

**COMMISSIONERS OF PILOTAGE**

(b) The apprenticeship program shall include a minimum of four years training. Additional time requirements will vary depending on the varying levels of professional training already possessed by those entering the apprenticeship and the needs of the pilot service.

(c) All apprentices must acquire Merchant Mariners Documents with Ordinary Seaman's and Able-Bodied endorsements, a Motorboat Operator's License and a Master of Pilot Vessel's License issued with an endorsement as First Class Pilot, and necessary extensions of route for all areas of the ports of New York and New Jersey, all as issued pursuant to 46 C.F.R. Part 10 of the rules of the United States Coast Guard, and such other licenses and certificates as may be required for the training program, including, but not limited to, radar endorsements and radio operator certificates.

(d) In addition to the trips required to meet the requirements under (c) above, the apprentice shall make at least 225 additional trips during the last six to nine months of the apprenticeship on various ships under the supervision of a licensed Sandy Hook pilot.

(e) The apprenticeship shall include the prescribed academic courses at the Sandy Hook pilot school, or their equivalent.

(f) Instruction shall cover all aspects of piloting and shiphandling including, but not limited to, the use of navigation and communication equipment; the rules of the road, the use of aids to navigation, tides and currents, soundings, bearings and location of the several shoals, rocks, bars, and points of land, courses, distances, and depths of channels; and pollution control and environment protection. The apprentice shall learn the use of charts, coast pilots, tide tables, and current diagrams. The apprentice shall become familiar with the publications of the Army Corps of Engineers, the Coast Guard, the National Oceanic and Atmospheric Administration, and such other publications as may pertain to the piloting of vessels in the ports of New Jersey and New York.

(g) Each registered apprentice shall appear before the Commissioners periodically and at least once a year and shall demonstrate that he or she is making satisfactory progress in the apprenticeship program, and is complying with the academic requirements and with the rules and regulations of the training program.

(h) When an apprentice has completed all the requirements of the apprenticeship, the association shall certify his or her record to the Commissioners who shall review the record, and, if complete, shall admit the apprentice to the next scheduled licensing examination. Until such scheduled licensing examination, apprentices shall continue to be employed by the Sandy Hook Pilots' Association.

(i) The Commissioners shall periodically review and approve the course contents and practical experience requirements of the apprenticeship program after consultation with the Sandy Hook Pilots' Association and the New York State Board of Pilots.

(j) Before any change in the approved program is instituted, the Sandy Hook Pilots' Association shall report the proposed change to the Commissioners for approval.

(k) If at any time during the apprentice training program, but not less than four years prior to completion of training, it is determined by agreement between the Commissioners, the Board of Commissioners of Pilots of the State of New York and the associations (the Sandy Hook Pilots' Association and the United New York Sandy Hook Pilots Benevolent Association) that an apprentice should be licensed by a state to which he has not previously been designated for licensure, then and in that event, the apprentice's designation shall be appropriately amended and the apprentice shall be redesignated for licensure by the state as agreed by the parties aforesaid.

**7:61-2.7 Dismissal of apprentices**

(a) After an opportunity to be heard pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1, a registered apprentice may be dismissed from the program on a showing that he or she:

1. Has failed to complete academic assignments or to achieve passing grades on required tests and examinations;
  2. Has refused to perform or failed to satisfactorily perform assigned apprenticeship duties or to carry out lawful orders;
  3. Has been negligent and incompetent in the performance of assigned apprenticeship duties;
  4. Has failed to comply with the rules and regulations of the Sandy Hook Pilots Association training program that have been approved by the Commissioners;
  5. Has used or been found in possession of any illegal controlled dangerous substance;
  6. Has pled guilty or nolo contendere or has been convicted of a crime of moral turpitude;
  7. Has engaged in the use or employment of dishonesty, fraud, deception, misrepresentation, false promise or false pretense;
  8. Has engaged in conduct inconsistent with, or which reflects adversely on, the position of registered apprentice, as may be determined by the Commissioners;
  9. Is temperamentally unfit to fulfill the role of pilot;
- or

10. Is incapable, for medical or any other good cause, of discharging the necessary functions and duties of an apprentice pilot.

