



The United States Coast Guard

Marine Safety Manual

Volume III: Marine Industry Personnel



COMDTINST 16000.8B Change 2

PART B: VESSEL MANNING**CHAPTER 1: GENERAL PROVISIONS FOR VESSEL MANNING**2. Other Vessels. (2014)

Various sections of 46 U.S.C. 8104 limit the number of hours that credentialed officers and/or crewmembers may be required to work on certain classes of vessels. This does not preclude seamen from voluntarily working beyond those limits and possibly becoming fatigued from excessive hours of overtime. OCMI's should consider all relevant information described in B1.C in establishing required manning levels. While there may be no definitive, scientific basis for a maximum work hour limit for vessel crewmembers, the OCMI has the discretion to impose manning levels based on a specified reasonable work hour limit taking into account fatigue and other human factors. A twelve hour work day, applied in a manner similar to the above work hour limit for tankers, is considered a reasonable work hour limit for other classes of vessels. It is recommended that the OCMI consider this work hour limit in establishing manning levels for non-tankers, adjusting for vessel specific factors that might either alleviate or exacerbate fatigue. Likewise, the OCMI may appropriately consider working conditions and work hour limits established through a collective bargaining agreement in arriving at a final manning determination. (See Chapter B5 of this Volume for additional discussion regarding working conditions.)

3. Enforcement. (2014, 2017)

During inspection activities, Coast Guard personnel shall:

- a. Make general inquiries concerning the working conditions on board the vessel.
- b. Make a specific effort to ascertain whether the vessel's crew is complying with the applicable watchkeeping provisions and rest requirements. A review of vessel logs, maintenance records, and crew interviews with the captain and crew may be conducted at routine vessel inspections to validate adequacy of the manning level to maintain the vessel in safe operating condition. Questions asked during interviews should be framed to elicit objective responses that can be used to ascertain compliance with applicable work and rest requirements.
 - (1) Verify compliance with the applicable watchkeeping requirements, work hour provisions and rest periods while ensuring necessary maintenance has been performed. Should deficiencies be discovered and attributed to insufficient manning, the OCMI should review the previously established minimum safe manning requirements and determine whether the required complement should be modified to ensure that the vessel can be safely operated within the applicable requirements. Any modifications should be discussed with the owner/operator.
 - (2) Ensure that any resultant modifications are reflected on the COI as the minimum required manning.

See Section B5.F.3 for additional discussion on U.S. Coast Guard responsibilities, as well as Sections B6.A.4 and 5 for automated systems.

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CHAPTER 5: SHIPBOARD WORKING CONDITIONS

4. Fitting-Out Status.

The lay-up period has ended and the vessel is being prepared for service.

Vessels in laid-up status are exempted by regulations from Coast Guard inspection; therefore, no manning requirements shall be made for them. Vessels in laying-up or fitting-out status should normally be required to have credentialed engineers aboard in the early stages of work, and at any time when plant operation warrants such a requirement (for example, while the vessel is moored with boilers in operation). It is recognized that, in many instances, laying-up and fitting-out cannot be classified in a clear-cut manner; however, an adequate determination generally can be made under these criteria.

C. Work Hour Limitations.

1. Authority Citations.

46 U.S.C. 8104; 46 CFR 15.1111 and 46 CFR 15.710.

2. "Required" Vs "Permitted" Work Hour Limits. (2014)

The current statutory provisions limit the number of hours a credentialed officer or crewmember may be "required" to work, and in some cases also limit the number of hours the individual may be "permitted" to work. When an individual cannot be "required" to work beyond a certain number of hours, any work in excess of those hours must be voluntary. Such work is not considered to be voluntary if the individual works as a result of direct or indirect coercion. The employee's signature on an employment contract or when working under a labor agreement that clearly obligates him or her to work more than the statutory work hour limit is evidence that such work is performed voluntarily. (It should be noted that the statutory work hour limit e.g., the limit in the number of hours during which work may be required, is not necessarily the point at which "overtime" is calculated under a particular employment contract.)

a. Seaman's Right To Refuse.

Under 46 U.S.C. 8104(d) an individual retains the statutory right to refuse to work beyond the 8-hour statutory work hour limit, except in an emergency or other condition listed in 8104(f). Furthermore, work performed beyond the statutory limit, even when performed voluntarily, may be considered excessive and should not be condoned if the individual's performance will be impaired by fatigue. A continuing pattern of excessive work hours provides good cause for reviewing whether the manning complement as stated on the vessel's COI is sufficient for the safe operation of the vessel.

b. Holiday Work.

A seaman also may not be "required" to perform "unnecessary work" on Sundays or on certain holidays when the vessel is in a safe harbor, though this rule does not prevent the master from assigning work to get the vessel underway on a voyage. See 46 U.S.C. 8104(f).