

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

586th FPRAC

SHELDON FRIEDMAN, Chairperson, Presiding

Thursday, August 15, 2013

Room 5526
Office of Personnel Management
Washington, D.C. 20415**ATTENDANCE:****Members/Alternates:**Management Members:Mark Allen, OPM
Steven Rumble, DoD
Bob Kerr, Air Force (via telephone)
Pamela Sokol, ArmyLabor Members:Dennis Phelps, MTD
Charles Bernhardt, AFGE
Robert Shore, NAGE**Staff Specialists and Visitors:**Jeanne Jacobson, Designated Federal Officer, OPM
Madeline Gonzalez, OPM
Jennifer Dorsey, OPM
Darlene Freeman, NAVY
Jim Brady, DoD
Bill Becht, DoD
Dawna Powell, DoD
Deborah Blake, DOI
Crystal Gailes, DOI
Kermit Howard, DOI
Josh Hildreth, DOI
CAPT William Hanrahan, DOI NPS**Recording Secretaries:** Mike Eicher and Terri Wallace

[Transcript prepared from digital audio produced by FPRAC.]

C O N T E N T S

	<u>Page</u>
I. <u>Opening/Announcements</u>	
• Introductions.....	4
• Announcements.....	6
- Articles on the 2013 Locality Pay Equity Act (H.R. 2450) introduced by Rep. Matt Cartwright (D-PA), 586-OC-1	
II. Review of the Minutes of the 585th Meeting.....	6
III. <u>Old Business</u>	7
a. Review of Lee County, Virginia, 557-MGT-2	
- Total Employment in the Eastern Tennessee Wage Area by County, 566-OPM-1	
- List of FWS Wage Areas with Fewer Than 500 Employees, 566-OPM-2	
- Review of Criteria for Defining Appropriated Fund Wage Areas, 545-OC-1 [REPRINT]	
b. Discussion of Survey Issues/Concerns	
- FPRAC's Chairman's Memorandum to Members on Survey Issues Work Group, 560-OC-1	
c. Special Wage Schedule Pay Practice for Federal Wage System Lock and Dam Employees, 562-MGT-1	
d. Definition of South Bend-Mishawaka, IN-MI Metropolitan Statistical Area, 562-MGT-2	
e. Letter from the American Federation of Government Employees, dated June 6, 2011, requesting FPRAC review a proposal to redefine Monroe County, PA from the Scranton-Wilkes-Barre, PA wage area to the New York, NY wage area, 564-AFGE-1	
f. Definition of Hickory-Lenoir-Morganton, NC Metropolitan Statistical Area, 575-MGT-1	
g. Proposal for FPRAC review of the Federal Wage System Appropriated Fund and Nonappropriated Fund Operating Manuals, 575-AFGE-1	
h. Suggestion for a research paper on the history of the Federal Government's prevailing rate system	
i. Review of the Augusta and Portland, ME Federal Wage System Wage Areas, 578-MGT-1	
- Alternate Analysis of the Portland, ME Federal Wage System Wage Area, 580-MGT-1	
j. Project to update wage area maps	
k. Department of the Interior's Special Vessel Schedules, 585-OPM-1	

C O N T E N T S (continued)

	<u>Page</u>
IV. <u>New Business</u>	7
a. Presentation: Comments on the DOI/NPS Pay Plan Proposal for the Isle Royale National Park's <i>RANGER III</i> Vessel, 586-OC-2 - Guest Speaker, William Hanrahan, Captain of the <i>RANGER III</i>	
b. 2013 Update to Review of Lee County, Virginia, 586-MGT-1	
c. 2013 Update to Definition of South Bend-Mishawaka, IN-MI Metropolitan Statistical Area, 586-MGT-2	

P R O C E E D I N G

CHAIRMAN FRIEDMAN: Good morning, everyone. Welcome to this 586th meeting of the Federal Prevailing Rate Advisory Committee. My name is Sheldon Friedman, Chair of the Committee, and as we always do, let's please go around and introduce ourselves for the recorder.

Let's start with you today Mark.

MR. ALLEN: Mark Allen with OPM.

MR. RUMBLE: Steve Rumble with DoD.

MS. SOKOL: Pamela Sokol, Army.

CHAIRMAN FRIEDMAN: I believe we have a Management person on the phone.

MR. KERR: Yeah. You have Air Force, Bob Kerr.

CHAIRMAN FRIEDMAN: We are hoping you can join us in person next time. We'd like that a lot.

MR. PHELPS: Dennis Phelps, the Metal Trades Department.

MR. BERNHARDT: Charlie Bernhardt, American Federation of Government Employees.

MR. SHORE: Robert Shore, National Association of Government Employees.

CHAIRMAN FRIEDMAN: And if everyone else around the

room can introduce themselves too? Madeline?

MS. GONZALEZ: Madeline Gonzalez, OPM.

MS. JACOBSON: Jeanne Jacobson, OPM, Designated
Federal Officer.

MS. WALLACE: Terri Wallace, OPM.

MS. FREEMAN: Darlene Freeman, Department of Navy.

MS. POWELL: Donna Powell, DoD.

MR. BRADY: Jim Brady, DoD.

MR. BECHT: Bill Becht, DoD.

MS. DORSEY: Jennifer Dorsey, OPM.

MR. EICHER: Mike Eicher, OPM.

MR. HOWARD: Kermit Howard, Department of Interior.

MR. HILDRETH: Josh Hildreth, Department of Interior.

MS. GAILES: Crystal Gailes, Department of Interior.

MS. BLAKE: Deborah Blake, Department of Interior.

CAPT HANRAHAN: Captain William Hanrahan, Department
of Interior, National Park Service.

CHAIRMAN FRIEDMAN: Thank you all, and Captain
Hanrahan is our guest speaker today. We will get to him very
shortly.

I want to say welcome back to Terri. We are glad to
have you back.

MS. WALLACE: Thank you.

CHAIRMAN FRIEDMAN: A couple of quick announcements. We circulated articles from the *Washington Post* and a couple other publications on the 2013 Locality Pay Equity Act, H.R. 2450, introduced by Representative Matt Cartwright of Pennsylvania. I thought that would be of interest to people.

Are there any other announcements?

[No audible response.]

CHAIRMAN FRIEDMAN: That's all that I have.

If not, we can go on to review the transcript of our last meeting. Are there any changes or corrections that people have beyond those we have already heard about from you?

[No audible response.]

CHAIRMAN FRIEDMAN: If not, is there any objection to adopting that transcript?

MR. ALLEN: No objection.

CHAIRMAN FRIEDMAN: Hearing no objection, the transcript is adopted.

We have a lot of Old Business items sitting in our Inbox that we are going to work our way through, not today unfortunately, but soon. Two of them have New Business items today that pertain to them, but before we get to that, unless

there's some urgent item of Old Business people want to discuss right now, I suggest we move on to New Business. Is that agreeable?

[No audible response.]

CHAIRMAN FRIEDMAN: Okay. So our first item is the Department of Interior/National Park Service Pay Plan Proposal for the Isle Royale National Park's *RANGER III* Vessel, and the guest speaker is Captain Hanrahan of that vessel who is going to address his concerns about the proposal and his alternative to it.

Before I introduce Captain Hanrahan, I thought I would ask Mark to very briefly summarize the Department of Interior proposal, which was distributed at the last meeting but not discussed. So perhaps focusing on what the current pay practice is, what the proposal is, and what the reasoning is in the National Park Service as to why the maritime wage schedule is not applicable.

MR. ALLEN: First of all, I'd like to thank Captain Hanrahan for coming to the meeting today. It's a long way to travel on fairly short notice, but this is an issue I think you do need to get taken care of because we've heard that there are recruitment and retention problems that are possibly affecting

the safety in the long term of the operation of the vessel.

In 585-OPM-1, we've laid out information that we have received from the Department of the Interior regarding the background of how pay has been determined up to this point for the crew of the *RANGER III* vessel, and we have a proposal here from the Department of the Interior to update the set-aside pay schedule. By set-aside, I mean that the employees of the vessel are not paid from a regular wage schedule. They are not under the government-wide Federal Wage System classification standards.

There is an accommodation that was made back in 1972 when the Federal Wage System was created under the law that if things couldn't fit in readily to the way that the regular system operated that they would be allowed to continue, so as not to disadvantage employees by cutting their pay by placing them under the regular classification standards or job grading standards and regular wage schedules.

OPM has documented the set-aside schedule in the back of the Operating Manual since then. Before we make any changes to what's documented in the Operating Manual, FPRAC should provide OPM with a recommendation and acknowledgement that the Committee has fully reviewed the agency pay practice.

Under the Department of Interior proposal, the pay practice has been a set-aside pay practice primarily because of the classification, so we would not be rolling them into the regular Federal Wage system at this point.

On page 2, acknowledgement is made that the Department of Interior found inadequate industry practice exists to warrant setting pay for the crew of the *RANGER III* under 5 USC 5348(a), which is the maritime pay provision in the law.

