

UNIONS CMPI 610 QUESTIONS TO MSC AND MSC RESPONSES

1. General Questions.

- a. Noted that all reference to “minimums” have disappeared. Why? *Agency: The proposed revision does contains several references to minimums. An example of a minimum is contained in section 5-2.*
- b. Noted that both deck officer and non-deck officers premium pay time is computed in 30 minute increments in lieu of 1 hour. Why? *Agency: To streamline and standardize our processes for all ratings to more accurately reflect and account for an employee’s actual time worked.*
- c. Is it MSC's intention to remove definitions that serve to protect entitled compensation? *Agency: No. Definitions will be reflected in the glossary section of the revised CMPI although some definitions may also be repeated within applicable Chapters. Entitlement to compensation is outlined in the contents of 610 itself.*
- d. Is it MSC's intention to decrease the current and entitled civmar's compensation? *Agency: It is the Agency’s objective to simplify, modernize and streamline our civil service mariner (CIVMAR) work rules while ensuring equitable compensation for work performed. The proposed revision standardizes the computation of premium pay and standardizes hours of work to an 8-hour workday (40 hour work week) regardless of coast or in port/at sea location for all ratings. The basic hours are worked by all CIVMARs prior to premium pay eligibility except in circumstances delineated within the proposed revision.*
- e. Is it MSC's intention to make the civmar a salaried employee with no entitlement to premium pay? *Agency: No*
- f. What is meant by off watch personnel? Why isn't the term off duty personnel utilized? Why is the term off duty personnel used in some sections while the term off watch personnel is used in other sections? *Agency: “Off Watch” refers to watchstanders that are not on watch, while “off duty” refers to CIVMARS that are not on duty.*
- g. Is it MSC’s intention to have employees work 8 hours during any 24 hour period without penalty pay or overtime compensation? *Agency: Please refer to paragraph (d) of the Agency’s response above. 4-1, 4-2, and 5-5 of the proposed 610 apply.*
- h. Is it MSC’s intention to have employees tour of duty staggered in an attempt to re-establish old ROS criteria? *Agency: No*

i. Does MSC envision implementing a staggered work week as well to avoid payment of penalty pay and overtime compensation? *Agency: No*

j. Is it management's intent to avoid mirroring the prevailing practices established within the maritime industry as required by Public Law 5348? *Agency: Public Law 5348 addresses prevailing rate systems; CMPI 610 addresses work rules, not wages. Our objective is provided in answer to (d) above.*

k. Is management attempting to establish the maritime industry standards rather than follow those standards? *Agency: Please refer to (d) of the Agency's response above.*

l. Why is delta pay not mentioned anywhere in CMPI 610? *Agency: Delta pay is the difference between the CIVMARs temporary and permanent rates of pay for the number of annual and shore leave days the CIVMAR earns while on board a ship. As CMPI 610 addresses hours of work and premium pay, Delta pay is not applicable to this chapter.*

m. Is it management's intent to cease payment of premium pay items which Licensed Personnel are currently receiving (e.g. Inport overtime to answer/correct alarms as called for in 3-1a(1); Overtime minimums and penalty time when shifting ship as called for in 1-4u, 3-1b(1), and (2); Work below floor plates or inside boilers and tanks during straight time as called for in 3-3a; d) Installing new machinery or equipment during straight time as called for in 3-3b; Pumping liquid cargo or tank cleaning during straight time as called for in 3-3c; Handling cargo during straight time as called for in 3-3d; Prohibited/"Dirty" work during straight time as call for in 3-3g)? Why? *Agency: Please refer to paragraph (d) of the Agency's response above.*

Is management aware that the commercial industry which MSC is required to mirror currently receives premium pay for such examples of work? *Agency: Our interpretation of Public Law 5348 appears to be different. Public Law 5348 does not require a government agency "to mirror" the commercial industry. Please refer to paragraph (d) of the Agency's response above regarding MSC's objectives and intentions.*

Why is MSC attempting to avoid adhering to the current law? *Agency: There is no intent on behalf of the Agency to violate any laws.*

n. Why is MSC attempting to eliminate premium pay connected with delays in departure (now eliminated if board is changed more than 2 hours before the original posted sailing time)? *Agency: MSC is not eliminating premium pay due to delays in departure. Please see Section 5-9 of the proposed revision. It is the Agency's intent to simplify, modernize and streamline the previous version to simple policy statements that standardize policies for all ratings.*

Why is MSC proposing to eliminate premium pay for the following duties?

