

7 FAM 730

SHIPMENT AND DISCHARGE OF SEAMEN

(CT:CON-111; 09-15-2005)
(Office of Origin: CA/OCS/PRI)

7 FAM 731 SHIPMENT (SIGNING OF A CREW MEMBER)

7 FAM 731.1 Documentation

(CT:CON-111; 09-15-2005)

- a. The United States Coast Guard issues qualified seamen (United States citizens and permanent resident aliens) a Form CG-2838 Merchant Mariner's Document (MMD). 46 U.S.C. 8701, and 46 CFR 12.02-7 requires all seamen on vessels of the United States above 100 gross tons to have an MMD. The MMD is sometimes referred to colloquially as a "Z card" because in the past an MMD number began with the letter "Z". The MMD is a plastic, credit-card type credential containing among other items, a photograph, signature of the mariner and the seaman's social security number (SSN). They are valid for five years from the date of issue. (See 46 U.S.C. 7302).

See ...

Merchant Mariner Licensing and Documentation

46 CFR Part 12

Form CG-719B Application for Merchant Mariner's Document

- b. MMDs issued after February 3, 2003, include a serial number and the letters USCG in variable-optical print. The top and bottom lines on the face of the new MMD contain the phrase US COAST GUARD in microprinting and the USCG seal that is only visible under ultra-violet light.
- c. Send any MMDs believed to be fraudulent to:

Commanding Officer
United States Coast Guard

National Maritime Center
4200 Wilson Boulevard, Suite 630
Arlington, VA 22203

Note: Forward a copy of the transmitting communication to CA/OCS/PRI.

- d. MMDs show the position(s) on the ship for which the seaman is eligible to serve. A ship's complement of crewmen usually consists of the deck, the engine department, and the steward's department. The qualified work categories, e.g., ordinary seaman, able-bodied seaman, wiper, appear on the reverse side of the MMD card.

7 FAM 731.2 What is the Role of the Consular Officer?

(CT:CON-111; 09-15-2005)

- a. Masters of United States vessels shall engage a seaman at a foreign port in the presence of a consular officer. Failure to do so renders the master liable to a civil penalty. (See 46 U.S.C. 10308, 10321).
- b. When available at the port of engagement, you should:
- (1) Ensure that the seaman understands the terms of the contract and the nature of the work involved;
 - (2) Observe the seaman signing the shipping articles in the section entitled "Particulars of Engagement";
 - (3) Attest to the seaman's signature by initialing in the space provided, and by impressing the consular rubber seal over it;
 - (4) Report all known cases of illegal shipment of seamen whether they are made in United States or foreign ports and provide supporting evidence including affidavits; and
 - (5) Also include:
 - (a) The name of the seaman;
 - (b) The scheduled port of debarkation; and
 - (c) The date of departure from the foreign port.
- c. If a consular officer is not available at the port of engagement, you may engage a seaman and the agreement may be signed at the next port at which a consular officer is available.

- d. If the vessel is outside of your immediate geographic area, the master is empowered:
- (1) To make crew changes; and
 - (2) To take other actions required by United States maritime laws and regulations to provide for the effective and safe operation of the vessel.

For required deck or engineering watch-standing positions: The replacement must hold a certificate issued in accordance with the International Convention or Standards of Training, Certification and Watch-keeping for Seafarers, 1978, as amended (STCW). The STCW certificate must authorize service in the position in which the replacement will be employed.

7 FAM 732 DISCHARGE OF SEAMEN

(CT:CON-111; 09-15-2005)

In a foreign port where there is a consular officer, a seamen or master may request that you discharge a seaman in accordance with 46 U.S.C. 10318. See the Marine Safety Manual, Chapter 15, for specific conditions and responsibilities.