(b) Upon receipt by the Commissioners of verified information that grounds for dismissal exist, the apprentice shall be so notified by registered letter which shall state the reasons for the proposed dismissal and shall offer the apprentice the opportunity to respond within 10 days of receipt of the letter to contest the determination and to request a hearing. If no response is received the letter of notice shall become a final order of dismissal.

#### 7:61-2.8 Examination

The Commissioners shall conduct examinations for initial licensure as a deputy pilot on an as-needed basis, depending on the schedule of the certification of apprentices by the Sandy Hook Pilots' Association and the need to assure the availability of the number of pilots necessary to provide safe, adequate and proper pilotage of ships requiring the services of a New Jersey or New York licensed pilot.

#### 7:61-2.9 Branch pilots

Full branch pilot licenses, or licenses to handle ships of unlimited draft and tonnage, shall be issued to deputy pilots who have demonstrated the necessary proficiency, and grades of proficiency shall be established for deputy pilots depending on their experience and years of active service.

### SUBCHAPTER 3. DRUG FREE WORKSHOP PROGRAM

#### 7:61-3.1 Scope, authority and purpose

(a) The purpose of this subchapter is to implement the New Jersey Board of Commissioners of Pilotage's ("Board") policy to maintain a drug and alcohol-free workplace. Pursuant to N.J.S.A. 12:8-1 et seq., the Board is the agency of the State of New Jersey responsible for licensing and regulating pilots and apprentices of the State. In carrying out this responsibility, the Board is firmly committed to the protection of the environment and to the safest and most efficient operation of all ports and waters served by New Jersey licensed pilots and registered apprentices. It is the Board's responsibility, pursuant to N.J.S.A. 12:8-1 et seq., to ensure that all New Jersey licensed pilots and registered apprentices are competent and fit for duty, and to maintain public confidence in New Jersey licensed pilots and registered apprentices. To carry out this responsibility, the Board is requiring the United New Jersey Sandy Hook Pilots' Benevolent Association and the United New Jersey Sandy Hook Pilots' Association (collectively referred to as the "Association") to test New Jersey licensed pilots and **registered apprentices** for dangerous drugs and alcohol in the workplace and to report the verified positive results of any such test to the Board.

(b) It is the responsibility of each New Jersey licensed pilot and registered apprentice to comply with the requirements of this subchapter. The stringent requirements of this subchapter reflect the heavy responsibility borne by every New Jersey licensed pilot and registered apprentice, the safety-sensitive nature of the responsibilities of State-licensed pilots and apprentices and the difficulty of defining any level of dangerous drugs or alcohol which rules out the possibility of impairment.

(c) This subchapter prohibits, among other things, the use or possession of dangerous drugs by a New Jersey licensed pilot or registered apprentice whether on duty, subject to being called on duty or off duty. This subchapter also prohibits, among other things, the use of alcohol by a New Jersey licensed pilot or registered apprentice while both on duty or subject to being called on duty or during a four hour period prior to both being on duty or subject to **being called** on duty.

#### 7:61-3.2 Application, severability and notice of rules

(a) This subchapter applies to all New Jersey licensed pilots and registered apprentices regardless of classification.

(b) Chemical drug testing of New Jersey licensed pilots and registered apprentices must be conducted as required by this subchapter.

(c) Every licensed pilot or registered apprentice must receive a copy of these rules from the President of the Association and such receipt shall be documented.

(d) Each section of this subchapter is severable. In the event that in any section, subsection or division is held invalid in a court of law, the remainder of this subchapter shall continue in full force and effect.

#### 7:61-3.3 Definitions

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

"Alcohol" means ethyl alcohol (ethanol). References to use or possession of alcohol include use of any beverage, mixture or preparation containing ethyl alcohol.

"Apprentice" means a person who is registered with the Commissioners pursuant to N.J.S.A. 12:8-10.

"Association" means the United New Jersey Sandy Hook Pilots' Benevolent Association or the United New Jersey Sandy Hook Pilots' Association.

"Board" or "Commissioners" means the New Jersey Board of Commissioners of Pilotage.