

State Pilotage Commission

Functional Analysis & Records Disposition Authority

**Presented to the
State Records Commission
October 28, 1999**

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Functional and Organizational Analysis of the State Pilotage Commission

Sources of Information

Representatives of the State Pilotage Commission:

Mary Ann Mahathy, Commission Secretary

David A. Bagwell, Commission Attorney

Code of Alabama 1975, Sections 33-4-1 through 34-4-14

Code of Alabama 1975, Section 41-20-1 through 41-20-16 (Sunset Law)

Code of Alabama 1975, Section 41-22-1 through 41-22-27 (Administrative Procedures Act)

Alabama Administrative Code, Chapters 710-X-1.01 through 710-X-1.09

Alabama Government Manual (1998)

Code of Laws Regulating the Harbor of Mobile (ND)

Port of Mobile Handbook (1967)

Government Records Division, State Agency Files (1985-ongoing)

Current Agency Organization

The State Pilotage Commission consists of three members appointed by the governor. The members of the commission must be United States citizens and Alabama voters. One commission member must be an official of a steamship company that operates an office in Mobile. One member of the commission must be an active bar pilot, and one must be a businessman or in a professional occupation licensed by the State of Alabama. Commission members serve six-year terms-of-office, meet at least once every three months, and are only reimbursed for travel expenses connected with attendance at commission meetings. A commission chairman, elected from the members of the commission, presides over each meeting.

The State Pilotage Commission elects a secretary responsible for the day-to-day operations of the commission. The secretary is responsible for managing all moneys paid to the office of the commission, for maintaining all books and records of the commission, and for keeping a record of every meeting held by the commission. The current secretary only works part-time.

While the State Pilotage Commission is a state agency according to statute, the commission receives no appropriation from the state general fund or the educational trust fund. All commission activities are supported through funds received from bar pilots, apprentices, and the Mobile Bar Pilots Association.

Historical Context of Function

The legislature created the Commissioners of Pilotage of the Bay and Harbor of Mobile (1848-1870) in March of 1848. Prior to this time, the Harbor Master and Wardens of the Port of Mobile performed the pilotage duties. The legislature abolished the Commissioners of Pilotage in March 1870, and the duties returned to the harbor master and wardens. With increased shipping trade in Mobile and needed expansion of Mobile Harbor in the early part of the 20th century, the legislature created the State Harbor Commission in 1915 (Acts, 1915). This law also gave the Harbor Commission the authority to constitute a Board of Commissioners of Pilotage. In 1923, the legislature abolished the State Harbor Commission and created the State Docks Commission, which assumed the responsibilities for the Board of Commissioners of Pilotage (Acts, 1923, #303, p. 330). All pilotage responsibilities continued in this agency until 1931 when the legislature created the State Pilotage Commission (Acts, 1931, #81, p. 154). The state legislature continued the commission's existence following the last sunset review in 1996.

The jurisdiction of the pilotage commission extends over the waters of Mobile Bay, Mobile River, and all tributary streams (or branches) flowing into Mobile Bay or Mobile River, in which the tide ebbs and flows, to the outer bar below Fort Morgan, Alabama, in the Gulf of Mexico. A bar is defined as a submerged or partly submerged bank (as of sand) along a shore or in a river or bay often obstructing navigation. Alabama bar pilots are local ship captains who guide ships in the shipping channel that runs from the bar below Fort Morgan to the Port of Mobile. The Port of Mobile requires that every ship (unless it is exempt) take aboard a bar pilot to guide its entrance to or exit from Mobile.

Agency Function

The mandated function of the State Pilotage Commission is to license (also known as branch) bar pilots and issue regulations and rules regarding the pilotage of ships into and out of the Port of Mobile. The commission also determines the number of bar pilots to be licensed and oversees the apprenticeship and application processes. The State Pilotage Commission is one of the agencies primarily involved in carrying out the Regulatory function of Alabama government.

Agency Subfunctions

In the performance of its mandated functions, the board may engage in the following subfunctions:

- **Promulgating Rules and Regulations.** Code of Alabama, 1975, Section 33-4-11, authorizes the commission to promulgate rules and regulations necessary for regulating the piloting of ships and all watercraft into and out of any harbor or seaport in the state. The commission also has the authority to make rules and regulations regarding the

physical and mental capacity of active bar pilots. This subfunction encompasses activities pertaining to the establishment and promulgation of rules and regulations, including due process, licensure procedures, and other official policies needed by the commission for carrying out its duties and responsibilities. The rule-making powers of the board are subject to the Alabama Administrative Procedures Act as codified at Code of Alabama, 1975, Sections 41-22-1 through 41-22-27.

