

32: 23 - 114

LEGISLATIVE HISTORY CHECKLIST

NJSA: 32:23-114

(Longshoreman--
permanent
registration--Waterfront
Commission may
grant)

LAWS: 1988

CHAPTER: 22

Bill No: A625

Sponsor(s): Foy

Date Introduced: Pre-filed

Committee: Assembly: Labor

Senate: Labor, Industry and Professions

Amended during passage: No

Date of Passage: Assembly: February 18, 1988

Senate: April 18, 1988

Date of Approval: May 12, 1988

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: Yes

Senate: Yes

Fiscal Note: No

Veto Message: No

Message on signing: No

Following were printed:

Reports: No

Hearings: No

P.L. 1966, CHAPTER 22, approved May 12, 1966

1966 Assembly No. 625

1 **AN ACT** empowering the waterfront and airport commission of
New York and New Jersey to grant permanent registration to
3 certain longshoremen with temporary registration and
amending P.L. 1966, c. 18.

5

BE IT ENACTED by the Senate and General Assembly of the
7 State of New Jersey:

1. Section 2 (5-p) of P.L. 1966, c. 18 (C. 32:23-114) is
9 amended to read as follows:

2. 5-p 1. The commission shall suspend the acceptance of
11 applications for inclusion in the longshoremen's register for a
period of 60 days after the effective date of this act. Upon the
13 termination of such 60 day period the commission shall
thereafter have the power to make determinations to suspend
15 the acceptance of applications for inclusion in the
longshoremen's register for such periods of time as the
17 commission may from time to time establish and, after any such
period of suspension, the commission shall have the power to
19 make determinations to accept applications, which shall be
processed in the order in which they are filed with the
21 commission, for such period of time as the commission may
establish or in such number as the commission may determine,
23 or both. Such determinations to suspend or accept applications
shall be made by the commission on its own initiative or upon
25 the joint recommendation in writing of stevedores and other
employers of longshoremen in the Port of New York District,
27 acting through their representative for the purposes of
collective bargaining with a labor organization representing such
29 longshoremen in such district and such labor organization, which
joint recommendation the commission shall have the power to
31 accept or reject.

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the
above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 **2. In administering the provisions of this section, the**
2 **commission shall observe the following standards:**

3 **(a) To encourage as far as practicable the regularization of**
4 **the employment of longshoremen;**

5 **(b) To bring the number of eligible longshoremen into balance**
6 **with the demand for longshoremen's services within the Port of**
7 **New York District without reducing the number of eligible**
8 **longshoremen below that necessary to meet the requirements of**
9 **longshoremen in the Port of New York District;**

10 **(c) To encourage the mobility and full utilization of the**
11 **existing work force of longshoremen;**

12 **(d) To protect the job security of the existing work force of**
13 **longshoremen;**

14 **(e) To eliminate oppressive and evil hiring practices injurious**
15 **to waterfront labor and waterborne commerce in the Port of**
16 **New York District, including, but not limited to, those**
17 **oppressive and evil hiring practices that may result from either**
18 **a surplus or shortage of waterfront labor;**

19 **(f) To consider the effect of technological change and**
20 **automation and such other economic data and facts as are**
21 **relevant to a proper determination.**

22 **In observing the foregoing standards and before determining**
23 **to suspend or accept applications for inclusion in the**
24 **longshoremen's register, the commission shall consult with and**
25 **consider the views of, including any statistical data or other**
26 **factual information concerning the size of the longshoremen's**
27 **register submitted by, carriers of freight by water, stevedores,**
28 **waterfront terminal owners and operators, any labor**
29 **organization representing employees registered by the**
30 **commission, and any other person whose interests may be**
31 **affected by the size of the longshoremen's register.**

32 **3. Any determination by the commission pursuant to this**
33 **section to suspend or accept applications for inclusion in the**
34 **longshoremen's register shall be made upon a record, shall not**
35 **become effective until five days after notice thereof to the**
36 **collective bargaining representative of stevedores and other**
37 **employers of longshoremen in the Port of New York District and**
38 **to the labor organization representing such longshoremen and**
39 **shall be subject to judicial review for being arbitrary.**

