

**Current Policies and Procedures**

Adopted by the  
**Board of Examiners**  
Of  
**Bar Pilots**  
For The  
**Port of New Orleans**

## **POLICIES**

1	Continuing Education Requirement
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## **CONTINUING EDUCATION REQUIREMENT**

Beginning January 1, 2017, The Board of Examiners will require that all Bar Pilots for the Port of New Orleans shall obtain a minimum of sixty-four (64) Continuing Education Credit Hours or “CEU’s” in a five (5) calendar year cycle. A Bar Pilot shall NOT obtain more than forty (40) CEU’s in any one (1) calendar year during a five (5) year cycle. A Bar Pilot shall obtain credit hours in no less than three (3) calendar years in a five (5) year cycle. A Bar Pilot shall NOT go more than two (2) calendar years without obtaining CEU’s.

A five (5) year cycle for a Bar Pilot commissioned after January 1, 2017 shall begin on January 1 of the calendar year he/she is commissioned.

CEU’S obtained by a Bar Pilot in 2016 which were intended to be carried over to 2017 under the previous Continuing Education policy will be counted towards a Bar Pilot’s total CEU’s under the continuing Education policy taking effect January 1, 2017.

A Bar Pilot shall complete a (2) two day “Bridge Resource Management for Pilots” course once every (5) five years.

A Bar Pilot shall complete a minimum of (1) one hour of “Sexual Harassment Prevention” training annually.

The Board of Examiners will, from time to time, provide a list of suggested categories of Continuing Education classes.

*(Letter dated January 1, 2017)*

## **COMPLAINT POLICY**

1. Upon the receipt by the Board of a complaint against a Bar Pilot, it will:
  - a. Open a file on the complaint;
  - b. Forward a letter to by certified mail to the Bar Pilot outlining the complaint;
  
2. The Bar Pilot shall within thirty (30) days after receipt of the Board's letter concerning the complaint provide to the Board in writing a response to the complaint setting forth the Bar Pilot's recollection of the matter upon which the complaint is based.

## **ACTIVE PILOT POLICY**

### **POLICY 1 - ACTIVE PILOT MEANS:**

A pilot who has directed the movement of a vessel within his jurisdiction for one round trip within the previous 180 days and the pilot shall also be required to pilot a minimum of six round trips every 24-month period. Any pilot who has not met this provision shall be required to do a minimum of four round trips before returning to active piloting. These trips shall include four turns in darkness and four turns on vessels with a draft in excess of 35 feet.

### **POLICY 2:**

A pilot who is required to perform the minimum provisions as stated in **POLICY 1** shall also be required to have a fit for duty certificated from the association's doctor.

*(Letter dated January 9, 2002)*

## **PHYSICAL DOCUMENT REQUIREMENT**

In complying with these recommendations the Board of Examiners will also require all pilots to produce to the Board of Examiners a copy of their annual Coast Guard physical along with a Department of Transportation certified drug test that has been taken within two weeks of the physical. These documents shall be mailed or hand delivered to the Board's office in New Orleans.

*(Letter dated January 9, 2002)*

### **NOTE:**

Due to the newly adopted rules and procedures regarding drug testing, the above stated Department of Transportation (DOT) drug test is replaced by a professional multi panel test.

*(Letter dated October 17, 2003)*

## **GROUNDING PROCEDURE**

In addition, the Board of Examiners would like to verify the procedures following grounding incident:

1. A vessel goes aground:

At this time, the pilot should notify or cause to be notified all concerned traffic, a pilot station as well as the necessary authorities. The Examiner on duty shall be notified.

2. If after 30 minutes the vessel is not refloated:

The Examiners now considers the incident a grounding. A drug and alcohol test will be required of the pilot of the vessel involved in the incident. The pilot shall be relieved as soon as practical for testing with due regard for the safety of the vessel and the pilots involved.

