily shuttle operations on employees.

RULE 34 - PASS PRIVILEGES

34.01 Employees with twenty-four (24) points of company seniority as per Rule 26.03 will be issued annual passes upon request for the employee and spouse, subject to the following:

(A) The employee, employee's dependents and personally-owned vehicle shall be authorized free transportation on a space-available basis only. See Rule 34.07(A) for vehicle specification. Dependent children shall be eligible for pass privileges to age nineteen (19) years old or enrolled as a full-time student at an accredited university.

(B) The employee's vehicle shall not travel on a pass while the employee is on duty unless the vehicle is accompanying the employee's dependent(s). Employees on duty shall not transport other employees' vehicles on an annual pass.

(C) Two (2) personally owned vehicles may be listed and travel on an annual pass, but only one (1) vehicle may travel at a time.

(D) No pass shall be used for transporting goods for resale or for any purpose other than personal use.

(E) There shall be no excessive transport of a pass-listed vehicle nor joy-riding by dependents or the employee. Any contention or confirmation of a violation of this Rule will be made known to IBU at the earliest possible time. Should the Union fail to resolve the matter immediately, Rule 34.08 shall be initiated by the Employer.

34.02 Employees and/or their dependents traveling on passes will pay for all meals consumed. Meals will be taken in public dining areas and not in the crew mess. Any abuse will subject the involved employee(s) to possible discipline and loss of pass privileges.

34.03 Employees who retire from the Alaska Marine Highway System under provisions of PERS or the NMRT pension shall receive an annual pass for themselves, their spouse, dependents under nineteen (19) years of age, and for their personally-owned vehicle. Dependents of deceased employees (whether retired or current) will continue to be eligible for pass privileges. Only one (1) vehicle per employee will be allowed a retirement pass. A retired employee's vehicle must be registered and licensed appropriately.

34.04

(A) All employees who have established seniority with the company will be entitled to trip pass privileges. Trip passes are to be used exclusively for employees who have established seniority but have not attained the 24 points to be eligible for an annual pass, except as authorized in this Rule.

(B) A trip pass may be authorized for a new vehicle purchase that will be registered by the employee to be put on their annual pass, based on the requirements of Rule 34.07(A).

(C) Trip passes may be authorized to return employee vehicles to their home when employees complete a yard or lay-up period. In this circumstance the employee may also be authorized to accompany the vehicle while on duty.

(D) Trip passes may be authorized for special circumstances as determined by the Employer.

34.05 If the date of travel on an approved pass does not correspond with the actual date of travel, the employee and/or dependents involved must attempt to secure proper approval from Juneau Headquarters Office. Annual pass changes and trip pass requests must be made to the Pass Desk at Juneau Headquarters at least two (2) days prior to the requested travel date.

34.06 Open date and/or multiple date time frames for date of travel may be used at the discretion of the Juneau Headquarters issuing officer on an individual basis when authorizing trip passes.

34.07

(A) Personally-Owned Vehicle. An employee's personally-owned vehicle is defined as: Any non-commercial vehicle less than twenty-three (23) feet in length. The vehicle must be registered in the name of the employee, the employee's spouse or dependent child, or the employee must sign an affidavit to the effect that it will be registered in the name of the employee, the employee's spouse or dependent child upon arrival in Alaska and that the vehicle is for the use of the employee, the employee's spouse or dependent child and is not intended for resale within a period of one (1) year. For an active employee to have a POV shown on an Annual Pass, it must be registered and licensed by the State of Alaska.

(B) A vehicle and trailer may be transported on a trip pass basis subject to the following restrictions:

(1) A vehicle and trailer length will be determined as the connected length overall. The trailer must be towed by a vehicle listed on the employee's annual pass and shall not be allowed to be transported unaccompanied. The first 23 feet will be allowed as free passage, any length over 23 feet will be based on the current fare tariff in place for the difference between the overall length and 23 feet of total connected length of vehicle and trailer.