Now, there's further explanation of that statement on page 3 of the attachment from the Department of the Interior. The second and third paragraphs explain in I think pretty good detail why it's not suitable in the view of the Department of the Interior to establish the pay of the crew under the maritime pay provision.

CHAIRMAN FRIEDMAN: There is not actually a "3" on the page, the third page.

MR. ALLEN: Basically, the *RANGER III* vessel is not comparable to saltwater vessels using maritime wage schedules. Generally speaking maritime wage schedules apply to Military Sealift Command where the crews of the vessels go out for days upon end transporting military equipment from port to port on the high seas.

In terms of updating the current pay practice, what the Department of the Interior proposes to do is move away from having a single-step pay structure to having a five-step pay structure using the same step-rate percentages and waiting periods as the FWS system, and they are also proposing to move away from using the Northwestern Michigan Wage Schedule and using the Detroit Michigan Wage Schedule instead, and the reason for that is to ensure parity with another vessel that the Department of the Interior operates in the region.

That's basically the gist of it.

On page 3 of the OPM document, there are conversion steps, basically pay administration, of what would happen if OPM updates the Operating Manual. It would move from their current rate of pay to a different step, something that's not been afforded to them in the past. So there is growth potential with the change, and the Detroit Wage Schedule is also a higher wage schedule than the Northwestern Michigan wage schedule and those things combined should help to alleviate some of the problems of recruitment and retention for members of the crew.

CHAIRMAN FRIEDMAN: I have some questions about the proposal, but I'm going to hold them, but if others have burning questions they want to ask right now, they can do that.

MR. BERNHARDT: The only question I have, Mr. Chairman, is just to make sure that this would only require an Operating Manual change and not a CFR change.

MR. ALLEN: That's correct.

CHAIRMAN FRIEDMAN: All right. So we will get into a full discussion after we hear from Captain Hanrahan, who it is my great privilege to introduce. I thank you so much for traveling this long distance to bring this matter to our attention. I know you have been wrestling with it for many years.

Captain Hanrahan is the Captain of the *RANGER III* vessel at the Michigan Isle Royale National Park transporting passengers and freight, and among other things, he has 36 years of maritime experience, the last 19 of those years as captain of the *RANGER*, which he has been since 1994.

He is a graduate of the Great Lakes Maritime Academy in Traverse City, Michigan.

There's much more we could say about him. He has at my request furnished a bio which with his permission I will share with the members of the Committee, not taking too much more time right now.

With that, Captain Hanrahan, the floor is yours.

CAPT HANRAHAN: Thank you, Chairman Friedman. I appreciate the time you all have given me to speak and to listen to what I have to say.

I did want to clarify a few things on the DOI proposal before I read my statement. On Attachment E on the DOI proposal, under "Captain's Statement" - I want to clarify that the first two paragraphs are not my statement.

From the italicized point down, that is my statement. It appears in these paragraphs as if I support this proposal by DOI, and I clearly do not.

One other thing I want to mention, the *RANGER III*, for those of you who are not familiar with the shipping industry or the maritime industry, all of the other DOI vessels that are cited in the DOI proposal are non-commerce public vessels, and for those that are not familiar with the maritime world, a public vessel is not required to have a Coast Guard license. They are not inspected by the U.S. Coast Guard. They are strictly public service missions.

U.S. Navy ships, Coast Guard vessels, they do not -- those captains do not have a license issued by the U.S. Coast Guard. The agency takes care of all of their training and qualification processes.

As I said, the research vessels that DOI has cited in their proposal under USGS, U.S. Fish and Wildlife, none of these vessels are in commerce contrary to the *RANGER III*. The *RANGER III* is a DOI vessel, and it is a public vessel; however, it also transports oil. It transports hazardous materials. It transports passengers. It operates a crane. It transports great bulk propane, explosive propane, all of this in commerce, and because it is in commerce, it extracts it from that public protection where you don't have to have -- you don't have the regulatory regime to deal with on these other DOI vessels. On this particular vessel, you do.

All of our crewmembers are licensed or documented by the U.S. Coast Guard. They all have to have transportation worker identification credentials. They have to comply with U.S. Coast Guard physicians, which if you are familiar with that, there's a 184-page Navigation and Vessel Inspection Circular that the doctor has to read to make sure that these people are qualified, and that goes on every 5 years. These people have to renew their documents every 5 years.

They also have to have an OSHA Hazmat Level II Training Certificate because we carry the oil and the propane. If you are not familiar with the Oil Pollution Act of 1990, it

is all of the *Exxon Valdez* fallout regulations, and in this particular case, the *RANGER III* must comply with that law and all of the fall-out regulations which are 33 CFR 154 and 155, and that requires specifically that the government meet contractual issues with regards to cleanup of an oil spill because we carry oil in commerce. You have to have a marine salvage outfit under contract. You also have to have marine firefighting outfit under contract.

And in this particular case, the government meets those contractual issues through a basic order and agreements that are negotiated with the U.S. Coast Guard. Essentially, any spill or explosion, with the *RANGER III*, that would be -- those contractors would be called out by the Captain of the Port at the Marine Safety Office in Duluth, Minnesota, and using qualified individuals and incident commanders at Isle Royale, they would deal with that spill.

Obviously, Congress does not make for -- it does not fund these open-ended issues. If you're not familiar with the Oil Pollution Act of 1990, it has unlimited liability with regards to an oil spill, and subsequently, the Department of Interior cannot meet that. Obviously, Congress didn't appropriate funds for that kind of thing.

They do, however, back the National Pollutions Fund Center. There's a tax that is on every barrel of oil transported. Those funds are used to back the Coast Guard to then call out these contractors. That's how that is funded. So we fall under these basic order agreements, and in fact, I monitor those contracts with the Coast Guard and work with the Coast Guard and also the Superintendent of Navy Salvage to meet the salvage, marine, and firefighting requirements under these OPA-90 regulations.

So I want to make it clear to everybody that the *RANGER III* is a unique vessel, and I will tell you -- and I know this from Coast Guard Headquarters, and you will find it on Coast Guard Headquarters webpage -- that the *RANGER III* is the only tank ship that the U.S. Government operates that transports oil in commerce.

The only other vessel that you'll find on that webpage is the gasoline barge *Greenstone II*, which is also operated by Isle Royale National Park. That transports gasoline to Isle Royale National Park. That is the second vessel response plan that you will find on the Coast Guard webpage and the only two vessels owned by the Federal Government that transports oil in commerce.

You are probably thinking to yourself, well, Military Sealift Command, et cetera, have oil tankers. They do, but they are specifically in public service. They do not meet the requirements of OPA-90.

With that, I'll start on my comments.

My name is William Hanrahan. I am here today representing myself and advocating for the crewmembers of the package freighter, *USNPS RANGER III* at Isle Royale National Park.

The *RANGER* is a "public" vessel operated "in commerce" by the Department of Interior, National Park Service to "service the logistical needs of Isle Royale National Park." The vessel was designed by R.A. Stearns Inc. of Sturgeon Bay, Wisconsin, to NPS specifications in 1957. It was built by Christy Shipbuilding Inc., also of Sturgeon Bay, and entered into service in September 1958.

At a cost of \$1,160,000 in 1958, it has been in continuous service for 55 years. It was repowered with EPA Tier II-rated engines -- those are emission standards -- and reconditioned in 1998 at a cost of \$2.3 million. The ship has a replacement value of 25- to \$30 million, and that was a recent estimate that I did get from J.M. Martinac Shipbuilding, Tacoma,

and that was at the request of the Superintendent of the Park.

The ship measures 165 foot, 650 gross rated tons. That's lightship. That's when it came out of the dock. It displaces that much water, 650 tons. Fully loaded, it displaces 835 tons. Maximum cargo is 125 tons, including 25 tons of bulk No. 2 oil cargo.

The *RANGER* is unique in Federal service. First, it is the only tank ship operated in commerce by the Federal Government, and unlike all the other Federal vessels cited in the DOI proposal you received on June 10th, the *RANGER* is inspected and certificated by the U.S. Coast Guard as a subchapter H passenger vessel. It is also inspected under subchapters D, tank vessels, and I, miscellaneous cargo vessels. It is also classed and regularly inspected by the American Bureau of Shipping. Contrary to some media, it is not a "ferry" vessel, as it also transports bulk cargo oil under OPA-90, hazardous materials under the USDOT Hazardous Materials Regulations that includes cargo flammables, explosive break-bulk propane; municipal waste, water and sewage treatment chemicals; firearms, ammunitions; paints, fluids; research liquid nitrogen; drain oil; electrical transformers among others.

The vessel is also equipped with a 4.5-ton

telescoping, pedestal-mounted unit crane that handles 40 percent of all of our tonnage, including Park Service, concessionaire and visitor boats to 25 feet and 4.5 tons; construction materials; demolition materials; occasional airplanes, single and twin engine; fluid tanks; small dozers; municipal waste; tractors; trailers; occasional autos when we go to the shipyard, which we will be going this fall; machinery; municipal electrical generator sets; explosive break-bulk propane cylinders; all in addition to scheduled passenger service. Now, we don't carry those together.

