

CANCELLED

ALASKA DEPARTMENT OF LABOR  
DIVISION OF LABOR STANDARDS AND SAFETY

DOSH Program Directive No. 83-1

January 7, 1983

To: All DOSH Staff

Subject: Handling Complaints from Employees Who Work on State Ferries

I. Purpose

This program directive provides guidelines for handling complaints from state employees who are employed aboard the state ferries.

II. Directives Affected

DOSH Program Directive 82-3

III. Background

- A. The U.S. Coast Guard has primary jurisdiction over the state ferries because the ships are ocean going vessels. However, the Department of Labor per AS 18.60.030(6) has the responsibility to protect state and local government employees from occupational safety and health hazards and, therefore, it will be our policy to assist the U.S. Coast Guard to provide safe and healthful working conditions for state workers who are employed on the state ferries.
- B. The Division of Marine Highway System of the Department of Transportation and Public Facilities (DOT-PF) as the employer also has responsibility for the safety and health of the employees and therefore the Department will also provide DOT-PF assistance, upon their request, on occupational safety and health matters.
- C. The Department has a responsibility to respond to occupational safety and health complaints from employees. (AS 18.60.088) This directive sets forth a procedure to respond to such complaints from state employees working aboard the state ferries, while recognizing the jurisdiction of the U.S. Coast Guard and the responsibility of DOT-PF.

IV. Procedures

When a complaint is received from an employee or employee representative of the Marine Highway System, the compliance officer or supervisor taking the complaint will ascertain whether the complaint involves a working condition at a shore facility or aboard ship. If the complaint involves a shore facility, the complaint will be processed per DOSH Program Directive

82-3 as such facilities fall within the Department's jurisdiction. If the complaint concerns a working condition aboard ship, the following procedures will be initiated:

- (i) Inform the complainant that the U.S. Coast Guard has primary jurisdiction over the ferries and that his/her complaint will be referred to that agency. Be sure to indicate that the Department will, if requested, keep his/her identity confidential. The complainant will also be informed of the Department's policy to offer assistance to the U.S. Coast Guard.
- (ii) Refer the complaint to the Marine Safety Office-Juneau at 612 Willoughby Avenue, Juneau, Alaska, 99801 or Marine Safety Office - Anchorage at 701 C Street, P.O. Box 17, Anchorage, Alaska 99513, as applicable. In the cover letter, request that the Department be informed of the action that will be taken by the U.S. Coast Guard to resolve the complaint and indicate that the Department will provide assistance if requested.
- (iii) If the Coast Guard requests assistance or if the action taken by the Coast Guard, in the opinion of the Chief S.C. or Chief I.H., does not satisfy the complainant, a letter will be written to the Director of the Division of Marine Highway System, requesting that they investigate the complaint. The letter should also offer the assistance of the Voluntary Compliance section to evaluate or resolve the complaint.
- (iv) If the Division of Marine Highway System does not respond to the complaint, the Chief S.C. or Chief I.H. will refer the complaint to the Director who will contact the Director of Marine Highway System to try and resolve the problem.
- (v) If the Director cannot resolve the complaint with the Director of Marine Highway System, the Director will exercise the authority of AS 18.60.030(6) and the procedures outlined in DOSH Program Directive 82-3 will be followed.

NOTE: The Department has jurisdiction over state-operated boats or ships that are not inspected by the U.S. Coast Guard i.e. Fish and Wildlife Protection ships. If a complaint is received from an employee who works on such a ship, the procedures outlined in DOSH Program Directive 82-3 will be followed.

  
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Bob Bacolas, Director

Reviewed and Approved.

  
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Jim Robison, Commissioner