- Operation of sponsor's equipment in project ships
- Supervising tank cleaning operations provisions

Engine officer inport standby premium/overtime both at same time pay provisions
Engine Officer pumping liquid cargo or tank cleaning provisions
Cargo handling provisions
Supply Atlantic & Pacific working cargo (fleet freight) provisions
Supply Atlantic & Pacific extended meal hour provisions
Supply Atlantic shifting meal hours minimum 3 hours notice provisions

Agency: Please refer to paragraph (d) of the Agency's response above.

o. What is MSC's intent in proposing Chief Engineer and Master compensatory time to have added non watch allowance provisions? *Agency: This question is unclear.*

p. What is MSC's intent in revising the Bonus Area/Harbor Attack/War Risk Bonus provisions? *Agency: To consolidate these sections into one area, Section 8.*

q. The proposed draft would change paying shifting ship overtime from being paid until the end of the shift, regardless of interruptions as specified in 1-4u to "overtime will not continue to accrue from the time of interruption until the time the shift is resumed unless interruption is for one hour or less". Why? *Agency: To streamline and standardize our processes to more accurately reflect and account for an employee's actual time worked.*

r. There is no mention of how licensed engineers or unlicensed personnel are compensated for premium pay. Why? In the past unlicensed were paid in 1/2 hour increments and licensed in hourly increments. This is not mentioned in the proposed revision. Why? *Agency: Unless otherwise specified within the proposed revision, premium pay will be computed in one-half hour increments, with a fractional part counting as one-half (1/2) hour. The proposed changes standardize the computation of premium pay for all ratings.*

Section 2 Definitions.

1. Why is MSC proposing to revise definitions that have been established by the commercial prevailing maritime industry to which MSC is required to mirror? *Agency: Our objective is to simplify, modernize and streamline our CIVMAR work rules while ensuring full support of the Department of the Navy's mission while maintaining consistency with the public interest and recognizing substantial or recognizable differences in duties, responsibilities and qualification requirements among positions exist between MSC and other members of the maritime industry.*

2. Is MSC attempting to establish new definitions and violate the law in an attempt to preclude entitled compensation? *Agency: There is no intent on behalf of the Agency to violate any laws.*

3. With the proposed revision to dayworker definition, is it MSC's intention to require a watchstander to perform day work, pay the lower watch stander rate of pay and not the higher day worker rate of pay? If this isn't the intention, please clarify the intent of this proposed revision. *Agency: Please see section 4-2, "Assignment of Work" within the proposed revision to CMPI 610. In accordance with this section, the work a*

watchstander would be expected to perform shall conform to the duties required of the position. Should an employee be assigned the duties and responsibilities of a higher rating, temporary promotion procedures as addressed in CMPI 330 and Afloat Personnel Management Center (APMC) Instruction, APMCINST 12335.1A of November 28, 2001 apply. For clarification on rates of pay, there are instances where the watchstander rate is higher than the dayworker rate. Definition of the term "Dayworker" is not consistent with para 4-2 in that para 2-1 defines "dayworker" as CIVMARS whose duties are to perform work during the period 0800-1700 Monday through Friday. Para 4-2 states that the "Master, or OIC, will determine the specific hours of work to be assigned to CIVMARS. Conceivably, the 8 hours of "day work" may not fall between 0800 and 1700. Why is management proposing to eliminate the standard day worker duty hours 0800-1200 and 1300-1700? *Agency: The language in 4-2 is the language in the current CMPI and does not represent a change. Masters have always been able to change hours of work as long as prior notice is given.*

4. Why aren't premium pay, overtime pay, and penalty pay definitions clearly and explicitly defined in separate and distinct definitions? Please provide management's definition of each. *Agency: The definition for premium pay is included within the definitions section of this chapter, 2-1, and will be repeated in the glossary section of the revised CMPI. Premium Pay extends to most types of additional pay received by a federal employee for authorized work performed outside the normal working hours, 8 hours a day, 40 hours a week. Overtime pay and penalty pay are forms of premium pay. Overtime pay is payable for authorized work outside the normal working hours, and penalty pay is compensation payable for certain types of work.*

CMPI 610-1-3 Why isn't it MSC's policy to adhere to references in the revision? Why isn't it clearly established in this policy section that MSC is required to adhere to Public Law 5348 in operating their ships while paying CIVMARSs? Is it MSC's intent to merely reference the law rather than adhere to it? *Agency: Please refer to paragraph (d) of the Agency's response above. There is no intent on behalf of the Agency to violate any laws.*

CMPI 610,1-8 (b) "Limited Work on Sea Watches" has been omitted completely. Why has this item been eliminated? *Agency: Please refer to paragraph (d) of the Agency's response above.* Is it management's intention to force watch standers to perform traditional day worker type duties while on watch without any penalty? *Agency: Please see section 4-2, "Assignment of Work" within the proposed revision to CMPI 610. In accordance with this section, the work a watchstander would be expected to perform shall conform to the duties required of the position.*

CMPI 610, 1-11 (d), "Computation of Premium Pay Units" the minimum two hour call out has been removed as well as the minimum one hour penalty time rate. Why? *Agency: Agency: Please refer to paragraph (d) of the Agency's response above.* What is management's intention in eliminating this item? *Agency: Please refer to paragraph (d) of the Agency's response above.* Is it management's sole intention to avoid payment? *Agency: Please refer to paragraph (d) of the Agency's response above.*

Does management know anyone that would like to get called out at 0300 for an hour of overtime (30 minutes necessary to arrive on station plus 30 minutes of work). *Agency: I understand your concern. In making decisions whether or not to call an employee/employees back to work, management must effectively and efficiently exercise the duties and responsibilities of their position in order to achieve mission objectives and organizational goals.*