[Laughter.]

CAPT HANRAHAN: However, under DOT rules, we do carry -- and you will see that in the inspection report in Attachment A that you can carry 25 passengers with propane, with break-bulk propane. DOT feels that you can kill 25 people, but 26 people would be unacceptable.

[Laughter.]

CAPT HANRAHAN: It is operated "in commerce," subject to the same maritime laws and regulations as private sector shipping. The crew must meet all U.S. Coast Guard document requirements as dictated on the vessel's Certificate of Inspection, and you will that in Attachment A. And you will not

see that on the other DOI research vessels cited.

More recently, the *RANGER* was equipped with the first U.S. Coast Guard and EPA-approved ballast water treatment system on the Great Lakes and was the first to have an approved EPA and U.S. Coast Guard Ballast Water Management Plan for the control of aquatic nuisance species on the Great Lakes. As far as I know, it is still the only ballast water management plan approved by the EPA and the U.S. Coast Guard on the Great Lakes as these new regulations come into being.

It has an operating crew of nine, including four officers, an NCCCO-certified crane operator and four deck crew. We also have a volunteer assistant purser, two snack bar concessionaire employees and currently one cadet from the Great Lakes Maritime Academy in Traverse City, Michigan, for a total of 13.

All operating crew must be U.S. Coast Guard-documented per 46 CFR 5.57(a)(1).

As mentioned above, the ship is inspected by the U.S. Coast Guard twice annually and is certificated to carry 128 passengers, 650 cubic feet of reefer/freezer cargo, 7,500 gallons of cargo No. 2 oil, personal use flammables, and up to 100 tons of dry package cargo in four different cargo holds.

The ship must be dry-docked every 5 years for inspection by U.S. Coast Guard and the American Bureau of Shipping, as required by law.

All machinery is rebuilt on regular mandatory maintenance schedules; typically, 1-, 3-, and 5-year cycles as required by U.S. Coast Guard and ABS. This includes the main engines, the generator engines, ballast pumps, fire pumps, turbochargers. You name it; it's inspected.

I entered on duty with the Park Service as Captain on March 27, 1994, and have remained in this position since then. I have been sailing as a U.S. Coast Guard-licensed officer since graduation from the Academy in 1977 or 36 years. I attended the Academy on the GI Bill after 4 years of honorable military service in the U.S. Air Force, including 6 months service in Vietnam.

Since graduation from the Academy, I have worked primarily in the Great Lakes shipping industry, with additional service as Captain with the State of Virginia at Jamestown Ferry; Captain and Chief Mate of a Corps of Engineers contract hopper dredge in the Gulf of Mexico, and co-pilot tankerman on the 110-foot, 200-ton, USNPS *FORT JEFFERSON* stationed at Key West, Florida, servicing Dry Tortugas National Park.

I have 16 years deck officer experience on the Great Lakes on self-unloading bulk freighters to 1,000-foot and 80,000 dead weight tons, product tank ships, hopper dredges, bulk-cement freighters, and ocean-going vessels transiting the Great Lakes.

I have also participated as an investigator and subject-matter expert at NPS request in four marine-related incidents, including Isle Royale; Channel Islands National Park, California, two incidents; and Kalaupapa National Historical Park in Moloka'i, Hawaii.

I hold a U.S. Coast Guard Master Mariner's license, unlimited tonnage, for the inland waters of the U.S.; an unlimited tonnage First Class Pilot's license for Great Lake's waters between Duluth, Gary, and Buffalo; and an unlimited Tankerman's endorsement for supervision of bulk product transfers of dangerous liquid cargo. In this capacity, I have conducted well over 100 transfers of dangerous liquid cargo, including benzene, xylene, gasoline, and over 20 transfers of No. 2 oil at Isle Royale in 2012 alone.

My comments on the DOI pay plan proposal to FPRAC-June 10, 2013 are as follows:

A few weeks ago, Mr. Mark Allen passed you a DOI

proposal to adopt a pay plan using "selected rates" from the 070 Detroit area FWS pay schedule, also used by the Corps of Engineers, DOI's Fish & Wildlife, and U.S. Geological Survey vessels home-based and operating primarily in the Northern Michigan 071 FWS wage area.

There are many problems with the DOI proposal. First, the proposal is making a position and wage comparison between *RANGER* and the uninspected, non-commerce, non-passenger, non-oil-carrying, non-hazmat, non-crane, non-scheduled fish research vessels of DOI's USGS and USFWS Great Lakes fleet. None of these vessels require a U.S. Coast Guard-licensed operator since they are uninspected, non-commerce "public" vessels. They catch and release fish, take water and core samples, and that is their singular mission. How can DOI tender a wage plan that purports to equate the Captain of a U.S. Coast Guard-inspected, ABS-surveyed commerce, passenger, tank, hazmat and crane vessel with that of a captain of a fishing research vessel?

All DOI vessels cited in the example are less than half the tonnage of *RANGER*; less than half the crew, and perform a non-commerce, non-critical research mission, primarily in fair weather.

The DOI proposal doesn't mention the 25-72 percent

wage disparity between the Corps of Engineers Floating Plant tug *D.L. BILMAIER* and *RANGER* crew, a wage schedule the NPS agreed to match at the last NPS-conducted Wage Board. And that is in Attachment B. You will see the minutes from that last Wage Board, and I would tell you that that was the last Wage Board that was held for these Wage Board employees, and that was in 1969, April 10th, 1969.

DOI indicates on page 2, paragraph 4 of its proposal that the "CFWS replaced the DoD Wage Board System"; however, it did not replace the DOI Wage Board System. That system still exists.

My understanding of a Wage Board System under 5 USC 5348 is to have a legitimate board of trade knowledgeable people review the maritime industry rates on a timely basis and determine a fair prevailing rate for that specialized trade, and that hasn't happened for *RANGER* in over 43 years.

Since 1970, Congress has passed numerous maritime laws and U.S. Coast Guard, EPA, DOT, OSHA. and DHS have implemented numerous regulations that directly impact *RANGER III* everyday operations and management.

As previously stated, the NPS agreed on April 10, 1969 to match the wages of Corps Floating Plant supervisory officers

of the Corps' large tug, *SUPERIOR*. This Lake Superior based-tug was replaced with a smaller but similar tug, the *D.L.BILMAIER*, in 1995 and is home-based in the 071 wage area at Duluth, Minnesota.

I ask DOI and Mr. Allen to explain how it is that the Captain of the *BILMAIER* is currently paid 25 percent more than me, operating a vessel half the size, with a singular mission to tow the construction barge, *H.J. SCHWARTZ* to construction sites? How can DOI justify the crane operator of the crane barge *SCHWARTZ* making more than the captain of a U.S. Coast Guard-inspected, ABS-classed commerce, passenger, tank, hazmat, and crane vessel while operating under a comprehensive U.S. Coast Guard, ABS, DOT, EPA, DHS, and OSHA regulatory regime and supervising a crew of eight in a hazardous maritime environment? Of all the Federal vessels mentioned in the DOI proposal, and those not mentioned, I am the lowest paid captain of all exemplified, commanding the largest vessel by an 85 to 340 percent margin, and you will see the tonnage of each of those DOI, FWS, and USGS vessels compared to the *RANGER*. And the *RANGER's* tonnage is 650. That's lightship. Loaded out, it's 835 -- and certainly, with the most complex mission.

With passengers, unlimited liability under OPA-90

operating on the fresh waters of Lake Superior, in a hostile marine-operating environment, how is it that I make less than the captain of a 190-ton fish research workboat, the *USGS GRAYLING* and less than the crane operator on a flat anchored crane barge (COE SCHWARTZ)?

Since the last Wage Board determination made in 1969, Congress has imposed laws and regulations, including the Oil Pollution Act of 1990, the Maritime Transportation Security Act of 2004, the DOT Transportation of Hazardous Materials regulations introduced in 1975, OSHA crane regulations including everything below the hook on our crane, U.S. Coast Guard stability regulations, and recently the control of aquatic nuisance species under new Ballast Water Regulations (33 CFR 151).

My position monitors compliance, conducts drills and exercises, maintains logs, provides hazmat and program training under OPA-90, MTSA, and OSHA, in addition to administrating these programs. I also administrate the Park's OPA-90 program for the Park's gasoline tank barge *GREENSTONE II* and the Petroleum Storage Complex, which has five terminals. You will see on the U.S. Coast Guard VRP webpage, both the *GREENSTONE II* and the *RANGER III* listed. You will see my name on both of

those plans. I wrote both of those plans, and I still maintain those. In fact, I just recently sent in the *RANGER's* 5-year plan.

I also maintain all of the complex plans for the five different storage terminals at Isle Royale.

I also administrate vessel and terminal transfer procedures, facility operation manuals, ordering and inspecting equipment and personal protective equipment for the five storage sites at Isle Royale under 33 CFR 154.

