

RESOLUTION

Deep Sea Longshoremen's Register

WHEREAS, on September 9, 2013, the International Longshoremen's Association, AFL-CIO (ILA) and New York Shipping Association, Inc. (NYSA) requested the Commission, on its own initiative pursuant to Part I, Article IX, Section 5-p(1)(a) of the Waterfront Commission Act, to open the deep sea Longshoremen's Register for the addition of 532 longshore employees and 150 checker/clerks in order to alleviate shortages of labor in the Port of New York-New Jersey; and

WHEREAS, the Commission has independently recognized that there is a need for additional labor and has determined to open the deep sea Longshoremen's Register on its own initiative; and

WHEREAS, pursuant to Part I, Article IX, Part I, Section 5-p(4) of the Waterfront Commission Act, where the Commission determines to accept applications for inclusion in the Longshoremen's Register on its own initiative, such acceptance shall be in such manner deemed appropriate by the Commission; and

WHEREAS, Part I, Article IX, Section 5-p(2) of the Waterfront Commission Act enumerates certain standards that the Commission must observe in administering the provisions of the Act pertaining to the opening of the register, including, *inter alia*: encouraging as far as practicable the regularization of the employment of longshoremen; bringing the number of eligible longshoremen more closely into balance with the demand for longshoremen's services within the Port of New York district without reducing the number of eligible longshoremen below that necessary to meet the requirements of longshoremen in the Port of New York district; encouraging the mobility and full utilization of the existing work

force of longshoremen; eliminating oppressive and evil hiring practices injurious to waterfront labor and waterborne commerce in the Port of New York district including, but not limited to, those oppressive and evil hiring practices that may result from either a surplus or shortage of waterfront labor; considering the effect of technological change and such other economic data and facts as are relevant to a proper determination; and protecting the public interest in the Port of New York district; and

WHEREAS, the NYSA and ILA have advised that the NYSA and ILA will recruit, hire and train these new individuals in accordance with the terms of the Recruitment and Hiring plan of the new NYSA-ILA collective bargaining agreement, which provides that the selection process for new hires will include three designated referral sources: Military Veterans (51%), ILA (25%) and NYSA/Employers (24%); and

WHEREAS, Part I, Article XII, Section 1 of the Waterfront Commission Act eliminated the method of employment of longshoremen and port watchmen commonly known as the “shape-up,” a method which, *inter alia*, resulted in a loss of fundamental rights and liberties of labor, impaired the economic stability of the Port of New York district, and weakened law enforcement therein; and

“A” or “1969 Amendment” Longshoremen’s Register

WHEREAS, Part I, Article IX, Section 5-p of the Waterfront Commission Act provides that the Commission may, under such terms and conditions as the Commission may prescribe, include in the “A” or “1969 Amendment” longshoremen’s register certain longshoremen who perform, *inter alia*, maintenance and other tasks involving, or incidental to, cargo handling pursuant to the 1969 amendments of the Waterfront Commission Act, and

whose employment is not subject to the guaranteed annual income provisions of any collective bargaining agreement relating to longshoremen; and

WHEREAS, the hiring procedures for “A” registrants set forth in the collective bargaining agreement between the NYSA and the International Longshoremen’s Association (ILA), and the hiring procedures set forth in the collective bargaining agreement between the Metropolitan Marine Maintenance Contractors’ Association, Inc. (MMMCA) and the ILA provide, with respect to new employees, that the employers shall notify the ILA of the number and classifications required and it shall be the responsibility of the ILA to furnish the necessary employees requested by the NYSA or MMMCA employer; and

WHEREAS, the Commission has determined that the hiring procedures set forth in those collective bargaining agreements with regard to “A” registrants promote various conditions that are expressly enumerated in the Findings and Declarations set forth at Part I, Article I of the Waterfront Commission Act, including, *inter alia*, the lack of a systematic method of hiring, irregularity of employment, the lack of adequate information as to the availability of employment, and the selection of employees by those who are neither responsive nor responsible to the employers; and

Public Hearings

WHEREAS, the Commission is empowered under Part I, Article IV, Section 12 of the Waterfront Commission Act to advise and consult with representatives of labor and industry and with public officials and agencies concerned with the effectuation of the purposes of the Act, upon all matters which the Commission may desire, including but not limited to the form and substance of rules and regulations, the administration of the Act, maintenance of the longshoremen's register, and issuance and revocation of licenses; and

WHEREAS, the Commission is empowered under Part I, Article IV, Section 11 of the Waterfront Commission Act to make investigations, collect and compile information concerning waterfront practices generally within the Port of New York district and upon all matters relating to the accomplishment of the objectives of the Act; and

WHEREAS, the Commission is empowered under Part I, Article IV, Section 8 of the Waterfront Commission Act by its members and its properly designated officers, agents and employees, to administer oaths and issue subpoenas to compel the attendance of witnesses and the giving of testimony and the production of other evidence; be it hereby

RESOLVED, that a public hearing be held on the record to determine the number of individuals that would be appropriate to add to the deep sea Longshoremen's Register, and to determine the appropriate manner for the recruitment, referral, selection, hiring and training of individuals to be included in that Register; and

FURTHER RESOLVED, that a public hearing be held on the record to determine the appropriate manner for the recruitment, referral, selection, hiring and training of individuals to be included in the "A" or "1969 Amendment" Longshoremen's Register; and

FURTHER RESOLVED, that a public hearing shall commence on November 14, 2013 at 9:30 a.m. at 39 Broadway, Fourth Floor, New York, New York and continue on November 18, 2013 and November 25, 2013, and any other adjourned dates(s) that may be set by the Commission.