(2) The fee charged does not provide confirmed reservations and transportation is still on a space available basis.

(3) If a trailer is to be transported in accordance with this Rule, the trailer is to be licensed for highway use.

34.08 Unauthorized use of or abuse of the pass privilege shall be cause for revocation of the employee's pass and possible disciplinary action.

34.09 When an employee is placed on disciplinary suspension, their pass privileges shall be revoked for the duration of the disciplinary suspension.

RULE 35 - MANAGEMENT CLAUSE AND UNION RIGHTS

35.01 Subject to the terms and conditions of this Agreement, the Employer retains the right and duty to manage its business, including but not limited to, the right to adopt regulations governing the appearance, dress, conduct and work procedures of its crew members as are reasonably required to maintain safety, efficiency, quality of service and the confidence of the traveling public.

35.02 The Union reserves the right to intercede on behalf of any employee who feels aggrieved because of the exercise of this right and to process a grievance in accordance with Rule 14.

35.03 The Employer shall not attempt in any manner to interfere or become otherwise involved in the internal affairs of the Union.

RULE 36 - DISCIPLINE

36.01 It is recognized the Employer has the right and duty to institute disciplinary actions against any employee who has committed an infraction of the Employer's policies, rules or regulations.

Such disciplinary action is to be administered fairly and be commensurate with the offense committed by the employee.

36.02 Certain offenses shall be grounds for immediate discharge including but not limited to: drinking alcoholic beverages or illegal use of drugs on board during the employee's workweek, or reporting to work under the influence, theft or willful destruction of State property, insubordination, excessive absenteeism, falsifying records, leaving the vessel without being properly relieved or without permission of their department head; department heads shall obtain permission from the Master prior to leaving the vessel.

36.03 Ship's Union Delegate shall be present in any shipboard grievance procedure where suspension or discharge action against an employee covered under this Agreement is being considered.

36.04 All unlicensed vessel employees of the AMHS will be required to be tested for illegal substance use prior to hiring, on reasonable suspicion, after a serious marine incident, and randomly on a periodic basis. Employees who test positive will be suspended from duty without

obligated to pay out more than seventy-five thousand dollars (\$75,000.00) in any six (6) month periods (January to June/July to December) under this Rule. In the event of the death of an Engineer Officer prior to retirement, and provided the BUSLB has sufficient funds to pay, the MEBA shall submit to the Employer a sick leave request equal to 60 percent of that Engineer Officer's original (as is July 1, 1989) sick leave balance less any sick leave used from the BUSLB by the officer after July 1, 1989, which was converted to personnel leave for payment to the Engineer Officer's beneficiary. Employees who cannot report to work because of an illness or injury, shall be individually responsible to apply to the MEBA for sick leave compensation. Such absences are subject to Employer verification.

(2) Personal Leave Account. { XE "leave:personal" }Forty (40) percent of the dollar value of each Engineer Officer's accrued sick leave balance will be transferred to the individual's annual leave account, the 10 percent deduction made per Rule 23.01 and thereafter shall be called PERSONAL LEAVE.

(B) When a doctor's certification{ XE "leave:doctors certification" } is requested by the Employer it must be presented prior to the Engineer's return to work or the absence will be regarded as unauthorized, unexcusable and subject to disciplinary action. The doctor's certification is to cover the period from the date the Engineer Officer became incapacitated until the date the Engineer Officer became fit for duty disregarding the Engineer's scheduled crew change date.

RULE 30{ TC "Rule 30 - Standard Dress" \f C \l "1" }
STANDARD DRESS{ XE "standard dress" }

30.01 All Licensed Engineer Officers will be required to wear white coveralls or clean starched and pressed khaki with tie at all times while on duty and, the Employer will pay a cash allowance of four hundred dollars (\$400.00) per annum to each Engineer Officer.