Even though my supervisor and the Park Superintendent have acknowledged and endorsed these added responsibilities, you will see in Attachment D a proposed, revised position description that both the Superintendent and my supervisor, a 42-year NPS veteran, signed and put in. That still has not been endorsed or accepted.

Under these laws and regulations, NPS has refused to revise or acknowledge these in my official PD or conduct an official classification appeal (desk audit), as requested by my supervisor. In fact, I was told that I would be disciplined if I did not continue to administrate these programs, even though these added responsibilities are not in my official PD.

DOI indicates in their proposal documents that NPS

changed from marine Wage Board surveys under 5 USC 5348(a) in 1970 to 5348(b) because NPS determined that there was inadequate maritime industry from which to make wage comparisons. If this is the determination, how can other DOI, USFWS, and USGS vessels in the same wage area make wage comparisons with Corps of Engineers' floating plant vessels? Please refer to the Agency Special Wage Schedules, Evaluation Plan that is Attachment A in the DOI proposal for USGS and USFWS that state, "The grading structure is based on a comparison and analysis of the duties and responsibilities of Bureau vessel employees with comparable jobs in the Corps of Engineers." If there is inadequate maritime industry for NPS to make a marine wage comparison in the same wage area, how can DOI, USFWS, and USGS make a marine wage comparison in the same wage area with the Corps? These are contradictory pay plan statements, documented in the Special Rate Schedules, and you can see that in the DOI proposal in their handout. Does OPM endorse DOI's interpretation and determination of "inadequate maritime industry" under 5348(b) as required in Subchapter S1 Basic Authorities (Attachment E)? And you will see in Attachment E, if you go to Subchapter S1-4 Pay-Fixing Authority, under (b)(4) Vessel Employees in Areas in Which Inadequate Maritime Industry Exists, it says upon

recommendation of the agency and approval by the Office of Personnel Management, vessel employees in an area where inadequate maritime industry practice exists shall have their pay fixed and adjusted under the regular wage schedule for the area, or under a special schedule, rather than in accordance with maritime rates and practices. I don't believe that that exists.

You have Fish and Wildlife and U.S. Geological Survey making marine comparisons in the same wage area, and then the Park Service saying you cannot do a marine wage comparison in the same wage area. You have two contradictory plans here, and that's why OPM needs to endorse these and say, "Yes, you can make that determination," but that was not done.

The Corps' Floating Plant (XH) schedule is a marine industry survey based rate for supervisory, USCG licensed 9900 series vessel operators (see Attachment F). XH schedule people on board the *BILMAIER* are the 9900 series officers. And I want to clarify something here that probably some people are going to be confused on. Fish and Wildlife, USGS, Corps of Engineers, non-commerce public vessels, they do not require a license; however, the agencies require these people to have a license to get the position. And the reason they do that is because,

unlike the U.S. Navy or the U.S. Coast Guard, the agencies do not have the capability to endorse and qualify these people. So they allow the Coast Guard to do that by requiring the license, but the Coast Guard does not require the tug *BILMAIER*, the *GRAYLING*, these other research vessels to have a license. *RANGER*, they do.

So, the Corps Floating Plant (XH) schedule is a marine industry survey based rate for supervisory, U.S. Coast Guard licensed 9900 series vessel operators. How can this be if there is "inadequate maritime industry", as NPS determined? And if you refer to page 18, paragraph 1, of the NPS's 1980 position paper, which is contained in the DOI proposal as Attachment F, in the proposal, please read what NPS said of the Corps vessels: "They are not considered vessels and therefore are not listed under that category. Since these are not comparable situations, the *RANGER III* pay schedule cannot be based on the Corps' schedule, just as the maritime industry cannot be used due to lack of comparability."

If you refer back to the 1969 Wage Board minutes, you will see that it was in fact Department of Interior, National Park Service that proposed to use the Corps' schedules, in which in the mid-'70s, they then reversed themselves and said, "These

are not vessels. We can't use them for comparison," and the reason was because the Corps still used a maritime survey to determine those wages, and during that period on the Great Lakes, the industry was going through consolidation. They were enlarging these vessels. They were putting sections into these vessels, made them bigger, to carry more cargo. They eventually then consolidated even further when they went to 1,000-foot vessels, in which there's now 13 of them on the Great Lakes. And union considerations, they didn't mind paying a captain another \$30,000 or \$40,000 because he was carrying -- he or she, excuse me -- he or she was carrying that much more cargo.

The ship I started on in 1974 when I first started out carried 17,000 tons. These thousand-footers are now carrying 80,000 tons.

So when the unions negotiated as four or five of these smaller vessels went to the scrapyard, these bigger ships came out. Wages were going up, and that's partially why these wages in the maritime end went up higher. And obviously, you will see in later attachments here that in fact those now reach into \$320,000.

How can DOI's USFWS and USGS agencies use the Corps Floating Plant Schedules for comparison as stated in their

evaluation plan if "these are not vessels"? If these are not vessels, why does the Corps require U.S. Coast Guard licenses to obtain the positions? Are Corps floating plant vessels for USFWS and USGS wage plan purposes but not for NPS?

Also, how can the maritime industry on the Great Lakes be excluded for wage comparisons when the *RANGER* is part of that commercial maritime industry? Again, the *RANGER III* is in commerce. It's part of that commercial industry on the Great Lakes, and if you look on marinetraffic.com at any time, you will see the AIS returns. You will see that there's significant maritime industry on the Great Lakes.

If you will please again refer to page 18 in the NPS position paper, page 2, "In December 1972, the NERO, NPS Regional Office, constructed a multi-step rate system for the *RANGER III* positions; however, their conclusion was that that type of pay system was viewed as extremely expensive. They stated that such a system would provide incentive increases beyond that warranted by the true change in wage structures for the marine industry of the Great Lakes area".

Please note that in the first paragraph on page 18, NPS said the Great Lakes maritime industry could not be used for wage determination due to lack of comparability, but then NPS

used comparability with the industry to block any possibility of adding steps, as every other Federal vessel on the Great Lakes has.

In order to compute Great Lakes, St. Lawrence Seaway pilotage rates, U.S. Coast Guard Headquarters surveys Great Lakes captains' and first mates' wages. The 2013 survey, printed in the Federal Register, shows total captain wage packages ranging from \$231,000 to \$320,000 respectively for 9 months work (see Attachment G).

While these vessels are significantly larger, it does illustrate the top of the range. There are few mariners on the Great Lakes with 1,600-ton deck licenses and 2,000 horsepower engineering licenses, the minimum required for *RANGER*.

Here, let me explain that there's two pools that you pull your people from, and those pools are the 100-ton, the T-boat, which is the recreational, and then you go into those commerce vessels on the Great Lakes, and those are all typically bulk freighters that are 4,000-ton and above. That's the pool of mariners that you typically will hire from. In the Gulf of Mexico is those midrange-type vessels, but on both the East and the West Coast, typically those are unlimited horsepower licenses and unlimited tonnage licenses, and that's the primary

pool that you have to pull from. You can't pull from the recreational vessel pool, these tour boats and whatnot, because they're 100-ton or less. And the Coast Guard issues licenses in the 100-ton, 200-ton. Then they jump to 500-ton, then to 1,600-ton, then to unlimited.

Most current and former *RANGER* employees have unlimited tonnage, horsepower, and AB seaman documents. Is it any surprise that the USA Job announcements for the chiefs' and assistant engineers' positions received only one applicant after 14 postings in the 2011 and 2012 period? The last posting offered a \$7,500 sign-on bonus but only received one applicant, and that ran continuously for more than 8 months.

The DOI proposal indicates that the Captain of the *USGS KIYI*, stationed at Ashland, Wisconsin, is a Wage Board employee, like the others exemplified; however, this isn't the case. Captain Joe Walters of *KIYI* is a General Schedule Marine Operations Specialist, not an "excepted service" Wage Board employee, as indicated. The same is true for Captain Sam Miller and the Chief Engineer on EPA's *LAKE EXPLORER II* that is home-based in Duluth, Minnesota.

DOI has left these Corps and EPA vessels out of the proposal and has misrepresented the *KIYI* wage plan. The reality

is there are four different DOI marine pay plans being used in the 071 wage area alone, including Wage Board employees, Wage Board with steps, General Schedule with steps, and regular FWS employees with steps. The *RANGER* is the only vessel without steps, and as wages have been frozen by the President for the last 4 years, all other Federal employees, including all Great Lakes marine employees, continue to receive step increases during this wage freeze. Again, the *RANGER* got shorted; again, as NPS continued to claim they were studying the pay issue. See Attachment H, and if you'll look at that, you will see that the pay plan on the vessel *RANGER* has been an issue since 1999, and you can see the schedule that National Park Service put out, and it's still unresolved at this point. Fourteen years later, it's still unresolved.

On August 12, 2012, NPS proposed a fixed wage marine pay plan (WM) used by NOAA. The NPS lead HR specialist, a 30-plus-year GS-14, proposed this wage plan, (see Attachment I), using NOAA's wage formula, a combination of tonnage and horsepower.

