

WATERFRONT COMMISSION OF NEW YORK HARBOR

At a meeting of the Waterfront Commission of New York Harbor
held in the City of New York, State of New York, on the 11th day of August 2014.



COMMISSIONERS PRESENT:

Ronald Goldstock
Michael Murphy

DETERMINATION 38

In the Matter of Determining, Pursuant to Section
5-p of the Waterfront Commission Act, To Include
Persons in the Longshoremen's Register.

WHEREAS, the Commission is empowered by Part I, Article IX, Section 5-p(1)(a) of the Waterfront Commission Act ("Act") to determine, on its own initiative, whether to accept or suspend the acceptance of applications for inclusion in the Longshoremen's Register; and

WHEREAS, a New NY Bridge is being constructed to replace the existing Tappan Zee Bridge, a vital artery for residents, commuters, travelers and commercial traffic spanning the Hudson River between Westchester and Rockland Counties; and

WHEREAS, construction of the New NY Bridge is pursuant to a Project Labor Agreement entered into by and between the New York State Thruway Authority and various labor organizations and county councils, for purposes of ensuring its efficient, safe, quality and timely completion; and

WHEREAS, the New NY Bridge is being designed and built by Tappan Zee Constructors, LLC (TZC), a consortium of engineering and construction firms that directly perform construction, or subcontract the performance of such construction; and

WHEREAS, one subcontractor, Coastal Steel Construction of New Jersey, LLC (CSCNJ), loads barges within the Port of New York district with fabricated reinforced steel and/or other materials, to be barged outside the Port of New York district to the situs of the New NY Bridge; and

WHEREAS, the Act requires that individuals employed to physically move (or load) fabricated reinforced steel and/or other materials onto barges that will barge the materials from a point within the Port of New York district to a point outside of the district shall be included in the Longshoremen's Register; and

WHEREAS, TZC and CSCNJ, which are temporarily permitted by the Commission to load barges with fabricated reinforced steel and/or other materials for the construction of the New NY Bridge, submitted requests on July 31, 2014 and August 1, 2014 to sponsor nine individuals for the limited purpose of performing such work; and

WHEREAS, the Commission has determined, on its own initiative, to accept applications from up to nine individuals with sponsorship from TZC and CSCNJ for inclusion in the Longshoremen's Register as longshorepersons, with employment restricted to those companies for the limited purposes of performing the barge work described herein; and

WHEREAS, pursuant to Part I, Article IX, 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;

NOW, THEREFORE, be it hereby

ORDERED, that the Commission accept applications from up to nine total individuals sponsored by TZC and CSCNJ for inclusion in the Longshoremen's Register as longshorepersons, with employment restricted to those companies for the limited purposes of performing the barge work described herein; and it is further


ORDERED, that prior to the Commission's acceptance of any application for inclusion in the Longshoremen's Register pursuant to this Determination, TZC or CSCNJ shall submit a letter setting forth the name, address and labor category of the recommended individual, and certifying that the selection of the person so sponsored was made in a fair and nondiscriminatory basis in accordance with the requirements of the laws of the United States and the States of New York and New Jersey dealing with equal employment opportunities; and it is further

ORDERED, that such sponsorship letter shall be filed at the offices of the Waterfront Commission of New York Harbor, 39 Broadway, New York, New York 10006 and that the offering of a false sponsorship letter for filing shall be punishable under N.Y. Penal Law §175.35; and it is further

ORDERED, that upon the registration of any individual pursuant to this Determination, TZC and CSCNJ shall, no later than twenty-four hours before the commencement of his employment, submit a Daily Order Form to a designated Employment Information Center setting forth: the name, waterfront number, location, start date and start time for each individual; and it is further

ORDERED, that the TZC and CSCNJ shall, no later than twenty-four hours prior to commencing stevedoring operation of any vessel, submit to a designated Employment Information Center the name of each vessel and the start time for the commencement of stevedoring operations on each vessel.

By the Commission,


Meralis Lopez
Secretary