*(Letter dated May 23, 2003)*

# **IDENTIFICATION CARD & BADGE POLICY AND PROCEDURE**

## **STATE PILOT PHOTO IDENTIFICATION CARDS AND BADGES**

The Board of Examiners has commenced a program requiring every Bar pilot to hold an official Louisiana photo identification card. This is in response to increased security concerns with respect to ship operations within State pilotage waters and at terminals within the ports. All State Commissioned Bar Pilots will be issued identification cards and badges. These identification cards and badges will be distributed to all State Commissioned Bar Pilots under the following conditions:

Upon issuance and receipt of each badge, the State Commissioned Bar Pilot will take responsibility for and acknowledge by their signature, the following policies and procedures:

1. While enroute to a piloting assignment, and while on official duty as a State pilot, or on official business, and while traveling from an assignment, all personnel shall be required to present their photo identification cards and badges when requested to do so by authorized personnel.
2. If challenged or requested to present identification by police, military, or port/terminal security personnel while on official business, you will present your photo identification card and your badge. You will explain that you have been officially dispatched, and are under orders pursuant to the Louisiana navigation law, and that you are on official business. Explain to the police/security personnel that you are a constitutionally sworn State Commissioned Bar Pilot, and point out that your photo identification is valid for Emergency Service.
3. In the event you encounter any security related challenges or problems in obtaining prompt clearance to your assignment, diplomatically request to speak to the challenging person's supervisor or superior immediately, in order to obtain clarification and authority to proceed. Try and avoid confrontation or argument. We are living in special times, and everyone is conscious of heightened security requirements. If necessary, refer them to your Pilot Station or Watch Tower in order to obtain third-party verification of your identity and official business status. In case of need, you may also refer them to the pilot association President or the Board of Examiners for verification of your mission.
4. These credentials are for your use only while you are on official business. They do not convey any additional rights or authority to you under your constitutional oath. Do not ever abuse your credentials. Any attempt to use these credentials for any purpose other than official business may subject the offending pilot to



disciplinary action by the Board of Examiners. The identification cards and badges must be returned to the Board when you leave the State pilotage system.

5. The credentials must be kept within your personal control at all times. They should not be left anywhere where they could be lost or stolen. In the event that you should lose your credentials, you are required to immediately report the loss to the Board of Examiners. Understand that the loss of your badge and identification card would create a serious security breach. Make sure you do not lose them.
6. Failure to comply with these procedures will result in an investigation and, if necessary, disciplinary action, which may lead to sanctions, including, but not limited to, suspension or revocation of your State Pilot Commission.

## **DRUG TESTING POLICY AND PROCEDURES**

1. All urine drug screen tests required for the Board of Examiners shall be a professional multi panel test. An additional Department of Transportation (DOT) certified drug test will be required for all post incident, reasonable cause and pre-employment testing.
2. Any person required to be drug or alcohol tested by the Board of Examiners shall be readily available to the Board until the test results are received.
3. Any person receiving 2 consecutive diluted urine samples for the Board of Examiners shall submit to a hair drug screen.
4. Any pilot receiving a diluted urine sample test result from an Associated Branch Pilots drug screen shall be required to submit to a Board of Examiners urine drug screen. If the result of the above Board of Examiners urine drug screen is again diluted, the Pilot will be required to submit to a hair drug screen.

*(Adopted September 16, 2003)*

## **BRIDGE POLICY**

A Bar Pilot shall not allow an apprentice pilot or any other person (except for another Bar Pilot) to accompany them on the bridge of a ship while performing his duties as a Bar Pilot until they have held their commission for one (1) year. A Bar Pilot may allow a “Cub Pilot” to accompany them on the bridge of a ship while performing his duties as a Bar Pilot after holding their commission for six (6) months.

(May 4, 2018. Amended April 25, 2022)

## MEDICAL CONDITION REPORTING POLICY

In recent years requirements for medical reporting by state pilots have been closely scrutinized by some Federal agencies. The U.S. Coast Guard has now revised their medical evaluation Form 719-k “to facilitate obtaining objective medical information which will reduce risk to maritime safety.” The companion document to the Form 719-k is NVIC 04-08 which should help the mariner and his physician provide as much documentation as possible about an individual’s medical condition.