Consider that I command a commerce passenger, tank, hazmat, and crane ship that is larger than some NOAA vessels and has a compressed schedule of 44 trips per year, making four

dockings per trip, many in high wind and restricted visibility conditions -- this is what the Coast Guard calls "adverse weather" under OPA-90 parlance -- on a fixed passenger schedule, in a rocky, unforgiving maritime environment with few aids-to-navigation -- and I mean buoys and racons. A racon is a Morse Code signature that shows up on radar that identifies a particular dangerous area. We don't have those at Isle Royale.

Despite these factors, the HR specialist, in consultation with a NOAA HR specialist using the NOAA formula, came up with a pay plan that actually reduced my wages. And if you will -- just as a side note on that, if you look at that particular proposal, the NOAA proposal, the math was incorrect where it stated the wage that they proposed for me at \$39.90 an hour. If you do the math, it is actually \$39.09, which would mean I would get a pay cut.

Having spoken many times with senior NOAA officers while trying to hire a chief engineer, these officers, after seeing pictures of the *RANGER*, believed the ship to be a Class III vessel by the NOAA classing formula.

Believing something must be wrong, I closely reviewed NPS's proposal and discovered that both the NPS and the NOAA HR managers mistakenly assumed "international tonnage" was the same

as "Great Lakes gross-rated tonnage". However, international tonnage is a measure of the interior volume of a vessel measured in 100 cubic feet per ton, while gross-rated tonnage is a measure of weight or light ship displacement in short tons. Had I not caught this error, all *RANGER* crew would be making less today.

When I notified the ISRO superintendent, the NPS lead HR specialist, and the NPS Midwest regional director of the error and my own corrected wage figure of \$126,000 annually based on a U.S. Coast Guard conversion factor, the proposal was dropped like a hot potato. And you will see that in Attachment J.

It's not surprising that this proposal is not mentioned in this current DOI proposal. If the NPS lead HR specialist and the NOAA HR specialist can't tell the difference between international tons and gross-rated tons on a critical pay plan formula, how credible can the NPS determination be that there is "inadequate maritime industry on the Great Lakes from which to make a comparison", a determination made over 43 years ago that contradicts the current DOI USFWS and USGS wage plan?

On December 31, 2010, Edward Hickey, *RANGER's* former chief engineer, retired. He was frustrated with the pay issues,

disparate pay, unpaid lunch while on duty, the meals and incidental disparity, and ever-increasing responsibilities of the position. His vacated position was posted 14 times on USAJOBS, and I interviewed at least six applicants. None took the position when offered, and pay was the reason.

I eventually did hire Peter Tormala, a young marine engineer that was working for Crowley Maritime. He hadn't applied for the chief engineer's position; rather, the assistant engineer's position, which was vacated when Assistant Engineer Charles Hamel retired in June of 2011. Mr. Tormala had 6 years' experience as a marine engineer, none as 1st Assistant or Chief Engineer, and was working as a 2nd Assistant Engineer on a West Coast tank ship. I told him that with his unlimited horsepower Second Assistant's license, he could qualify for the Chief Engineer's position. I asked if he was interested. He said yes, and I hired him off the Assistant Engineer's Certificate of Eligibles.

He filled the position for 6 months, then resigned and went back to his former second assistant position due to pay. I will tell you that he makes over \$110,000 now in that position, and that's for 180 days work. He works 75 days on, 75 off, does that all year.

Former Chief Engineer Ed Hickey luckily and graciously agreed to work again until a new Chief Engineer could be hired, but this time as a contractor at \$620 a day or \$77.50/hr, not as a reemployed annuitant at \$300 a day, (\$37.53/hr or \$51.42/hr with benefits included), as he had in 2011. He decided to work as a contractor because he knew the Park was paying more for contracted employees. And it is \$750 a day, that's \$93.75 an hour for a contracted Captain (see Attachment K). That rate was paid while I took my wife for medical treatments in Marshfield, Wisconsin.

And I will tell you that as I sit here today, Captain Terry Reynolds of ABCD Marine, which also provides pilotage services for all of the LCS vessels coming out of Marinette Marine, all of the Coast Guard vessels coming out of Marinette Marine, and NOAA vessels coming out of Marinette Marine, he is standing by for me. He made the trip on Tuesday and Wednesday. He will make a trip today, Friday, and Saturday, and the taxpayers are paying him \$750 for me to be here -- per day. He did this because he knew the Park was paying \$750 a day for the contracted captain.

The assistant engineer's position was re-advertised, and only one applicant, Gregg Burr, applied, a recent graduate

of the Great Lakes Maritime Academy in Traverse City, Michigan, with no experience as a licensed marine engineer. He was hired in September of 2011 and resigned in June this year, right after the Park spent \$10,000 in training costs to get this employee a U.S. Coast Guard tankerman's endorsement (see Attachment A), necessary to transfer cargo oil under OPA-90. He now works for Overseas Group Incorporated, a tanker fleet in the Gulf of Mexico, as a Third Assistant Engineer making \$95,000 a year for a 180-day year or \$528 a day, not including pension or medical plans. His NPS pay was \$28.48 an hour or \$215 a day for 260 days or \$56,000 annually, benefits not included. And this was less than a backfill, seasonal, motorboat operator at Voyageurs National Park (see Attachment L).

Here is a guy that has a 4-year degree, graduated from the Academy, has to have a Coast Guard license, has to have a TWIC, has to have an OSHA, has to have all of these documents, and he's making less than a motorboat operator at Voyageurs National Park.

This vacated position is currently being held up by the sequestration awaiting an NPS waiver, as the Park pays another contractor \$450 a day to fill this mandatory position - not with a Marine Engineer, but with a Marine Oiler. And again

-- this oiler comes to us from ABCD Marine, same company that provides these positions for the Navy and NOAA.

And because the contracted person does not have a U.S. Coast Guard Tankerman's Endorsement, NPS is paying an additional \$620 a day to former Chief Engineer Hickey when cargo oil must be loaded and unloaded, and that is approximately 20 to 24 times per year.

Right now, I am eight loads of oil behind at Isle Royale. There's more than a quarter of a million dollars sitting in an account right now to pay for that oil to be delivered to Isle Royale, and it's doubtful that I will be able to deliver that many loads of oil before the end of the fiscal year, which means that money will have to be de-obligated out of those accounts and then re-obligated and possibly carried over to 2014. It's all dependent on Mr. Hickey's schedule. If he's available, then I have to notify him that I need him for the transfer of the oil, and if not, I can't transfer oil.

Also, as indicated in the DOI proposal, NOAA Chief Engineer Jeff Hokkanen of the NOAA vessel *OSCAR DYSON*, has a base pay of \$147,000 annually and with mandatory overtime makes \$162,000, not including benefits. I interviewed this gentleman to take the Chief Engineer's position on the *RANGER*. I only got

halfway through the interview, and when he found out he had to take a 52 percent pay cut to come to the *RANGER*, because he was from Duluth, Minnesota, he just ended the interview right there and then.

How can there be such a disparate hourly wage for essentially the same engineering job and same U.S. Coast Guard license? The Chief Engineer's position vacated by Mr. Tormala was posted again in the spring of 2012, now with a \$7,500 sign-on bonus, continuously this time, until the Chief Engineer was hired in February of this year. He was a 2nd Assistant Engineer with NOAA. It was on the *MacARTHUR II*. He had no experience as a Chief or 1st Assistant Engineer and was the sole applicant on the Certificate of Eligibles. He was a 10-point vet. He was the only applicant I had virtually. He had the job. I didn't even do an interview.

The *RANGER* crane operator, David Latvala, is paid 72 percent less than the crane operator of the 071 wage area Corps crane barge *H.J. SCHWARTZ*, which I indicated to you makes more than me, and 18 percent less than Isle Royale's own land-based crane operators (see Attachment M). And again, this is a non-commerce position at Isle Royale in the Park.

This gentleman -- we actually have two crane operators

on the shore that operate a mobile crane and also a travel lift. They are paid \$5 more per hour than Mr. Latvala, and Mr. Latvala has to have a certification by NCCO because the *RANGER* is in commerce, and yet he's still \$5 an hour less than that and 72 percent less than the crane operator on the *H.J. SCHWARTZ*, which is the Corps of Engineers.

And I might add that there are no stability considerations when you do a lift with that crane barge because it is a spud barge. It is anchored to the ground when you make a lift, where on the *RANGER III*, you have to consider all of the ballast and the bottom when you make a lift. That lift has to be offset. When you're making a 90-degree, swinging a boom out on a crane, and you're making a lift of 4-1/2 tons, you have to know what's in the bottom of the ship before you make that lift. We are not attached to the ground when we do that.

Mr. Latvala requested a desk audit in 2009. NPS paid \$1,600 to have this desk audit performed by an NPS Denver Service Center contractor. His position was classified equivalent to a WG-11 by the contractor, while he is currently paid equivalent to a fixed WG-9/3. Despite being graded at WG-11 by the contractor, the NPS MWRO regional HR office, who requested and paid for the audit, discarded the audit and then

said "only OPM can classify a Wage Board position".