30.02 The above per annum payment will be increased to six hundred (\$600.00) if the Engineer Officer elects to wear the usual navy blue uniform while off duty aboard ship.

RULE 31{ TC "Rule 31 - Restrictions" \f C \l "1" }
RESTRICTIONS{ XE "restrictions" }

31.01 It is understood that the Agreement at all times shall be applied subject to federal laws, State laws, and Executive Orders to the extent that these affect the Engineer Officers.

RULE 32{ TC "Rule 32 - Pass Privileges" \f C \l "1" }
PASS PRIVILEGES

32.01 Engineer Officers and MEBA Officials with two (2) years of company seniority as per Rule 26.01, will be issued annual passes upon request for the Engineer Officer/MEBA Official and his or her spouse, subject to the following:

(A) The Engineer Officer, Officer's dependents and personally-owned vehicle shall be authorized free transportation on a space-available basis only. Dependent children shall be eligible for pass privileges to age nineteen (19) years old or as a full-time student at an accredited university. See Rule 32.07 (A) for vehicle specification.

(B) The Engineer Officer's vehicle shall not travel on a pass while the Officer is on duty unless the vehicle is accompanying the Officer's dependent(s).

(C) Only two (2) personally-owned vehicle(s) may be listed and travel on an annual pass, unless otherwise authorized by the System Director, Alaska Marine Highway System.

(D) No pass shall be used for transporting goods for resale or for any purpose other than personal use.

(E) There shall be no excessive transport of a pass-listed vehicle nor joyriding by the dependents or the Officer. Any contention or confirmation of a violation of this Rule will be made known to the Union at the earliest possible time. Should the Union fail to resolve the matter immediately, Rule 32.08 shall be initiated by the Employer.

(F) If an employee brings a vehicle other than a standard car or truck the employee will pay the difference between the standard car or truck price and the price of the larger vehicle.

32.02 Engineer Officers and/or their dependents traveling on passes will pay for all meals consumed and for berths, if used, at the prevailing prices paid by farepaying passengers. Meals will be taken in public dining areas and not in the crew mess.

32.03 Engineer Officers who retire from the Alaska Marine Highway System and are receiving a PERS or MEBA pension shall receive an annual pass for themselves, their spouse, dependents under nineteen (19) years of age, and for their personally-owned vehicle. Dependents of deceased Engineer Officers (whether retired or current) will continue to be eligible for pass privileges. A retired employee's vehicle must be registered and licensed appropriately.

32.04 All Engineer Officers who have established seniority with the Employer will be entitled to trip pass privileges.

32.05 If the date of travel on an approved pass does not correspond with the actual date of travel, the Engineer Officer and/or dependents involved must attempt to secure proper approval from the Juneau Headquarters Office. In emergency situations, if time precludes such approval before vessel departure, the Vessel Master can make a determination on pass validity or nonvalidity.

32.06 Open date and/or multiple date time frames for date of travel may be used at the discretion of the Juneau Headquarters issuing officer on an individual basis when authorizing trip passes.

32.07 PERSONALLY-OWNED VEHICLE{ TC "32.07 - Personally-Owned Vehicle" \f C \l "2" }
XE "personally-owned vehicle" }

(A) An Engineer Officer's personally-owned vehicle is defined as: a standard car or truck used as a daily or personal conveyance by the Officer, and any non commercial vehicle less than twenty three (23) feet in length. The vehicle must be registered in the Officer's name or an affidavit signed to the effect it will be registered in the Officer's name upon arrival in Alaska and that the vehicle is for the Officer's personal use and not intended for resale within a period of one year. Only two (2) personally-owned vehicle(s) may be listed on an annual pass. To have personally-owned vehicles shown on an annual pass they must be registered and licensed by the State of Alaska in accordance with State statutes.

(B) The System Director, Alaska Marine Highway System, will consider timely written requests for waiver of the provisions of Rule 32 on a case by case basis.