- **Licensing.** Code of Alabama, 1975, section 33-4-30, establishes the authority of the State Pilotage Commission to determine the number of apprentices and pilots that are necessary to meet the needs of the ships using Mobile Bay and Mobile River. The commission also is the sole judge of the seniority and statutory qualifications of applicants for apprenticeship and licensure. The pilotage apprenticeship requirements are outlined in the Code of Alabama, 1975, Sections 33-4-31 through 33-4-33 and Administrative Code, 710-X-1-.09. These qualifications include: a limitation of the number of apprenticeships to nine, a minimum age requirement of 18, holding or working towards qualification for the necessary United States Coast Guard licenses, and appropriate maritime employment and experience. The qualifications for branching (licensing) include completion of apprenticeship requirements, holding current United States Coast Guard licenses, completion of the application, and successful completion of a written examination. The number of bar pilots needed to escort ships into and out of Mobile has declined over the years as trading vessels have grown in size and the numbers decreased. Currently, there are only twelve licensed bar pilots and four individuals on the apprenticeship register. The job openings for bar pilots are filled from the apprenticeship register

Licensed bar pilots pay an annual pilot's license tax and must submit a surety bond for \$2,000 dollars to the commission. The surety bonds are renewed every six years. In addition, bar pilots submit "drug-free" certificates to the commission every six months and undergo an annual physical.

- **Investigating.** In accordance with the Code of Alabama, 1975, 33-4-41, the State Pilotage Commission can suspend or revoke the license of any pilot who violates any law or rule or regulation established by the commission. Pilots are notified in writing of specific charges and a hearing date is scheduled. The commission also investigates, upon appeal from an apprentice who was discharged from his position, the reasons for the dismissal. Based on the findings from an investigation, the commission may annul the discharge and re-instate the apprentice.
- **Administering Office Operations.** A small portion of the State Pilotage Commission's work includes general administrative, financial, and personnel activities performed to support the programmatic areas of the commission, including:

Managing the agency: Activities involved in managing the agency include general administration such as corresponding/communicating, meeting, and directing; representing the agency; lobbying on behalf of the agency; reporting; publicizing; managing records; and managing information systems and technology.

Managing finances: Activities involved in managing finances include the following: budgeting, which encompasses preparing and reviewing a budget package, documenting amendments and performance of the budget, and reporting in established budget status categories; purchasing, which encompasses requisitioning and purchasing supplies and equipment, receipting and invoicing for goods, and authorizing payment for products received; accounting for the expenditure, encumbrance, disbursement, and reconciliation of funds within the agency's budget through a uniform system of accounting and reporting; authorizing travel; contracting with companies or individuals; and assisting the Examiners of Public Accounts in the audit process.

Managing human resources: Activities involved in managing human resources include the following: recruiting and hiring eligible individuals to fill vacant positions within the agency; providing compensation to employees; providing benefits to employees such as leave, health insurance, unemployment compensation, worker's compensation, injury compensation, retirement, and death benefits, and administratively supported but employee-funded benefits such as additional life and health insurance and tax-deferral and savings plans; and supervising employees, which includes hiring, promoting, demoting, evaluating performance, granting leave, and monitoring the accumulation of leave.

Managing properties, facilities, and resources: Activities involved in managing properties, facilities, and resources include inventorying and accounting for non-consumable property and reporting property information to the appropriate office; leasing/renting offices if the agency does not own their office space; and securing and maintaining state property in the care of the agency, including vehicles.

Completed: September 1999
Attachment: Organizational Chart

Analysis of Record Keeping System and Records Appraisal of the State Pilotage Commission

Sources of Information

Mary Ann Mahathy, Commission Secretary
David A. Bagwell, Commission Attorney

Agency Record Keeping System

The State Pilotage Commission currently operates a paper-based record keeping system.

Records Appraisal

The following is a discussion of the two major categories of records created and/or maintained by the State Pilotage Commission: Temporary Records and Permanent Records.

I. Temporary Records. Temporary records should be held for what is considered to be their active life and disposed of once all fiscal, legal and administrative requirements have been met. Some of the temporary records created by the commission are discussed below:

- **Apprenticeship Register Files.** The commission is responsible for maintaining the apprenticeship register for bar pilots. An individual meeting all apprenticeship requirements can stay on the register for many years. These files contain general correspondence with the apprentice, copies of birth certificates and driver's licenses, copies of school transcripts and diplomas, United States Coast Guard licenses, and an application form. Once an apprentice passes an exam and becomes licensed, his file becomes a licensure file. Files for individuals who are removed from the apprenticeship register should be destroyed five years after they are removed.
- **Transitory Records.** These are records created for short-term, internal purposes, as opposed to those that document the program functions of an agency or perpetuate knowledge. Transitory records do not set policy, establish guidelines or procedures, certify a transaction, or become a receipt. These records are not filed or appropriate for filing because they serve no documentary purpose, such as setting policies, etc. Transitory records might include, but are not limited to: telephone call-back messages; drafts of ordinary documents not needed for their evidential value; copies of material sent for information purposes but not needed by the receiving office for future business; and internal communications about department social activities, such as a note to a group going to lunch.