CMPI 610, 1-11 (f) "Continuous Pay During Overtime or Penalty Time Periods" is omitted. Why is this item being eliminated? Does management recognize that this could allow for inconsistent application ship to ship and coast to coast? Why is management allowing for arbitrary interpretation rather than allowing existing language to remain? Is it management's intention to omit the quality of life issue of the two hour continuation? Does management see protection against having a member called out for Helo refueling detail for half an hour at a time? *Agency: Please refer to paragraph (d) of the Agency's response.*

CMPI 610, 1-17 (a) "Premium Pay for Work Performed in Arctic and Antarctic Waters" This section currently addresses special work requiring premiums. What is management's intent in eliminating this section? *Agency: Please refer to paragraph (d) of the Agency's response.*

CMPI 610, 1-17 (c) "Premium Pay for 21 Quad Cable Handling" is omitted. What is management's intent in eliminating this section? *Agency: Please refer to paragraph (d) of the Agency's response.* CMPI 610, 1-27 "Fleet Support of ATF's", the payment of overtime for being placed on a tow to effect repairs, and the payment of overtime for performing repairs on a vessel the ATF is assisting has been omitted. What is management's intent on eliminating this entitlement? Does MSC view this work as dangerous? *Agency: The Agency recognizes the risks, which are inherent of the position.* Is the intent to avoid recognizing this as dangerous work to avoid compensation? *Agency: Please refer to paragraph (d) of the Agency's response.*

CMPI 610, 1-29 "Work Performed after Midnight" The section covering the rest period granted during normal working hours for work performed between 2400 and 0600 has been omitted. What is management's intent on eliminating this entitlement? Is the intent to avoid compensation? *Agency: Please refer to paragraph (d) of the Agency's response.*

CMPI 610, 1-22 Delays in sailing would only be paid until a new sailing board is posted vice when the ship sails and would no longer be paid to personnel on duty as specified in 1-22a. *Agency: Please refer to paragraph (d) of the Agency's response.*

Confinement to ship premium pay will be reduced by 8 hours per day. Is this management's intent? *Agency: As stated in section 3-3 of the proposed revision, the hours payable are reduced by (8) hours for sleep/rest.* Why is this revision being made? *Agency: Please refer to paragraph (d) of the Agency's response.*

CMPI 610, 3-1 addressed payment of overtime to Licensed Engineers for standing night watches in non-foreign ports. *Agency: For clarification, section 301.a.1 of the current*

instruction address overtime in port, whereas section 301.a.1(e) address overtime for standing routine night watches during certain hours and certain days in non-foreign ports. What is management's intention in eliminating this entitled compensation?

Agency: Please refer to paragraph (d) of the Agency's response above. Is management aware that this is in accordance with prevailing practice? Does management recall signing an MOU after laborious and intense negotiation with the Licensed Unions authorizing this compensation? *Agency: Yes, management is aware of the memorandum of understanding signed after negotiations.* Does management recognize that the Union and our membership agreed to withdraw significant number of grievances and premium pay disputes in exchange for this negotiated language? Is management proposing to violate the existing MOU's between the parties simply to dismiss and ignore the intent and spirit of those MOU's. *Agency: Current MOUs regarding CMPI 610 issues, signed between the parties will be superseded by the results of these negotiations.* Is it management's intention to avoid following the prevailing maritime practices in accordance with Public Law 5348? *Agency: Please refer to paragraph (d) of the Agency's response.*

CMPI 610, 3-1 addressed "Callbacks for Taking on Fuel or Making Repairs" for Licensed Engineers. What is management's intention on eliminating this section? Is it management's intention to callback members and pay them in one half hour increments? *Paragraph (d) of the Agency's response above applies. Unless specifically delineated within the proposed revision, computation for premium pay for all work performed outside the standardized hours of work, (8-hour work day, 40 hours work week) will be in one-half (1/2) hour increments.* Does management believe it fair and reasonable to ask an employee to be called back to work for some unscheduled event only to be paid for one half hour or one hour of work. *Agency: I understand your concern. In making decisions whether or not to call an employee/employees back to work, management must effectively and efficiently exercise the duties and responsibilities of their position in order to achieve mission objectives and organizational goals.* 5) Chief Engineers will lose the additional compensation call out in 3-1b(3) for being required remaining onboard during a shift. CMPI 610, 3-1 (d) addressed "Work performed by Licensed Engineers after Midnight". What is management's intent in eliminating this section? *Agency: Please refer to paragraph (d) of the Agency's response.* Is it management's intent to preclude a member from taking a rest period during normal working hours? *Agency: It is management's intent to standardize hours of work for all ratings.* Is it management's intent to avoid payment of penalty time if the Civmar is forced to work through the rest period? *Agency: Please refer to section 3-8, "Meals" within the proposed revision for premium pay entitlements due to missed meals. Also, please refer to paragraph (d) of the Agency's response.*