The Board of Examiners has medical reporting requirements in place as well. In an effort to reduce risk to maritime safety in this region, the board has amended its medical policy. All Bar Pilots should be aware of the current requirement to submit their annual Merchant Mariner Credential Medical Evaluation Report (Form 719-k) along with an appropriate drug test annually, to this board. This requirement remains in effect. In addition, after the Form 719-k is submitted and reviewed by the National Maritime Center, each Bar Pilot should receive a “letter of compliance” back. **This document and any other documents concerning a medical condition that are received from the Coast Guard, shall be submitted to the Board of Examiners.**

The Board of Examiners is aware that medical conditions may change over the course of a year. These possible medical condition changes could pose a risk to pilots themselves as well as maritime safety in this area. In an effort to mitigate this risk the all Bar Pilots shall follow the procedures outlined below.

**If during the period between a pilot’s annual medical evaluation report (physical) any change in a pilot’s medical condition that is not reflected on the current 719-k form, must be reported to the Board of Examiners. This includes changes of prescription medications, as well as over the counter medications used on a regular basis. A form is provided to record these changes: “Report of Change in Medical Condition with Authorization to Release Information and Physical Examination.” This form must be submitted for each change in medical condition.**

This information may be forwarded to the Board’s doctor for a medical determination. The outcome of that determination will influence the board’s actions on the matter. It should be noted that additional information or a doctor visit may be required. When a new medical evaluation report (physical) is submitted to the U.S. Coast Guard, this requirement in effect “resets” and the Board of Examiners will be only interested in all changes after the new 719-k form.

It is important for the reporting pilot to understand that this notification of medication use, will satisfy the requirements as outlined in 1505.C.2. The form, **“Report of Change in**

**Medical Condition with Authorization to Release Information and Physical Examination**  
is provided for this purpose.

Bar pilots should seek guidance about reportable medical conditions in the Coast Guard's NVIC 04-08. The Board of Examiners will rely on this publication as well. ***This reporting requirement was originally enacted on January 1, 2011 updated on April 25, 2022.***

**REPORT OF CHANGE IN MEDICAL CONDITION**

Allow this to serve as notice to the Board of Examiners of Bar Pilots for the Port of New Orleans that I, \_\_\_\_\_, a state commissioned Bar Pilot for the Port of New Orleans, have a change in my medical condition as described below.

*(PLEASE INCLUDE: Name of the treating physician, any medical procedures associated with the condition, any medications prescribed, any other pertinent information.)*

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I authorize the Board of Examiners of Bar Pilots to forward this form and any supporting documents to the Board's medical professional for review.

**SIGNATURE & DATE:**

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**BOARD OF EXAMINERS OF BAR PILOTS**  
**FOR THE PORT OF NEW ORLEANS**  
**POLICY AGAINST SEXUAL HARASSMENT**

Promulgated on January 31, 2020

The Board of Examiners of Bar Pilots for the Port of New Orleans was established by La. R.S. 34:941 et al. and is charged with establishing standards of conduct for bar pilots.

1. INTRODUCTION

- a. In accordance with its duties under La. R.S. 34:941 et seq., the Board of Examiners for the Port of New Orleans (hereinafter “Board of Examiners” or “Board”) holds the opinion that unwelcome sexual advances, requests for sexual favors, and other verbal, physical, or inappropriate conduct of a sexual nature constitute sexual harassment when the conduct explicitly or implicitly affects an individual’s employment or holding of office, unreasonably interferes with an individual’s work performance, or creates an intimidating, hostile, or offensive work environment and shall not be tolerated.
- b. The Board of Examiners seeks to comply with the requirements of the provisions of Act. No. 270 of 2018 enacting La. R.S. 42:341 through 345 expressing the State of Louisiana’s concern with the “Prevention of Sexual Harassment” which intent the Board of Examiners is in full agreement.