7 FAM 732.1 Grounds for Discharge

(CT:CON-111; 09-15-2005)

- a. Grounds for discharge include:
- (1) Mutual consent between master and seaman;
 - (2) Illness or injury of seaman;
 - (3) Misconduct;
 - (4) Voyage delays;
 - (5) Unsuitable provisioning (On a request by the crew or any member following a report by inspectors (representatives of a classification society or other reputable marine surveyor), and approved by you that the vessel had been sent to sea unsuitably provisioned.);

- (6) Shipwreck or sale of vessel abroad;
 - (7) Miscellaneous grounds;
 - (8) Violation of law regarding watches or duties, cruel or unusual treatment or transfer or disrating of a seaman; and
 - (9) End of voyage.
- b. Seek CA/OCS/PRI guidance when non-routine discharge problems are encountered.

7 FAM 732.2 What is the Role of the Consular Officer?

(CT:CON-111; 09-15-2005)

- a. You are authorized to discharge a seaman upon the application of the master or seaman of a United States vessel if you are satisfied that good reasons exist for a discharge. The seaman must be physically present.
- b. Before discharging a seaman, you must:
 - (1) Obtain the ship's agent's assurance that the local immigration authorities have no objection to the seaman's discharge (having an immigration officer present may more easily facilitate the discharge of the seaman); and
 - (2) Ensure that proper repatriation arrangements have been made.
- c. When discharge is due to cruel treatment:
 - (1) You may require the master to pay the wages due the seaman plus one month's additional wages and shall discharge the seaman;
 - (2) The master shall provide the seaman with adequate employment on another vessel or passage on board another vessel to the port of original engagement, to the most convenient port of the United States, or to some port agreeable to the seaman;
 - (3) You should enter on the shipping articles and in the log book the cause of the discharge and the particulars of any cruel and unusual treatment; and
 - (4) You should sign and seal the entries and replies. (See 46 U.S.C. 1106).

- d. The seaman must concur with all the arrangements and should be advised of any local penalties such as immigration detention if his/her flight or sailing is missed.
- e. If the seaman objects to removal by you citing unfair treatment, suggest that he/she write "I sign off under protest" on the Shipping Articles on the "Release" line. This protects any legal remedies he/she may wish to pursue at a later date. If he/she refuses to sign off the articles, so indicate on the "Release" line by stating the reason.

7 FAM 733 CERTIFICATE OF DISCHARGE

(CT:CON-111; 09-15-2005)

- a. Upon discharge of any seaman at a foreign port, the master shall make the proper entries on a Form CG-718A Certificate of Discharge to Merchant Seaman USCG, or by providing the following information in writing, including:
 - (1) Date and Place of Shipment;
 - (2) Date and Place of Discharge;
 - (3) Name of Ship;
 - (4) Name of Employer;
 - (5) Official Number and Class of Vessel;
 - (6) Nature of Voyage (Foreign, Intercoastal or Coastwise); and
 - (7) If you are present, attest to the entries.
- b. After the master and seaman sign the form, give the original to the seaman, a copy to the master, retain a one copy at post and forward a copy to:

Commanding Officer, USCG
National Maritime Center
4200 Wilson Blvd, Suite 630
Arlington, VA 22203

7 FAM 734 WAGES PAID UPON DISCHARGE

(CT:CON-111; 09-15-2005)

- a. When a seaman is being discharged in your presence, the master is required to provide a full account of all regular wages due the seaman, all deductions (including a signed receipt showing income tax and Social Security deductions), and any charges against the wages. (See 46 U.S.C. 10313, 46 U.S.C. 10318).

- **You must be satisfied that wages earned have been paid**
- **Do not discharge the seaman unless he/she provides evidence of wages paid**

(See 46 U.S.C. 10318 (b)).

- b. Overtime wages are governed by union agreements and are paid at the end of the voyage. The seaman may indicate in writing on the discharge that he/she is receiving payment of wages under protest concerning the overtime due to preserve his/her rights.
- c. Once the master makes payment in your presence, his duty regarding wages is complete.

7 FAM 735 THROUGH 739 UNASSIGNED