Proposed CMPI 610, 3-2(a), "Emergencies" the way it is written, does not require all hands to be called out to consider an event an "emergency". Is it management's intent to say that a less than all hands evolution could be classified as an emergency, and those called out could be precluded compensation under the "emergency" caveat. *Agency: In making decisions whether or not to call an employee/employees back to work, management must effectively and efficiently exercise the duties and responsibilities of their positions in order to achieve mission objectives and*

organizational goals. In accordance with 5 USC 7106, it is management's right to assign work and to determine the personnel by which agency operations shall be conducted. Does management agree that in order for something to be classed an emergency, all hands should have to be called out? Does management recognize that the proposed change could lead to inconsistent application by management? Why isn't the original "all hands" verbiage being retained. *Agency: Please refer to the response provided immediately above.*

Current CMPI 610, 3-3 addresses Engine Officers work rules, including (a) working below floor plates, (b) installing new equipment, (c) pumping liquid cargo and tank cleaning, (d) handling of cargo, (e) Chief Engineer's assigned to stand regular watches (ATF's when the automation fails), (f) Chief Engineer's premium pay and compensatory time, (g) prohibited work, and (h) UNREP observer duties. The entire section has been removed with the exception of (d) handling of cargo, (f) Chief Engineer's premium pay, which has been significantly reduce, and (h) UNREP observer duties. Those three sections are covered in various sections of the proposed CMPI. The removal of this section strips most of the rules that prevent the Engineering Officers from being forced to perform certain tasks. The work rules for Licensed Engineer's essentially disappear in the proposed CMPI. What is management's intent in eliminating these sections?

Agency: Please see section 4-2, "Assignment of Work" within the proposed revision to CMPI 610. In accordance with this section, the work Licensed Engineering Officers would be expected to perform shall conform to the duties required of the position as reflected within the job requirements and position responsibilities of the position's duty statement. Hours of work and premium pay for Chief Engineers are addressed separately within the proposed revision. For information regarding the Agency's objective and intent with these revisions, refer to paragraph (d) of the Agency's response.

Why is management not following the prevailing practices within the industry? *Please refer to paragraph (d) of the Agency's response.* Does management envision any consequence in losing their Licensed Engineers who would be unwilling to work for MSC if any of these revisions became reality? *Agency: It is our goal through open communication and collaborative effort with our Union counterparts; members of our CIVMAR workforce will understand and support the necessity of the proposed revisions to the CMPI.*

Proposed CMPI, 610, 3-3 "Restriction to the Ship" excludes eight hours of the day for rest. What is management's intent in revising this section? *Agency: Please refer to paragraph (d) of the Agency's response.* Why is management not adhering to established maritime practice? Does management agree that when restricted, all Civmars should receive premium pay for all non-standard work hours? *Agency: No.*

Proposed CMPI 610, 3-4 "Port Time" - Port time begins 30 minutes after a ship is anchored or securely moored. Is it management's intention to require the ship to be actually inport or at anchor? *Agency: Yes.* The question arises if anchoring outside port limits, not for the purposes listed in para 3.4.b or 3.4.b. For example, T-AOE is not permitted into a port and is required to remain outside the port limits. Ship is safely at anchorage beyond the port limits and drops anchor for an indefinite period of time as a

fuel cost-savings measure. Does the provision of Port time come into play? *Agency: Yes, exceptions to port time are contained in section 3-4(b).* What is management's intention in proposing this revision? *Agency: Please refer to paragraph (d) of the Agency's response.*

Proposed CMPI, 610, 3-6, "Setting and Breaking Sea Watches", eliminates the six hour rest requirement within 12 hours prior to assuming the watch while leaving or immediately after leaving port. What is management's intention in eliminating this entitlement? *Agency: Please refer to paragraph (d) of the Agency's response.* Why is management not adhering to established maritime practice and attempting to violate law? *Agency: There is no intent on behalf of the Agency to violate any laws.*

Para 3-6.a indicates Master is free to set sea watches earlier but not later than with differences between foreign and non-foreign ports. Furthermore, in non-foreign ports, Engine Department setting of sea watches may be as late as time required to warm up engines. Given that, is it management's intention to have the Master determine the time of sea watches for both deck and engine personnel? *Agency: The Master has the overall authority and supervisory responsibility for all personnel assigned. The Master may delegate the authority to determine the time for setting sea watches for Engineering personnel, as he/she deems appropriate.* Is the Master free to set sea watches at any time? *Agency: Please refer to Section 3-6 of the proposed revision, which establishes times for setting sea watches.* Is it realistic to mandate the Master setting sea watches 0001 on the day of sailing from foreign ports? *Agency: Yes, this occurs with the commencement of the new day and places watchstanders on sea watch equitably.* Does management believe that there is a difference in the setting of sea watches in foreign or non-foreign ports? . If so, what is the difference and why is it not consistent for either scenario? *Agency: If the Unions' seek consistency in this area, please submit same as a bargaining proposal.* Does the Master's prerogative to determine when sea watches are set extend to the Engine Department or is it limited to the Deck Department? I.E. what happens when the Master or Chief Engineer disagree on when Sea Watches should be set? *Agency: The Master is the senior authority on board for all personnel.* The issue must be clarified. 3-6 a.(2) doesn't make any sense. What is the intent of this proposed revision? *Agency: Please refer to paragraph (d) of the Agency's response above.*