2. DEFINITIONS

- a. The following terms as used in this Section, unless the context otherwise requires or unless redefined by a particular part hereof, shall have the following meanings:
  - i) *Complaint* – written or verbal incident report as filed with a member of the Board. Complaints may remain anonymous as necessary to protect the person filing the complaint. Complaints may be formal or informal.
  - ii) *Sexual harassment* – unwelcome conduct of a sexual nature which makes a person feel offense, humiliated, and /or intimidated. It includes situations where a person is asked to engage in a sexual activity as a condition of that person’s licensure, as well as situations which create an environment which is hostile, intimidating or humiliating for the recipient. Sexual harassment can involve one or more incidents and actions constituting harassment may be physical, verbal, and non-verbal.

3. EXAMPLES OF CONDUCT OR BEHAVIOR WHICH CONSTITUTE SEXUAL HARASSMENT

- a. Examples of conduct or behavior which constitute sexual harassment include, but in no way are limited to:
  - i) Physical conduct
    - (1) Unwelcome physical contact including patting, pinching, stroking, kissing, hugging, fondling, or inappropriate touching;
    - (2) Physical violence, including sexual assault;
    - (3) Physical contact, e.g. touching;
    - (4) The use of job-related threats or rewards to solicit sexual favors.
  - ii) Verbal conduct
    - (1) Comments on a person’s appearance, age, private life, etc.;

- (2) Sexual comments, stories, and jokes;
- (3) Sexual advances;
- (4) Repeated and unwanted social invitations for dates or physical intimacy;
- (5) Insults based on the sex or gender identity of the worker;
- (6) Condescending or paternalistic remarks;
- (7) Sending sexually explicit messages by any means of communication.
- iii) Non-verbal conduct
  - (1) Display of sexually explicit or suggestive material;
  - (2) Sexually-suggestive gestures;
  - (3) Whistling;
  - (4) Leering.

#### 4. SCOPE

- a. Anyone can be a victim of sexual harassment, regardless of their sex and of the sex of the harasser. Sexual harassment may also occur between people of the same sex. What matters is that the sexual conduct is unwanted and unwelcome by the person against whom the conduct is directed.
- b. Anyone, including all bar pilots under review by the Board of Examiners and the Board members themselves, who sexually harasses another will be sanctioned in accordance with this internal policy.
- c. All forms of sexual harassment are prohibited whether it takes place within the workplace premises or outside, including at social events, business trips, training sessions, continuing education presentations, or conferences sponsored by the Board of Examiners.

#### 5. COMPLAINTS PROCEDURES

- a. Anyone who is subject to sexual harassment should, if possible, inform the alleged harasser that the conduct is unwanted and unwelcome. Sexual harassment may occur in unequal relationship (i.e. between a supervisor and his/her inferior) and that it may not be possible for the victim to inform the alleged harasser.
- b. If a victim cannot directly approach an alleged harasser, he/she can approach the designated Board member responsible for receiving complaints of sexual harassment. This person shall be a current member of the Board of Examiners, chosen by the Board at the onset of each new term. The Board shall make known to all bar pilots which of the members is the designated member.
- c. When the designated person receives a complaint of sexual harassment, he/she will:
  - i) Immediately record the dates, times, and facts of the incident(s),
  - ii) Ascertain the views of the victim as to what outcome he/she wants,
  - iii) Ensure that the victim understand the Board's procedures for dealing with the complaint,
  - iv) Discuss and agree to next steps: either informal or formal complaint, on the understanding that choosing to resolve the matter informally does not preclude the victim from pursuing a formal complaint if he/she is not satisfied with the outcome,
  - v) Keep a confidential record of all discussions,
  - vi) Respect the choice of the victim, and
  - vii) Ensure that the victim knows that they can lodge a complaint outside of the Board through the relevant legal framework.
- d. Informal complaint – If a victim wishes to deal with the matter informally, the designated person



will:

- i) Give an opportunity to the alleged harasser to respond to the complaint,
  - ii) Ensure that the alleged harasser understands the complaints mechanism,
  - iii) Facilitate discussion between both parties to achieve an informal resolution which is acceptable to the complainant or refer the matter to an appropriate mediator to resolve the matter,
  - iv) Ensure that a confidential record is kept of what happens,
  - v) Follow up after the outcome of the complaints mechanism to ensure that the behavior has stopped, and
  - vi) Ensure that the above is done speedily and within a reasonable time of the complaint being made.
- e. Formal complaint – if the victim wants to make a formal complaint or if the informal complaint mechanism has not led to a satisfactory outcome for the victim, the formal complaint mechanism should be used to resolve the matter. The designated person may refer the matter to an independent investigator. The independent investigator shall:
- i) Interview the victim and the alleged harasser separately,
  - ii) Interview other relevant third parties separately,
  - iii) Decide whether or not the incident(s) of sexual harassment took place by considering all evidence by a clear and convincing standard.,
  - iv) Produce a report detailing the investigations, findings and any recommendations,
  - v) If the harassment took place, decide what the appropriate remedy for the victim is, in consultation with the victim (i.e. – an apology, a change to working arrangements, a fine, suspension, recommendation for revocation of license),
  - vi) Follow up to ensure that the recommendations are implemented, that the behavior has stopped and that the victim is satisfied with the outcome,
  - vii) If he/she cannot determine that the harassment took place, he/she may still make recommendations to ensure proper functioning of the workplace,
  - viii) Keep a record of all actions taken,
  - ix) Ensure that all records concerning the matter are kept confidential, and
  - x) Ensure that the process is done as quickly as possible and in any event within a reasonable time of the complaint being made.
- f. Records of all complaints shall be retained by the Board for a period of three (3) years after the close of any investigation.

## 6. SANCTIONS AND DISCIPLINARY MEASURES

- a. Under La. R.S. 49:945, the Board has the authority to exercise the following sanctions:
  - i) To impose a fine of not more than five hundred dollars (\$500) upon any bar pilot;
  - ii) To reprimand or remove from a vessel any bar pilot; or
  - iii) To recommend to the governor that the commission of any bar pilot be suspended or revoked.
- b. In the event the Board finds that public health, safety, or welfare imperatively requires emergency action, and incorporated a finding to that effect in its order, summary suspension of a license may be ordered pending proceedings for revocation or other action in accordance with La. R.S. 49:961 and La. R.S. 34:945.
- c. The Board and the alleged harasser may consent to an agreement by which both parties agree on an appropriate sanction outside of the abovementioned sanctions.
- d. Any person who reports an incident of sexual harassment shall *not* be subject to retaliation for reporting the incident to the Board in any form, including but not limited to the following:

- i) Verbal, non-verbal, or written admonishment relating to the report,
- ii) Threats or warnings endangering the reporter's personal wellbeing or employment.

#### 7. MONITORING AND EVALUATION

- a. The Board recognizes the importance of monitoring this sexual harassment policy and will ensure that it anonymously collects statistics and data on how it is used and whether or not it is effective.
- b. The Chairman of the Board shall compile an annual report by February first of each year containing information from the previous calendar year regarding the Board's compliance with the requirements of La. R.S. 42:341, et seq., including the number and percentage of public servants under the Board's supervision who have completed the training requirements, the number of sexual harassment complaints received by his agency, the number of complaints which resulted in a finding that sexual harassment occurred, the number of complaints in which the finding of sexual harassment resulted in the discipline or corrective action, and the amount of time it took to resolve each complaint. These reports shall be public record and available to the public in the manner provided by the Public Records Law.

#### 8. FEDERAL AND STATE LAW

- a. This policy is effectuated in concurrence with applicable State and Federal law, including but not limited to Title VII of the Civil Rights Act of 1964 and 29 C.F.R. § 1604 (2016) which prevent discrimination based on sex, and La. R.S. 42:341 et seq. in accordance with which this policy is enacted.

#### 9. SEVERABILITY

- a. If any provision of this policy is held to be invalid, such invalidity shall not affect other provisions or applications which can be given effect without the invalid provision or application, and to this end, provisions of this policy are declared to be severable.