II. Permanent Records. The Government Records Division recommends the following records as permanent.

Promulgating Rules and Regulations:

- **Meeting Minutes of the Commission.** The commission generally meets quarterly. Meeting minutes are the core documentation of the commissions policy making and other program related functions and should be maintained permanently. (RDA page 3-2)
(Bibliographic Title: Meeting Minutes)

Licensing:

- **Bar Pilots Licensure Files.** The commission is responsible for examining and licensing applicants as bar pilots. These files serve as evidence of the scope of a licensee's professional practice in this state, from apprenticeship through retirement. Alabama Code, 1975, indicates that bar pilots must retire at age 68. A typical licensure file may contain a completed application form, evidence of a successful examination, the bar pilot's oath, annual physical certificates, semi-annual "drug-free" certificates, surety bonds, copies of birth certificate and driver's license, correspondence, and updated information concerning United State Coast Guard licenses. The State Pilotage Commission is one of the few state agencies that has performed the same function for more than 100 years. The number of bar pilots is small and this is such an interesting function performed for the state that the license files should be maintained permanently. This is one of the most complete groups of licensing files available for a licensed profession in Alabama. (RDA page 3-2) **(Bibliographical Title: Licensure Files for Bar Pilots)**
- **Licensing Exam Questions and Answers.** The commission secretary administers the licensing exam at the direction of the commission. The exam questions are prepared by the commissioners and the members of the Mobile Bar Pilots Association. The shipping channel in Mobile Bay and the ships entering the bay have changed over the years. Maintaining copies of each exam would document the changes in the bay, in the shipping industry, and the job requirements for bar pilots. Each licensed pilot's answers to the exam questions is placed in his licensure file. (RDA page 3-2) **(Bibliographic Title: Licensing Exam Questions and Answers)**

Investigating:

Permanent records providing summary documentation of this subfunction are found in the Meeting Minutes of the Commission and the Bar Pilots Licensure Files.

Administering Office Operations:

- **Quarterly Receipts and Disbursement Reports.** In accordance with Code of Alabama 1975, Section 33-4-6, every three months the secretary must submit to the commission three statements showing all moneys received and paid for the preceding three months. The statements also must show the source from which said moneys were received and the purpose for which they were paid. Despite the fact that the audit reports are maintained permanently (Examiners of Public Accounts), this series provides a detailed view of the source of moneys received by the commission and the actual purchases made by the commission. (RDA page 3-3) (**Bibliographical Title: Quarterly Receipts and Disbursement Reports**)

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Permanent Records List
Function: Regulatory
State Pilotage Commission

Promulgating Rules and Regulations:

1. Meeting Minutes of the Commission

Licensing:

1. Bar Pilots Licensure Files
2. Licensing Exam Questions and Answers

Administering Office Operations:

1. Quarterly Receipts and Disbursement Reports

State Pilotage Commission Records Disposition Authority

This Records Disposition Authority (RDA) lists records created and maintained by the State Pilotage Commission in carrying out its mandated functions and activities. The RDA establishes the retention and disposition requirements for those records as approved by the State Records Commission and serves as the legal authority for the agency to implement the disposition instructions.

Explanation of Records Requirements

- This RDA supersedes any previous records disposition schedules governing the retention of records in the State Pilotage Commission.
- The RDA establishes a minimum time limit for which the documentation of a subfunction must be maintained regardless of the format of that documentation.
- The statement “retain for useful life” means that the records should be destroyed when they are no longer useful to the agency and have met their fiscal, administrative, and/or legal needs.
- Transitory records are those records created for short-term, internal purposes, as opposed to communications which document the program functions of an agency or perpetuate knowledge. They should be retained for their useful life and then destroyed.
- Electronic mail is a communications tool that may record permanent or temporary information. The retention periods for e-mail records are governed by the requirements of the appropriate subfunctional area to which the records belong.
- Many temporary records listed within the Administering Office Operations subfunction of this RDA represent duplicate copies of long-term and permanent records maintained by other agencies. The retention of those long-term and/or permanent records maintained by other agencies are reflected on their agency RDAs.