At the very same time, Madeline Gonzalez, the Ombudsperson for OPM, said "DOI retains authority to classify and pay employees on the vessel" -- and this was by their special set-aside authority -- the exact opposite of what NPS HR had said. At best, Mr. Latvala is losing \$6,600 per 33 weeks annual employment since July of 2009 and at worst \$22,000 for 33 weeks compared to the Corps *SCHWARTZ* crane operator, contrary to 5 USC 5341(1).

I also had requested a desk audit, which my supervisor, a 42-year NPS veteran, requested in 2006 (Attachment D), but this was held up until Mr. Latvala's was completed. When his was rejected by the regional NPS HR office, my desk audit request was disregarded and shelved by NPS. It still has not been endorsed by NPS or accepted.

In addition to *RANGER* pay issues, the Park's tug and barge operation, also a U.S. Coast Guard-licensed "commerce" position, but not Wage Board -- this is a WG-12, and I might add that in my mind that is impossible to do since WG is a non-supervisory position. For the captain to have to have a license, a tankerman's certificate, and be pulling an OPA-90 gasoline barge, one would think that he would have to be a

supervisor. It's incomprehensible to me that the person would be a WG as opposed to a WS and frankly should be Wage Board as far as I'm concerned.

That operation is at a standstill. The Park has been unable to hire a tug Captain/tankerman for over 2 years since the former Captain, Joe Bergan, frustrated over pay and work issues, defected to USGS as the captain of the *USGS GRAYLING*, leaving no backfill Captain, Mate, AB, or Oiler for *RANGER*. This particular gentleman, a hardworking guy, had all of the endorsements, so that if I were off the vessel, the First Mate were off the vessel, Oiler was off the vessel, AB was off the vessel, this guy could fill it because he had those credentials, and he was gone. He just recently said that he would not come back.

He started with USGS on a 75-foot, 190-ton fish research vessel at a higher rate of pay than I make on this 165-foot, 650-ton U.S. Coast Guard-inspected passenger, oil, crane vessel, and I have been in this position for 20 years. He has no passengers, no cargo oil, no cargo hazmat, no U.S. Coast Guard or ABS inspection regime to manage or comply with, no marine work rules, no firearms, no deck cargo other than fish, no dangerous cargo manifest to fill out, no stability

calculations, no OPA-90, no MTSA, no sea marshals, and he operates this workboat with two crew in fair weather.

In addition, USGS receives full travel per diem (\$66/day) for their Headquarters, not for where the boat is stationed, while *RANGER's* crew is less than one-third of the GSA travel allowance for meals and incidental expenses at \$20 a day.

This is the current NPS state of affairs, disastrous by most HR standards, dangerous by marine.

My proposal - first, I will propose that management and administration of this commerce maritime wage plan be removed from DOI/NPS and moved to OPM, MSC, or the Corps. I firmly believe, as do all crew (current, former, or retired), that DOI/NPS has abused their "special set-aside authority" and is intentionally undermining the "prevailing rates" of this unique Wage Board vessel crew. This latest proposal is just a continuation of this.

They have also denied crew of the basic right to have their position descriptions revised and audited, so that a fair wage can be determined based upon position responsibilities, risk management (and Federal liabilities) by a legitimate Wage Board. Neither DOI nor NPS has the maritime industry knowledge or marine HR experience to manage this wage program. Again, see

Attachments H and I. I think that illustrates what I'm talking about.

I would also advise that the Park's U.S. Coast Guard inspected tug *SHELTER BAY* and OPA-90 gasoline tank barge *GREENSTONE II* be added to the Wage Board pay plan and managed by OPM, Corps, or other agency with maritime knowledge due to the U.S. Coast Guard-inspected status, unlimited liability of OPA-90, MTSA inclusion, often adverse weather, unforgiving operating environment, marginal equipment, and USCG licensing required to safely perform this hazardous job upon the fresh waters of Lake Superior, in a wilderness National Park, with limited aids to navigation.

My proposal for the master's wage plan is to adopt an hourly rate that acknowledges the responsibilities and unlimited liabilities of operating a passenger, tank, and hazmat-carrying vessel in commerce under a U.S. Coast Guard and ABS inspection regime in a hazardous, unforgiving marine environment.

In addition to the operational responsibilities assigned to me, I also am responsible for administrating the OPA-90 program, enforcement and partial administration of the MTSA program, acceptance and carriage of firearms and ammunition, a new paradigm in National Parks, liaison with U.S.

Coast Guard Headquarters VRP section, Superintendent of Navy Salvage, U.S. Coast Guard D-9 contract officers and the U.S. Coast Guard Captain of the Port MSU Duluth, administration and compliance of the Ballast Water Treatment Program, shipyard dry-docking contract document preparation, which this last pay period I had 32 hours overtime -- and that was preparing the dry-document contract that's coming up for this fall, which I will be the contract officer's technical representative for these contracts -- preparing position announcements, which I've done several, selecting candidates from qualified lists of applicants, preparing and submitting annual and long-term budgets, supervising a crew of eight, hazmat and OPA-90 training, which I do every year, all those items that a full vessel department would be responsible for at any other agency or commerce shipping company.

I am proposing that the Master of the *RANGER* be paid the same hourly rate as a Corps of Engineers Hopper Dredge Captain, WJ-16 or \$58.06 an hour. It's in Attachment N. While some Corps hopper dredges are larger by tonnage than *RANGER*, their singular mission is to suck up mud from channels. I know, I've been there, I've been a captain on a dredge -- no passengers, no hazmat, no dangerous cargo manifests, no OPA-90,

no firearms, no sea marshals, no flammables, no cargo oil, and they have vessel shore-side administrative support from a marine management office.

What *RANGER* lacks in size is certainly offset by the mission responsibilities and liabilities of passengers, oil, crane, maritime security, and hazmat service on top of my administrative duties.

Also, Corps hopper dredges are U.S. Coast Guard inspected and ABS classed, a strict inspection regime not imposed on Corps floating plant vessels (Tug *BILMAIER*) or the Federal vessels DOI is using as a comparison in their current pay plan proposal.

As far as the crew, I will propose that the *RANGER* officers also be placed on the Hopper Dredge Schedule and unlicensed positions placed on the Corps Great Lakes Floating Plant Schedules.

I will reverse myself on that. I would propose that all of the crew go onto the Hopper Dredge Schedules, and the reason is because as far as my research is, it's that on the Floating Plant Schedule for Detroit, they do not have AB seamen. They just don't use ABs to my knowledge, where the hopper dredges do use ABs or able-bodied seamen is the certification.

So I would propose -- I would change this to just put the whole crew on the Hopper Dredge Schedules.

Because our crane operations are ultimately supervised by the Captain and First Officer, I propose that the crane operator be paid the same rate as a non-supervisory crane operator on the Corps Floating Plant or Hopper Dredge Schedules, whichever, or approximately \$32 per hour.

As indicated in the DOI proposal, DOI/NPS still has not officially acknowledged, revised, or classified *RANGER* PDs even after a more than a decade -- see Attachment D -- another reason to move management of this program to OPM or the Corps.

I also request that the FPRAC recommend that each PD be revised and pay adjustments made by a legitimate Wage Board for the start of FY14. This crew has been punished enough without additional delays and HR mumbo-jumbo deliberations. This has been 13 years, actually 14, of "malarkey" as Vice President would say. Again, see Attachment H.

My hopes are that the FPRAC will study the vessel's comparative operations closely against other agency vessels, ocean, lakes, and brown water; consult with the U.S. Coast Guard Marine Inspection office in Duluth; speak with my supervisor, Keith Butler; consider each crewmember's position

responsibilities; evaluate the Federal risk and liability of operating a passenger, tank, and hazmat vessel in this hazardous marine operating environment; and ultimately produce a fair wage for this crew that complies with 5 USC 5348(a) -- not (b) -- and 5341(1-4).

If you have any questions, I will do my best to answer these, and thank you for this opportunity to speak and submit this document for the record.

CHAIRMAN FRIEDMAN: Thank you very much, Captain Hanrahan, for your very comprehensive remarks.

I would like to ask if any of our DOI visitors would like to add anything at this point, or if not, we can go directly to questions and discussion. Do any of you want to respond?

MR. HOWARD: We don't have any comments at this time.

CHAIRMAN FRIEDMAN: Okay. In that case, let me open it up to members of the Committee. Any questions or discussion?

MR. BERNHARDT: I have a few questions, Mr. Chairman.

First of all, Captain, thank you for that presentation. My first question is, What took you so long?

CAPT HANRAHAN: What took me so long to get here?

MR. BERNHARDT: To be here with us today.

CAPT HANRAHAN: The research that I have done over several years, it involved numerous FOIA requests. I still have FOIA requests pending with OPM, as Madeline is probably aware of. Going to a step system has been brought up numerous times, and numerous times it was blocked by NPS. And I'm still waiting on some FOIA requests.