(C) At no time will an employee's vehicle be allowed to travel on pass if loss of revenue results.

(D) A vehicle and trailer may be transported on a trip pass subject to the following restrictions:

1. Vehicle and trailer length will be determined as the connected length overall. The trailer must be towed by the vehicle listed on the employee's annual pass and shall not be allowed to be transported unaccompanied. First twenty three (23) feet will be allowed as free passage, any length over 23 feet will be based on current fare tariff in place for difference between the overall length and twenty three (23) feet of total connected length of trailer.
2. The fee charged does not provide confirmed reservations and transportation is still on a space available basis.
3. If trailer is transported in accordance with this rule the trailer must be licensed for highway use.

32.08 Unauthorized use of or abuse of the pass privilege shall be cause for revocation of the Engineer Officer's pass and possible disciplinary action.

RULE 33{ TC "Rule 33 - Management Clause and Union Rights" \f C \l "1" }
MANAGEMENT CLAUSE AND UNION RIGHTS

33.01 Subject to the terms and conditions of this Agreement the Employer retains the right and duty to manage{ XE "management rights" } its business, including the right to adopt regulations governing the appearance, dress, conduct and work procedures of its Engineer Officers as are reasonably required to maintain safety, efficiency, quality of service and the confidence of the traveling public. The Union{ XE "union rights" } reserves the right to intercede on behalf of any Engineer Officer who feels aggrieved because of the exercise of this right and to process a grievance in accordance with Rule 14. The existence of this clause shall not preclude the resolution of any such grievance on its merits notwithstanding any procedural defects.

33.02 The Employer will not engage in activities, or assist or encourage Engineers not members of the Association in activities calculated to undermine the status of the union as the sole collective bargaining representative. The Employer will not attempt to influence or persuade any member of the Union to withdraw therefrom or to influence any Engineer Officer not to join. The Employer will not in any way attempt to interfere with the internal affairs of the Union.

RULE 34{ TC "Rule 34 - Discipline" \f C \l "1" }
DISCIPLINE{ XE "discipline" }

34.01 It is recognized the Employer has the right and duty to institute disciplinary actions against an Engineer who has committed an infraction of the Employer's policies, rules or regulations. Such disciplinary action is to be administered fairly and be commensurate with the offense committed by the Engineer.

34.02 Certain offenses shall be grounds for immediate discharge{ XE "discharge" } including but not limited to: drinking alcoholic beverages or illegal use of drugs on board during the Engineer's workweek, reporting to work under the influence, theft or willful destruction of State

31.01 It is understood that the Agreement at all times shall be applied subject to federal laws, State laws and Executive Orders to the extent that these affect the employees of the State and the public interest.

RULE 32 Pass Privileges

32.01 Deck Officers with two (2) years of company seniority as per Rule 26.01 will be issued annual passes upon request for the Deck Officer and spouse, subject to the following:

(A) The Deck Officer, dependents and personally-owned vehicle shall be authorized free transportation on a space available basis only. See Rule 32.07(A) for vehicle specification. Dependent children shall be eligible for pass privileges to age nineteen (19) years old or enrolled as a full-time student at an accredited university.

(B) The Deck Officer's vehicle shall not travel on a pass while the Deck Officer is on duty unless the vehicle is accompanying the Deck Officer's dependent(s), or with the specific approval of the Juneau Headquarters office. Employees on duty shall not transport other employee's vehicle on an annual pass.

(C) Two personally owned vehicles may be listed and travel on an annual pass, but only one vehicle may travel at a time.

(D) No pass shall be used for transporting goods for resale or for any purpose other than personal use.

(E) There shall be no excessive transport of a pass-listed vehicle nor joy-riding by dependents or the Deck Officer. Any contention or confirmation of a violation of this Rule will be made known to the Union at the earliest possible time. Should the Union fail to resolve the matter immediately, Rule 32.08 shall be initiated by the Employer.

