



RESOLUTION

WHEREAS, the Waterfront Commission of New York Harbor (“Commission”) resolved on October 8, 2013 to hold a public hearing on November 14, 2013, November 18, 2013 and November 25, 2013, and any other adjourned dates(s) that may be set by the Commission, 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 the “deep sea” Longshoremen’s Register and the “A” or “1969 Amendment” Longshoremen’s Register; and

WHEREAS, the Commission deems it desirable to establish rules of procedure for the public hearing, be it

RESOLVED, that the following rules of procedure be and hereby are established for the public hearing of the Commission on November 14, 2013, November 18, 2013 and November 25, 2013, and any other adjourned dates(s) that may be set by the Commission:

1. The questioning of witnesses by the Commission shall be conducted by its members and its properly designated officers, agents and employees.
2. The testimony of all witnesses shall be under oath.
3. Any person called to testify as a witness, or who avails himself or herself of the opportunity to be heard, may be represented by an attorney who is a member of good standing of the Bar of the State of New York or the Bar of the State of New Jersey. The appearance of counsel shall be noted on the record. Such counsel may advise the witness of his or her legal rights while that witness is testifying. This, however, shall not be construed to excuse a witness from testifying in the event said counsel is ejected for contumacy or disorderly conduct; nor shall this rule be construed as authorizing counsel to answer for, or suggest answers to, the witness.

4. The failure of any witness to secure counsel will not excuse such witness from attendance in response to a Commission-issued subpoena. Counsel for a witness shall have the right to propose, in writing, to the Commission questions to be asked of the witness relevant to matters upon which the witness has been questioned. The Commission shall review said submitted questions and ask the witness such questions as it may deem appropriate.

5. Any witness who desires to read a prepared or written statement shall, prior to its offer, file a copy of said statement with the Secretary of the Commission no later than November 4, 2013. The Commission, in its reasonable discretion, shall determine whether or not such statement shall be received and made part of the proceedings.

6. A stenographic record of the hearing shall be made and transcripts thereof may be furnished to any person after the conclusion of the hearing upon payment to the Commission of the reproduction costs thereof as established by Section 1.23(f) of the *Rules and Regulations of the Waterfront Commission of New York Harbor*.

7. Any person who shall not have been examined as a witness at the hearing and whose name is mentioned, or who is specifically identified and who deems to be adversely affected by any evidence adduced thereat, may request to testify in his or her own behalf or file a sworn statement of facts relevant to the testimony or other evidence affecting such person. Such request to testify, or such statement, shall be submitted to the Commission for its consideration and may be admitted into the record in the reasonable discretion of the Commission.

8. The hearing will be open to the public. No photographs or the taking of motion pictures or videos or the making of audio recordings will be permitted in the hearing room while the hearing is in session, without permission of the Commission.

9. These rules may be modified, supplemented, amended or repealed during the course of the hearing in the discretion of the Commission, and within the powers conferred by the Waterfront Commission Act.

ADOPTED
BY THE
COMMISSION
ON
10/22/13