It just takes a lot of time to gather all of this data, and then it can be termed as a complex issue, if you want to look at it that way, because the *RANGER III* is a unique vessel. There's no doubt about it, but it just takes a lot of time to put all of this information together and figure it out, and after a certain amount of time -- I mean, nobody on the crew wants to pick a fight with Park Service. Nobody wants to get into a rigmarole fight over this thing. They tried to work through every channel possible to do this, including the grievance process, only after several discussions.

The original lead HR specialist from the Midwest Regional Office, as I said, came on board in 1999, talked to the crew then, and resolved to look at the situation and resolve it. At no time in all of the last 14 years did NPS come forward and

say, "Look, you guys, as far as we're concerned, you are paid adequately under 5 USC 5348(b)." Nobody ever said that. It was always, "We're studying it. We're doing this. We're looking at this. We're doing this." It was always some excuse and --

MR. BERNHARDT: You were strung along.

All you would have had to tell me is that they reduced your hours to 32 per week, and I would have thought Wal-Mart was running this ship.

You have painted a picture of exploitation that is -- I'm outraged sitting here listening to it.

CAPT HANRAHAN: You know, these are all pretty good working guys. I think everybody wants a fair wage, but they are convinced, as I am, that they've ended up on the short end of the stick here.

Everybody knows that this vessel performs far beyond the research vessels, far beyond a tug for the Corps.

Mr. Allen's comment about saltwater vessels, MSC, NOAA - I don't buy that. Saltwater, freshwater - when you're an engineer, it doesn't make any difference. For the deck officers, it doesn't make any difference. You're standing a watch. You stand at 8 hours a day. You get paid on an hourly basis, yet if you work more, which they will on saltwater

vessels because they are working different watches, they get paid overtime. They are remunerated for that overtime, but the hourly rate is the issue.

The other thing is this has been a fixed rate, and it has been that for 55 years. This is almost some kind of hybrid between 5348(a) and 5348(b) where there are no steps versus (a), where the wages get reviewed every year.

And I don't think, you know, I wouldn't expect that a marine survey be done every year. I would expect that every 2 years maybe or every 3 years, you would review that, but to extract this vessel from the maritime industry and now try to hook it onto an FWS wage schedule that essentially is a survey of construction trade industry versus the maritime industry just isn't fair. It should, as far as I'm concerned, stay in the 5348(a) category, and should have never left that.

CHAIRMAN FRIEDMAN: Any other questions?

MR. BERNHARDT: Yeah, one more question, Mr. Chairman.

Where do the funds to pay the crew come from? Are they appropriated funds, or do they come from some other kind of source?

CAPT HANRAHAN: They come from appropriated funds, but there are also revenues. There are obviously revenues involved

here. The total budget is in the \$700,000 annual range. About \$200- to \$230,000 are recovered in revenues. Some people would say that that's operating in the red. Well, that's not the case because you are transporting -- there's three users of this vessel, and that is the Park Service, the exclusive concession at Isle Royale National Park, and then the general public. The revenues are coming from the general public. You're looking at about, as I said, \$200- to \$230,000; however, the other half of that is some reduced freight rates that are accommodating the exclusive concessionaire, and then NPS obviously doesn't pay rates to themselves.

So transporting the oil, the majority of the oil is transported for generators on the island to produce electricity at three different power stations, but it's also transported for the concessionaire who uses it for their tour vessel, for heating up the lodge units, and then they also sell diesel oil at the marina.

And the reason that they do this -- and you're saying, "Well, why not eliminate that function?" If you eliminate that function and they've considered that, people will bring gasoline and oil in 30-gallon drums, and you end up at the camp grounds with drums of gasoline.

I can remember one example of a fairly large charter boat coming out there, and he had about twelve 5-gallon cans, plastic cans of gasoline on the top of his cabin. I was thinking to myself, that thing is just a bomb waiting for a spark to happen, and that's primarily why the Park Service through the concessionaire sells oil and gasoline at the marina there.

One other thing, Isle Royale is -- for those who are not familiar with Isle Royale, it's in the middle of Lake Superior. It's a 76-mile trip. It's 6 hours on the *RANGER III* to get there.

CHAIRMAN FRIEDMAN: Any other questions or discussion?

MR. ALLEN: I'd like to thank you very much for coming today. You are the expert. This is a lot of good information you've provided.

We currently have two ideas that we should consider. I think one is the current recommendation from the Park Service -- National Park Service, and the Department of the Interior and yours, which is to link the crew of your vessel to the same kind of practices as the Army Corps of Engineers follows for their hopper dredge.

CAPT HANRAHAN: It would go to the Hopper Dredge

Schedules. The only thing, I don't think that the Hopper Dredge Schedules, they may not have a crane operator on there, so I do not know. If not, then as I said, use the nonsupervisory crane operator with the Corps, which is approximately \$32 an hour, which is still \$7 an hour short of the crane operator on the *H.J. SCHWARTZ*, which is a supervisory position. The particular person in that position supervises the operations of that barge, not the Captain of the tug.

MR. ALLEN: But that sounds like the issue with the crane operator position could be resolved by aligning that position's duties with other jobs that the Army Corps of Engineers has --

CAPT HANRAHAN: I would say so and --

MR. ALLEN: It's not a problem that's incapable of being solved.

CAPT HANRAHAN: As I said, he makes 72 percent less, and as he said, if the guy drops -- Corps of Engineers drops a rock, you just pick up another one. If you drop a single-engine airplane that cost \$700,000, which he has picked up, we pick up boats regularly there that cost \$200,000 on a regular basis, and he puts more time on the crane probably in a week than our two land-based crane operators put in, in a season. And yet he's \$5

a less than our land-based crane operators.

CHAIRMAN FRIEDMAN: Anything else?

MR. BERNHARDT: One thought, and I ask this almost rhetorically because I don't think we can expect to have the answer. But what if we did a straight-out survey of the maritime industry on the lakes? Would we find sufficient matches to make a schedule?

MR. ALLEN: I can't really speculate on that. OPM does not administer the -- actually, I don't think anybody actually does a survey --

MR. BERNHARDT: I don't think so, either.

MR. ALLEN: -- for the maritime industry on the Great Lakes.

The rates under 5348 tend to be based on union scale, the National Maritime Union and other unions that represent members of vessels, crewmembers.

So, most likely, we -- there's plenty of data out there based on the union scale. I don't actually have access to that myself, but it would not be too difficult for somebody to find out what they are.

CAPT HANRAHAN: As I said -- and it is in the attachments in the Federal Register -- the U.S. Coast Guard does

do surveys on a regular basis on Captains, Great Lakes Captains and First Mate's wages, and the reason they do that is because they determine the rates set on the St. Lawrence Seaways such that the piloting organizations, that's how their pay is determined.

And as you'll see in that, the total package for the captain was between \$230- and \$320,000, and that's the total package. That's medical, all those benefits for a Captain's pay. That's how they determine the pilotage rates, - there is data there that the Coast Guard surveys. There's a specific person in Coast Guard Headquarters that does that.

CHAIRMAN FRIEDMAN: Yes?

MS. GAILES: I was just going to ask in that instance, just to make sure that it's considered - the route that the *RANGER III* goes versus where the other ships are going and making sure that's a comparable maritime industry, if that is what is decided.

And also, in terms of the Hopper Dredge Schedule, I don't see in the proposal, the area that they're using. So if that could be provided to us, that would be good as well.

MR. ALLEN: I believe it would be Detroit.

CAPT HANRAHAN: No. There's only an East Coast and a

West Coast Hopper Dredge Schedule. They contract-out dredging on the Great Lakes. However, that may change since they reportedly have a dredging crisis. You may see a Corps dredge come back in the Lakes, but they use just an East and a West Coast schedule.

And you'll see the one that I have in my attachments as a West Coast schedule -- announcement is what it is.

CHAIRMAN FRIEDMAN: Jim, do you want to enlighten us more on that? Are those schedules developed by your unit?

MR. BRADY: Yes. We develop them manually, and they are developed based on wage areas, number of wage areas that exist, and it's a combination average of the rates for East Cost and West Coast.

MR. BERNHARDT: Which one is higher, Jim?

MR. BRADY: Off the top of my head, I don't know.

MR. BERNHARDT: We want the higher one, okay?

[Laughter.]

MR. BRADY: It's in the middle of the country.

[Laughter.]

MR. ALLEN: In Attachment D to the OPM document 585-OPM-1, we have a Hopper Dredge Schedule, which applies to the U.S. Army, the U.S. Army Engineer District Detroit, Michigan.

CHAIRMAN FRIEDMAN: Well, anyway, obviously, my sense is we're not going to resolve this today. I think I can just establish that for the record by asking the question: Is there consensus to adopt the proposal presented in 585-OPM-1?

MR. ALLEN: I need to do some more thinking about this myself.

CHAIRMAN FRIEDMAN: So we clearly do not have consensus to adopt; therefore, we need to come up with something else.

Is there anything else we can do on this today?