32.02 Deck Officers and/or their dependents traveling on passes will pay for all meals consumed and for berths if used at the prevailing prices paid by fare paying passengers. Meals will be taken in public dining areas and not in the crew mess. Any abuse will subject the involved employee(s) to possible discipline and loss of pass privileges.

32.03 Deck Officers who retire from the Alaska Marine Highway System and are receiving a PERS or NMRT pension shall receive an annual pass for themselves, their spouse, dependents under nineteen (19) years of age, and for their personally-owned vehicle. Dependents of deceased Deck Officers (whether retired or current) will continue to be eligible for pass privileges. Only one vehicle per employee will be allowed a retirement pass. A retired employee's vehicle must be registered and licensed appropriately.

32.04 All Deck Officers who have established seniority with the Employer will be entitled to trip pass privileges.

(A) Trip passes are to be used exclusively for employees who have established seniority but have not attained the 2 years to be eligible for an annual pass, except as authorized in this rule.

(B) A trip pass may be authorized for a new vehicle purchase that will be registered by the employee to be put on their annual pass, based on the requirements of Rule 34.07(A).

(C) Trip passes shall be authorized for Deck Officer's vehicles to and from a yard or lay-up period. In this circumstance the employee may also be authorized to accompany the vehicle while on duty.

(D) Trip passes may be authorized for special circumstances as determined by the employer.

32.05 If the date of travel on an approved pass does not correspond with the actual date of travel, the Deck Officer and/or dependents involved must attempt to secure proper approval from Juneau Headquarters office. Annual pass changes and trip pass requests must be made to the Pass Desk at Juneau Headquarters at least two days prior to the requested travel date.

32.06 Open date and/or multiple date time frames for date of travel may be used at the discretion of the Juneau Headquarters issuing officer on an individual basis when authorizing trip passes.

32.07 PERSONALLY-OWNED VEHICLE.

A Deck Officer's personally-owned vehicle is defined as: Any non commercial vehicle less than twenty-three feet in length. The vehicle must be registered in the name of the Deck Officer, the Deck Officer's spouse or dependent child, or the Deck Officer must sign an affidavit to the effect that it will be registered in the name of the Deck Officer, the Deck Officer's spouse or dependent child upon arrival in Alaska and that the vehicle is for the use of the Deck Officer, the Deck Officer's spouse or dependent child and is not intended for resale within a period of one (1) year. For an active employee to have a personally owned vehicle shown on an Annual Pass, it must be registered and licensed by the State of Alaska Personally owned vehicle not licensed and registered in Alaska shall be entitled to one round trip per year.

(B) A vehicle and trailer may be transported on a trip pass basis subject to the following restrictions:

(1) A vehicle and trailer length will be determined as the connected length overall. The trailer must be towed by a vehicle listed on the employee's annual pass and shall not be allowed to be transported unaccompanied. The first 30 feet will be allowed as free passage, any length over 30 feet will be based on the current fare tariff in place for the difference between the overall length and 30 feet of total connected length of vehicle and trailer.

(2) The fee charged does not provide confirmed reservations and transportation is still on a space available basis.

(3) If a trailer is to be transported in accordance with this rule, the trailer is to be licensed for highway use.

32.08 Unauthorized use of or abuse of the pass privilege shall be cause for revocation of the Deck Officer's pass and possible disciplinary action.

RULE 33 - MANAGEMENT CLAUSE AND UNION RIGHTS

33.01 Subject to the terms and conditions of this Agreement the Employer retains the right and duty to manage its business, including the right to adopt regulations governing the appearance, dress, conduct and work procedures of its Deck Officers as are reasonably required to maintain safety, efficiency, quality of service and the confidence of the traveling public. The Union reserves the right to intercede on behalf of any Deck Officer who feels aggrieved because of the exercise of this right and to process a grievance in accordance with Rule 14. The existence of this clause shall not preclude the resolution of any such grievance on its merits.