Proposed CMPI Section 3-7. "Shifting Ship". What is management's intention in avoiding the definition of the term "shift" as any movement within the port limits of the port in which the ship is moored or berthed. *Agency: Please refer to Section 3-7.a. for the Agency's definition of a shift.* Shouldn't the term "shift" be defined as any movement BETWEEN ports, even if both ports are in the same inland waters, bay, river and sound? *Agency: Please refer to our response provided immediately above.* Shouldn't the only exceptions be those established by prevailing maritime industry? *Agency: Please refer to paragraph (d) of the Agency's response.*

Proposed CMPI, 610 3-8, "Meals", has reduced PMH's. In the past, unlicensed personnel received two hours of overtime (one hour overtime and one hour PMH) when

forced to work through the meal hour (even if they had 20 minutes to eat). Licensed Engineers received one hour of overtime and one hour of penalty time. What is management's intention in revising this entitlement? *Agency: Please refer to paragraph (d) of the Agency's response.* Does management agree that the way this proposed language is ambiguous? *Agency: No.* Para 3-8.a. does not stipulate how the time actually worked is compensated. How will this time be compensated? *Agency: Paragraphs 3-8.a(2) and (3) of the proposed revision addresses compensation.* Is this in addition to the time actually worked? *Agency: Compensation will be awarded as reflected in paragraphs 3-8.a(2) and (3) of the proposed revision – 1 hour total.* In the case of the noon meal hour, is the time actually worked payable as overtime or does the overtime start an hour early at the end of the day? *Agency: The time actually worked.* Does management agree that if the full hour is not given during the regular meal hour, such personnel shall receive one hour at the overtime rate and at least one unbroken hour off at the end of the work at hand. *Agency: Management does not agree.* If the CIVMAR is not afforded the opportunity to take the unbroken hour off, work performed during that period will be performed will be counted towards the completion of the regular eight hours of work. Proposed CMPI, 610, 3-8(b) "Hot Night Lunch", maintains the requirement to pay six dollars to officers *Agency: For clarification: for all personnel not standing routine watches (in port or at sea)* if a hot night lunch is not served, but it converts the one hour of overtime (when required to work in excess of four hours between 1800-0300) for unlicensed Deck and Engine West Coast Civmars to just six dollars. What is management's intention in revising this section? *Agency: Overtime is payable for all approved hours worked outside the 8-hour workday. Please refer to paragraph (d) of the Agency's response.* Is it management's intention in precluding payment as required by prevailing maritime industry practices? *Agency: Please refer to paragraph (d) of the Agency's response above.* Does management recognize that this is inconsistent with the concept of a penalty meal hour for the inability to provide proper feeding of the crew? *Agency: Please refer to paragraph (d) of the Agency's response above.* Para 3-8.c Extra Persons section, what is management's intention in revising this section? *Agency: Please refer to paragraph (d) of the Agency's response.*

CMPI 610 Section 4-2 Assignment of Work - This paragraph gives the Master broad authority to change the hours of work at will. *Agency: Section 4-2 does not reflect a change in the current practice.* This paragraph conflicts with the definition of "day worker". Is it management's intention to avoid adhering to prevailing maritime practice by allowing management to stagger work hours simply to avoid premium pay compensation? *Agency: This is not our intention. When making decisions regarding the assignment of work, management must effectively and efficiently exercise the duties and responsibilities of their position in order to achieve mission objectives and organizational goals. In order to successfully meet mission objectives and organizational goals, there may be instances where the Master or OIC may need to change or amend the hours of work.* For example, as written, there is potential that the work day can be changed on a daily or even on an individual basis to accommodate a specific activity within straight time hours that might otherwise fall outside that time frame. Is management aware that there are MOU's regarding the abolishment of such practices that the parties negotiated in good faith? *Agency: Management is aware of the MOU signed on August 14, 2000, on the elimination of ROS(A) personnel work*

rules. Is management attempting to ignore or dismiss these negotiations? *Agency: No; however, current Memorandum of Understandings between the parties regarding CMPI 610 issues will be superseded by the results of these negotiations.* What is management's intention in revising this section? *Agency: Please refer to paragraph (d) of the Agency's response.*

CMPI Section 4-2a. What is a 1st Level Supervisor? Is it the Chief Cook (CPO), the 3rd Steward, Chief Steward? Is it unique to the Steward Department? Why isn't it contained in the definitions section? *Agency: The first level supervisor for food handlers in the Supply Department is: for Steward Utilityman and the various cook positions, the Chief Cook, and the Chief Cook's immediate supervisor is the Chief Steward. Position responsibilities are contained within job requirements and position responsibilities of the position's duty statement.*