Records Disposition Requirements

This section of the RDA is arranged by subfunctions of the State Pilotage Commission and lists the groups of records created and/or maintained by the board as a result of activities and transactions performed in carrying out these subfunctions. The board may submit requests to revise specific records disposition requirements to the State Records Commission for consideration at its regular quarterly meetings.

■ **Promulgating Rules and Regulations**

MEETING MINUTES OF THE COMMISSION

Disposition: PERMANENT RECORD.

■ **Licensing**

BAR PILOTS LICENSURE FILES

Disposition: PERMANENT RECORD.

Apprenticeship Register Files (Active)

Disposition: Temporary Record. Retain for useful life. (For those apprentices who become bar pilots, their file becomes the Bar Pilot Licensure File)

Apprenticeship Register Files (Removed from Register)

Disposition: Temporary Record. Retain 5 years after individual is removed from the register.

LICENSING EXAM QUESTIONS AND ANSWERS

Disposition: PERMANENT RECORD.

■ **Investigating**

Information documenting pilot or apprentice violations is documented in the bar pilots licensure and apprenticeship files and the minutes of the commission.

■ **Administering Office Operations**

Managing the agency:

General Correspondence/Memoranda

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Telephone Logs

Disposition: Temporary Record. Retain 3 years.

Reference Files

Disposition: Temporary Record. Retain for useful life.

Records documenting the implementation of the department's approved RDA, including copies of transmittals for records transferred to the Department of Archives and History and the department's annual reports to the State Records Commission

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Copies of RDA

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the RDA is superseded.

Managing finances:

Tax Returns for Secretary and Commission

Disposition: Temporary Record. Retain 7 years after filed, then destroy.

Records documenting the preparation of a budget package and reporting of the status of funds.

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Records documenting the requisitioning and purchasing of supplies and equipment, receipting and invoicing for payments due to the commission or for items purchased by the commission, and authorizing payment for products received.

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

QUARTERLY RECEIPTS AND DISBURSEMENTS REPORTS

Disposition: PERMANENT RECORD.

Records of original entry - journals, registers, ledgers, check books, and bank statements.

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Agency Audit Reports

Disposition: Temporary Record. Retain 6 years after the end of the fiscal year in which the records were created.

Records documenting travel reimbursements for the members of the commission.

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Contractual records established for the purchase of services or personal property.

Disposition: Temporary Record. Retain 6 years following the expiration of the contract.

Managing human resources:

Job description materials

Disposition: Temporary Record. Retain until superseded.

Records documenting salary and wages

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Records documenting employee hours worked, leave earned, and leave taken.

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Records documenting payroll deductions for tax purposes.

Disposition: Temporary Record. Retain 5 years after the tax year in which the records were created.

Records documenting position classifications

Disposition: Temporary Record. Retain 4 years after reclassification of position.

Commissioners' Surety Bonds

Disposition: Temporary Record. Retain 3 years after the year in which the commissioner leaves office.

Managing properties, facilities, and resources:

Records documenting the conduct of the semiannual property inventories.

Disposition: Retain in office. (Code of Alabama 1975, Section 36-16-8 [1]).

Leasing/Renting property files

Disposition: Temporary Record. Retain 6 years after expiration of the lease.

Approval of Records Disposition Authority

By signing this agreement the State Pilotage Commission acknowledges its responsibilities for the proper management of its records and agrees to abide by the implementation guidelines listed below:

- The State Pilotage Commission will designate a managerial position as the agency records officer. This position is responsible for ensuring the development of quality record keeping systems that meet the business and legal needs of the commission, for coordinating the transfer and destruction of records, and for ensuring the regular implementation of the commission's approved RDA.
- The State Pilotage Commission agrees to develop procedures for regular implementation of the RDA, to document the destruction of the records, and to submit a report on the records management activities to the State Records Commission in October of each year.
- Despite the provisions of this authorization, no records may be destroyed that are necessary for agency compliance with requirements for the state Sunset Act, agency audit, any legal notice, or subpoena.
- The State Pilotage Commission will make every effort to maintain permanent records in a secure environment, in a usable order, and under environmental conditions that will ensure their continued preservation while in the custody of the commission.
- The State Pilotage Commission agrees to allow the State Records Commission, its staff, and the Examiners of Public Accounts to examine the condition of the permanent records maintained in the custody of the commission and to inspect documentation on the destruction of public records.

By: _____ Date: _____
Chairman
State Pilotage Commission

By: _____ Date: _____
Edwin C. Bridges, Chairman
State Records Commission