I think Mark laid out two options. A third one, it seems to me, is whether there is a maritime wage schedule and whether we agree or not that it should be applicable. This third option ought to at least be on the table for consideration, that is my 2 cents. I don't have any idea yet what the answer is, but at least I'll throw it out there.

MR. ALLEN: We are getting ourselves educated.

CHAIRMAN FRIEDMAN: Yeah.

MR. ALLEN: Thank you.

CAPT HANRAHAN: It is somewhat complex because I recognize that the vessel is a unique situation.

CHAIRMAN FRIEDMAN: Well, anything else on this now?

I would like us to --

Yes, please, go ahead.

MS. GAILES: I just wanted to make one last comment - I don't want to give the impression that anything is being blocked. We were continuing to review, because it is a complex issue. We want to make sure we have as much information as possible before we can move forward, so that is just one comment I would like to make.

CHAIRMAN FRIEDMAN: I have a question while you folks are here, to make sure I understand your proposal.

I am looking at Attachment C, in OPM 585-OPM-1, where you have the current rates. I see the previous page, the FWS wage schedule for Northwestern Michigan. They're obviously all Step 3's.

What I just wanted to be clear on is, where exactly are you proposing to slot people in the Detroit schedule, Attachment D?

MS. GAILES: At the same Step 3 but with eligibility for within-grade.

CHAIRMAN FRIEDMAN: Okay. So at a level equivalent to the grade corresponding to where they're at now?

MS. GAILES: Correct.

CHAIRMAN FRIEDMAN: So, for example, for Captain Hanrahan, it looks like he's equivalent to a WS-16, \$39.23, I believe. He would go where, just so I understand it correctly?

MS. GAILES: He would also go to the XH-16, Step 3, which looks like it's about \$45.31.

CHAIRMAN FRIEDMAN: Okay. So I just wanted to clarify what the proposal is. That's all.

CAPT HANRAHAN: How would I come up at Step 3 when I have 24 years federal service?

MS. GAILES: Well, we were just putting you where the actual grade was, where you are right now. It wasn't increasing any kind of grades. It was giving the opportunity for --

CHAIRMAN FRIEDMAN: At 3 or -- is that your understanding?

MR. ALLEN: Yeah, the steps are scoped out on page 4 of the OPM document.

CAPT HANRAHAN: And I would still be less than the captain on the *BILMAIER* which the Park Service agreed at the last wage board on August 10th of 1969.

MS. GAINES: Right. And one thing in terms of the past documentation, I'm not sure that that process or -- you know, where those people's decisions ended up. That was years

ago, so we needed to move from this point forward.

CAPT HANRAHAN: And since that came up, Congress has, as I said, laid OPA-90 on us, maritime transportation security HMR -- all of these since you agreed to match the Corps' Floating in 1969.

And I might add that I administrate those programs too. That's not in my position description. At some point, I will drop dead from paper.

CHAIRMAN FRIEDMAN: Okay. Well, we will have to ponder this. Hopefully, we'll do it quicker than another 43 years.

[Laughter.]

CHAIRMAN FRIEDMAN: In fact, we will.

Anything else on this matter?

MR. PHELPS: I have one question for Ms. Gaines. She was just saying that they were looking to move forward. So that makes a point on why we must make sure things are written down and documented because 10 years from now, somebody else is going to be at FPRAC who wasn't here at this meeting from either the Management or the Labor side. With documentation in writing, everyone can see where your starting point is, not disregard it, and state that we'll just start from the present and move

forward. I mean, that's just an unfair way to look at things.

MS. GAILES: There was a resolution that was written down, but there wasn't a resolution from any of the meetings from the past.

MR. PHELPS: I don't know. I haven't had a chance to really look at it that much, but from what the Captain said, it sounded like they had minutes from the meeting where disagreement was made. Am I wrong on that, or is that what it was?

CAPT HANRAHAN: Yes, you will see that in the minutes. You'll also see the letter that was sent where they did actually implement that on June 1st of 1969.

I would also like maybe a date that you can put your hands on a document that says we're going to resolve this at some date that's reasonable instead of going on for another 14 years.

CHAIRMAN FRIEDMAN: Just so you understand how we work here, we advise the Director of OPM. So we can't -- I suppose we could tell you here that there's a deadline by which we will render some verdict to the Director of OPM, but that would then be up to --

CAPT HANRAHAN: That's up to --

CHAIRMAN FRIEDMAN: Yeah. That would be our recommendation --

CAPT HANRAHAN: Understood.

CHAIRMAN FRIEDMAN: -- which she could then do what she wants with.

CAPT HANRAHAN: Kind of like the NTSB.

CHAIRMAN FRIEDMAN: Is there a way we can set a deadline for ourselves to develop a recommendation on this? It may not end up being a consensus recommendation, but I feel like we owe --

MR. PHELPS: Personally, I don't see where it would take that much time. Mark said he wants to look at things. I have no problem with him taking some time to research, but it seems fairly clear to me, even at this point, without looking at anything else that these people have been used and abused, if not for lack of more descriptive words, already. And I don't think we should take any more time than absolutely necessary to help them.

CHAIRMAN FRIEDMAN: Do you want to respond on the schedule, Mark?

MR. ALLEN: I think we'll have a better idea once we dig into this some more and come back to the next meeting.

CHAIRMAN FRIEDMAN: Okay. So is that adequate for now in terms of schedule? It means we'll have a full discussion of a possibly revised proposal, or do we need more time than that? I just want to clarify exactly where we stand on this.

MR. ALLEN: The only proposal we have at the moment is the one from the Department of the Interior. That's an agency proposal coming to OPM. There is a personal idea from Captain Hanrahan which we're also going to consider, and there may be other ideas that others have also. So there's a lot to think about. I'm not prepared right now to say we'll have a recommendation coming out of the Committee at the next meeting.

CHAIRMAN FRIEDMAN: Well, I would like us to set some kind of a deadline for this, whatever is reasonable. Can we pick one?

MR. ALLEN: I think I've already stated that we'll come back to the next meeting with a better idea of where we stand.

CHAIRMAN FRIEDMAN: All right. I guess that's the best we can do at the moment. Captain Hanrahan, I really do appreciate your coming.

CAPT HANRAHAN: You're welcome. I thank all of you for the opportunity.

CHAIRMAN FRIEDMAN: All right.

Well, we do have a couple other New Business items. Please summarize them briefly for us, Mark.

MR. ALLEN: The Management members currently have a proposal on the agenda on Old Business, 557-MGT-2, Lee County, Virginia.

We have received new commuting pattern information and new metropolitan area definitions, and the document 586-MGT-1 is basically this. It's an update of the statistical information that's possible to be updated for 557-MGT-2.

But Management recommendation remains the same, which is to say that Lee County is appropriately defined to the Eastern Tennessee wage area.

What's really driving that is it's adjacent to the survey area for Eastern Tennessee, and it's a considerable distance away from the survey area for the West Virginia wage area.

The other one, 586-MGT-2, is a similar update to 562-MGT-2, and again, with this one, there's no change in the Management recommendation based on a further analysis of the new metropolitan area definitions and commuting patterns.

This one would result in placing 11 employees on a

lower wage schedule, and it's driven by our review of the MSA - under OPM regulations it is permissible for MSAs to be split between FWS wage areas only in very unusual circumstances.

CHAIRMAN FRIEDMAN: Any questions or discussion on the review of Lee County, Virginia?

MR. BERNHARDT: Yeah. Mr. Chairman, one thing that AFGE wants to throw out into the discussion is whether there is a chance or the sense in the system to eliminate the Eastern Tennessee wage area altogether.

As you know, we have been urging review of the FWS wage areas and make them aligned with the GS pay locality wage areas, so we want to throw out for consideration the possibility of eliminating the Eastern Tennessee wage area.

I know we're not prepared to discuss that, but I want to put that out there that that's going to be an issue AFGE wants us to consider.

CHAIRMAN FRIEDMAN: We have in our Work Group an issue of reviewing the whole question of minimum FWS employment levels for wage areas, which we need to revisit and make a decision on.

So, anyway, is there consensus to adopt the Management proposal to retain Lee County where it is in Eastern Tennessee?

MR. BERNHARDT: I think at this point, I've got to

withhold consensus, especially because Jacque is not here today.

CHAIRMAN FRIEDMAN: So there is not, so okay. I assumed that was the case. I just wanted to --

MR. ALLEN: We have been holding off on this one because of the activities in the Work Group.

CHAIRMAN FRIEDMAN: On this other one for South Bend-Mishawaka - is there any consensus now on that one?

MR. BERNHARDT: I think we've got to wait on that one, too, Mr. Chairman. This is something that I confess I really haven't given attention to.

CHAIRMAN FRIEDMAN: Okay. I hope we can deal with these two soon. It may require more time, but that's the way it goes. We've had them on our agenda for some time now.

So, with that, is there any other New Business that people want to bring up?

[No audible response.]

CHAIRMAN FRIEDMAN: Is there anyone who objects to the idea of adjourning?

[No audible response.]

CHAIRMAN FRIEDMAN: Hearing no objection, we are adjourned. See you all next month. Thank you very much.