4-3 MASTER AND CHIEF ENGINEER ON CALL 24 HOURS – While this paragraph exists in the existing instruction, it needs to be clarified during this process. This paragraph states that overtime pay is not payable to Masters or Chief Engineers in port. Wouldn't management agree that overtime pay should be authorized for all work in excess of 40 hours when in port and Chief Engineers should not be FORCED to accept compensatory time? *Agency: This is consistent with the authority granted to Agencies whereby they may require that an exempt employee receive compensatory time off in lieu of overtime pay for irregular or occasional overtime work if the employee's rate of basic pay exceeds the established maximum.* Given the contents of para 5-7, this paragraph is superfluous. "Master and Chief Engineer on call 24 hours" apparently contradicts itself in Section 5-7. What laws, rules, regulations & case law is management relying on to support that an employee must work in excess of 40 hours without premium compensation. *Agency: Please review the response immediately above.* What laws, rules, regulations and case law is management relying on to require an employee to remain fit for duty and on call 24 hours a day without any compensation whatsoever? *Agency: Section 4-3 addresses overtime, and does not prohibit a Master or Chief Engineer from being compensated for work performed.* Does this seem fair? *Agency: Please see the other responses provided within this paragraph.* What is management's interpretation of the intent of this section? *Agency: Our interpretation is our proposal for revision. Please refer to all of the answers provided within this paragraph.* Where are the Master's and Chief Engineer's standard work hours established other than stating on call 24 Hours a Day, 7 Days a week. If these members work from midnight to 0800 in shipyard doing the switchboard cleaning item with the contractor, does management intend to deny compensation after regular tour of duty? *Agency: As stated in Section 5-7, work in port in excess of 8 hours a day and the one (1) hour of daily overtime, will be compensated as compensatory time.* What is to prevent MSC from saying that the member only worked 8 hours that day and he/she is not entitled to any compensation? *Agency: The employee would receive compensation for working 8 hours, and receive either premium pay or compensatory time as stated in Section 5-7 of the proposed revision for work performed in excess of the 8-hour work day.*

Proposed CMPI, 610, 5-1 (b) states that the Master is responsible for premium pay. How does this relate to shipboard M&R overtime and that responsibility with regards to

the Chief Engineer? *Agency: The duty statements maintained by the APMC for any given position, address the job requirements and responsibilities for each position. While the Chief Engineer is the senior supervisor for the Engineering Department, the Master is the overall senior supervisor assigned and responsible for premium pay administration aboard his/her ship. The Master, under his/her authority, may delegate the shipboard M&R overtime administration to the Chief Engineer as a matter under the Chief Engineer's management.*

Proposed CMPI, 610, 5-2, states that overtime will now be payable at the 1/2 hour increments for all Civmars including officers. What is management's intent in proposing this revision? *Agency: Please refer to paragraph (d) of the Agency's response above.* Why is management eliminating the minimum criteria established by industry practice? *Agency: Please refer to paragraph (d) of the Agency's response above.* Why is management eliminating the minimum of one hour paid to Deck, Engine, Radio, Supply, Nurses and Purser Officers? Is MSC aware that this is not the prevailing maritime practice? *Agency: Please refer to paragraph (d) of the Agency's response above.*

Proposed CMPI 610, 5-5, what is management's intention in revising this section? *Agency: Please refer to paragraph (d) of the Agency's response above.* Section 5-5.b addresses standing port security and safety watches - what is management's intent in revising this section and why are these not broken down into two distinct sections? *Agency: The two re reflected in different sections. Management's intent in revising this section is reflected in paragraph (d) of the Agency's response above.* Why does it fail to address officers standing watch (i.e. CDO; Duty engineer, etc); 5-5.g. handling of explosives, what is management's intention in revising this section? *Agency: Please refer to paragraph (d) of the Agency's response above.* Is it management's intention to avoid paying compensation? *Agency: No.* Is the intent of this paragraph to only be applicable while import? *Agency: If you are referring solely to Section 5-5.g., yes. If you are referring to Section 5-5.a. through 5-5.h., specific instances where this section in applicable while in port are identified.* As written it is ambiguous. Is it management's intention to pay only those employees moving the cargo from ship to ship the explosive pay? *Agency: For clarification, section 5-5.g. states "move explosives from pier to ship or ship to pier." Please refer to paragraph (d) of the Agency's response above.* Is it management's intent to avoid paying Officers for supervising these duties? *Agency: Please refer to paragraph (d) of the Agency's response above.*

Why does this revision propose to eliminate duty engineer at sea duties? *Agency: The proposed revision standardizes the computation of premium pay and hours of work to an 8-hour workday (40 hour work week) regardless of coast or in port/at sea location for all ratings. The basic hours must be worked by all CIVMARs prior to premium pay eligibility, except in limited circumstances, which are delineated within the proposed revision. Section 5-5.a. addresses premium pay compensation for the unattended engine room duty engineer in port.* The duty engineer at sea is required to perform the same duties when the ship is underway for 24 hours and perform a midnight round (at sea). Does MSC believe that there is no need for a section on unattended engine room duty at sea? *Agency: Please refer to paragraph (d) of the Agency's response above.* The proposed revision of section 5-5 a. covers only unattended engine room duty

engineer in port and 5-5 b. only covers security watches for unlicensed. Is it MSC's intention to cease paying duty engineers with attended engine rooms appropriate (penalty) rate? *Agency: Please refer to paragraph (d) of the Agency's response above.*

Proposed CMPI 610, 5-5E why doesn't this proposed revision include sewage system: Marine Sanitation Device (MSD)? *Agency: The Marine Sanitation Device is considered part of the waste disposal unit.*

Proposed CMPI, 610, 5-6 (b) states that Comp time must be used before annual leave. What is management's intent in proposing this revision? *Agency: This is not a change, and is consistent with current laws, regulations and Agency procedures.* Does management believe this is required by law? *Agency: Please refer to the response immediately above.* Does management agree that employees retain the right to choose annual/shore/comp time as desired? *Agency: Employees have the right to request leave; management retains the right to approve leave in accordance with mission requirements, current laws, regulations and Agency procedures.* "Compensatory time may be accumulated, and be taken when not in conflict with operating necessities of MSC". The change now states; "Requests must be for a minimum of one(1) pay period and be submitted in advance of the beginning of the specified time period. Approved requests must be forwarded to the Director, Afloat Personnel Management Center(APMC)." Why is management defeating the policy that was created by Admiral Holder and agreed to by Director APMC at one of the very first CLC's? *Agency: Section 5-6 does not reflect a change in current policies and procedures.* The intent of this was to allow ALL Mariners a way to accrue leave, enabling the 4 & 2 concept to be more easily achieved. That was achieved by allowing all Mariners to accrue extra leave if they so desire to fill the gap between Annual and Shore leave there by extending their time off between ships. *Agency: For clarification, compensatory time is not a form of leave such as annual, sick, shore leave or leave without pay. Compensatory time off is time off with pay in lieu of overtime pay for irregular or occasional overtime work, which is derived from entitlement of overtime pay for approved overtime work (i.e. work in excess of 8 hours in a day or 40 hours in a week).*

Proposed CMPI 610, 5-7 – Masters and Chief Engineers Overtime minimums - The proposed change eliminates 1 hour overtime minimum when Master/Chief Engineers are not assigned to ship. The sole purpose for providing the 1 hour, whether on leave, in training or assigned to the ship was to offset the cap on the Master/Chief Engineer's base pay and compensate the member for being responsible for supervising his subordinates 24/7. The Unions and management negotiated this entitlement. Why is management unilaterally proposing to change what was bargained in good faith? *Agency: There is no legal basis to substantiate payment.* Does management envision a consequence being realized in the loss of skilled, qualified and experienced senior civilian mariner personnel for the elimination of this compensation? *Agency: It is our goal through open communication and collaborative effort with our Union counterparts; members of our CIVMAR workforce will understand and support the necessity of the proposed revision.* Is it management's intention to require compensatory time in lieu of overtime for all shifts? *Agency: Section 5-7 of the proposed revision establishes exceptions when overtime for Masters and Chief Engineers are authorized.*

Proposed CMPI, 610, 5-7, forces the Master's and Chief Engineer's overtime earned in excess of the one hour per day to be earned as comp time. What is management's intent in proposing this revision? *Agency: This is consistent with the authority granted to Agencies whereby they may require that an FLSA exempt employee receive compensatory time off in lieu of overtime pay for irregular or occasional overtime work if the employee's rate of basic pay exceeds the established maximum. Sections 5-7(b) through (d) authorizes premium pay in specific instances.* Does management believe that this is required by law? *Agency: Please refer to the response immediately above.* How will a Master or Chief Engineer earn overtime? *Agency: Sections 5-7(b) and (d) authorize premium pay in specific instances.* Does management agree that employees have the right to determine how they desire to be paid for work earned as overtime? *Agency: Please refer to the response immediately above.* What is management's intent in proposing this revision? *Agency: Please refer to paragraph (d) of the Agency's response above.* Is management attempting to ignore and dismiss laborious and intense negotiations establishing this practice decades ago? *Agency: There is no intent to ignore or dismiss past negotiations. Please refer to paragraph (d) of the Agency's response above regarding our objectives and intentions.* Why? *Agency: Please refer to the response immediately above.* There is a significant contradiction between Section 4-3 and Section 5-7. Can management please clarify the intent of these changes? *Agency: Please refer to paragraph (d) of the Agency's response above.*

Proposed CMPI 610 Para 5-7.b.(2) Piloting the ship. What constitutes "performing pilotage services"? This section requires clarity. All reference to overtime for shifting ship outside of normal working hours has been removed. *Agency: Please refer to credential requirements for piloting ships. Law, regulation or decree of government determines piloting grounds whereby services of a pilot are required; therefore, this information need not be repeated within the CMPI. Premium pay entitlement for shifting ship is contained within Section 3-7 of the proposed revision.*

Proposed CMPI, 610, 5-8, Does management recognize the need for including assignment of duties typical of day workers to watch standers (such as placing 3 A/E-W's on day work during shipyard periods). Does management agree that during such periods, these employees should be paid at the higher rating of the two positions. Does management agree that this should be for all rates that have a pay difference. *Agency: Please see section 4-2, "Assignment of Work" within the proposed revision to CMPI 610. In accordance with this section, the work a watchstander would be expected to perform shall conform to the duties required of the position. Should an employee be assigned to the duties of a higher rating, temporary promotion procedures as addressed in CMPI 330 and APMCINST 12335.1A of November 28, 2001 apply. Should an employee be assigned to the duties of a lower rating, the employee will be detailed to the lower rated position, and retain the base and premium pay rates of his/her assigned rating.*

Proposed CMPI, 610, 5-9, reduces the two hour overtime penalty for unlicensed engineers due to a delay in sailing to two hours of penalty time. *Agency: For clarification, Section 5-9 of the proposed revision states "off duty personnel shall be paid their penalty rate of pay from the time they were required to report on board to the time the new sailing time is posted..."* What is management's intention in reducing this entitled compensation. *Agency: Management's objectives and intentions for revising this Chapter are reflected in paragraph (d) above.* Why is management not adhering to the prevailing maritime practice established within the industry as required by Public Law 5348? *Agency: Public Law 5348 addresses prevailing rate systems and practices pertaining to prevailing rate systems, not work rules. There is no intention on behalf of the Agency to violate any laws.*

CMPI 610, 6-1 (a) through (j) addressed for non-officers Engine Department work rules in port. This majority of this section has been removed including: (c) overtime/callbacks for shifting the ship, (d) premium pay for handling deck and steward stores, (f) four our minimum for callbacks for taking on fuel or making repairs and Wiper minimums, (g) overtime when required to remain onboard for port security and safety watch, (h) compensation and requirement for electricians to be onboard when working cargo, and (i) cleaning up after shore gangs have been removed. What is management's intention in revising this section? *Agency: Please refer to paragraph (d) of the Agency's response above.*

Proposed CMPI, 610, Section 7 – Personnel not assigned or detailed to a ship. Section 7-3 Premium Pay. Circumstances arise when personnel assigned to the pool are required to work outside of the normal working day. (example: line handling or augmenting personnel aboard a ship going on one day sea trials). What will be the mechanism for payment of overtime? *Agency: Augments are assigned to the ship, details may not be. However, in accordance with Section 7-3, premium pay is authorized for CIVMARs assigned or detailed to a ship.*

Proposed CMPI 610, Section 8 – Explosive Cargo and Hazard area. Paragraph is ambiguous. How is the 50 ST measured? *Agency: A short ton is a United States unit of weight equivalent to 2,000 pounds.* NEW or gross weight Section 8-2.(a).(1). Procedure for Payment. Paragraph is ambiguous. What is management's intention in revising this section? *Agency: Please refer to paragraph (d) of the Agency's response above.* What documentation is management expecting? *Agency: These requirements are more appropriately reflected in instructions outside the CMPI.* Clarification of exactly what is desired/expected in the way of supporting documentation for hazard payments is needed. The term explosive as used in this CMPI means Class A explosives". The current CMPI also has provisions for non watch standing compensation as specifically stated in the schedule of wages. The current CMPI spells out exactly what Class A explosives are, the proposed one does not have this. What is MSC's intent in making this revision? *Agency: This information is more appropriately reflected in instructions outside the CMPI. Revisions to Chapter 610 focus on addressing hours of work and premium pay. For information regarding the Agency's intention on these revisions, please refer to paragraph (d) of the Agency's response above.*

In addition the proposal removes the provision for NWA payment to watch standing engine officers. Why? *Agency: Please refer to paragraph (2) of the Agency's response above.*

Section 9, Damage Control Personnel and Relief Officers/Engineers – MSC has not used these members in decades. Why is this section still included? *Agency: Personnel assigned to these positions are CIVMARs; therefore, it is appropriate to include this information with this Chapter of the CMPI.*

CMPI 610, 10-2 Engine non-officers at sea has had the section (c) - wipers painting quarters, and (d) electricians underway turning on lights in cargo holds has been removed. Why? *Agency: For clarification, the current CMPI 610.10-2d addresses turning on/off power vice lights. Please refer to paragraph (d) of the Agency's response above, which addresses our intentions.*

CMPI 610, 10-3, (a) through (u) addressed Engine non-officers at sea and inport. Section (a) the penalty time for dirty work remains, but the one hour for cleanup time has been removed. Additionally, the dirty work rate for the use of spray guns (b), work rules for cleaning quarters (c), penalty time for electricians and refrigeration engineers installing or removing new equipment (e), penalty time for electricians working on navigational equipment (f), work rules for Refrigeration Engineers and Refrigeration Oilers (g), work rules for oilers/penalty time for oilers performing Refrigeration rounds (h), penalty time for wipers cleaning up oil spills (m), work rules for firemen-water tenders (n), penalty pay for lathe work and welding (o), work rules for wipers cleaning fidleys and on top of boilers (p), penalty time for electricians working aloft (q), rest period or penalty pay for work performed after midnight (r), two hour minimum callout for blowing tubes (s), and unlicensed Junior Engineer work rules (t) have all been removed. Why? *Agency: Please refer to paragraph (d) of the Agency's response above.*

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