1 capricious, and an abuse of discretion in a proceeding jointly
2 instituted by such representative and such labor organization.
3 Such judicial review proceeding may be instituted in either state
4 in the manner provided by the law of such state for review of
5 the final decision or action of administrative agencies of such
6 state, provided, however, that such proceeding shall be decided
7 directly by the appellate division as the court of first instance
8 (to which the proceeding shall be transferred by order of
9 transfer by the Supreme Court in the State of New York or in
10 the State of New Jersey by notice of appeal from the
11 commission's determination), and provided further that
12 notwithstanding, any other provision of law in either state no
13 court shall have power to stay the commission's determination
14 prior to final judicial decision for more than 15 days. In the
15 event that the court enters a final order setting aside the
16 determination by the commission to accept applications for
17 inclusion in the longshoremen's register, the registration of any
18 longshoremen included in the longshoremen's register as a result
19 of such determination by the commission shall be canceled.

20 This section shall apply, notwithstanding any other provision
21 of this act, provided, however, such section shall not in any way
22 limit or restrict the provision of section 5 of article IX of this
23 act empowering the commission to register longshoremen on a
24 temporary basis to meet special or emergency needs or the
25 provisions of section 4 of article IX of this act relating to the
26 immediate reinstatement of persons removed from the
27 longshoremen's register pursuant to article IX of this act.
28 Nothing in this section shall be construed to modify, limit or
29 restrict in any way any of the rights protected by article 15 of
30 this act.

31 4. Notwithstanding any other provision of this act, the
32 commission may include in the longshoremen's register under
33 such terms and conditions as the commission may prescribe:

34 (a) A person issued registration on a temporary basis to meet
35 special or emergency needs, who, on the effective date of this
36 act, is still so registered by the commission;

37 (b) A person defined as a "longshoreman" in subdivision (6) of
section 1 (5-a) of P.L. 1954, c. 14 (C. 32:23-85), who is

1 employed by a stevedore as defined in paragraph (b) or (c) of
2 subdivision (1) of the same section (C. 32:23-85) and whose
3 employment is not subject to the guaranteed annual income
4 provisions of any collective bargaining agreement relating to
5 longshoremen; [and]

6 (c) No more than 20 persons issued and holding registration
7 pursuant to paragraph (b) of this subdivision who are limited to
8 acting as scalmen and who are no longer employed as scalmen
9 on the effective date of this 1987 amendatory act; and

10 (d) A person issued registration on a temporary basis as a
11 checker to meet special or emergency needs who applied for
12 such registration prior to January 15th, 1988 and who is still so
13 registered by the commission.

(cf: P.L. 1987, c. 279, s.1)

14 2. This act shall take effect upon the enactment into law by
15 the state of New York of legislation having an identical effect
16 with this act, but if the state of New York shall have already
17 enacted such legislation, then this act shall take effect
18 immediately.
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LABOR and EMPLOYMENT

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Authorities and Regional Commissions

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Empowers waterfront commission to grant permanent
registration to certain longshoremen.

1 employed by a stevedore as defined in paragraph (b) or (c) of
 2 subdivision (1) of the same section (C. 32:23-85) and whose
 3 employment is not subject to the guaranteed annual income
 4 provisions of any collective bargaining agreement relating to
 5 longshoremen; [and]

(c) No more than 20 persons issued and holding registration
 7 pursuant to paragraph (b) of this subdivision who are limited to
 8 acting as scalemen and who are no longer employed as scalemen
 9 on the effective date of this 1987 amendatory act; and

(d) A person issued registration on a temporary basis as a
 11 checker to meet special or emergency needs who applied for
 12 such registration prior to January 15th, 1986 and who is still so
 13 registered by the commission.

2. This act shall take effect upon the enactment into law by
 15 the state of New York of legislation having an identical effect
 16 with this act, but if the state of New York shall have already
 17 enacted such legislation, then this act shall take effect
 18 immediately.

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STATEMENT

23 This bill permits the waterfront and airport commission of
 24 New York and New Jersey to grant permanent registration to
 25 individuals who received temporary registration under the
 26 commission's power to grant temporary registration to meet
 27 special or emergency needs. The purpose of the bill is to
 28 authorize the commission to enroll 151 individuals who received
 29 temporary registration as checkers in 1985 or the
 30 longshoremen's register on a permanent basis.

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AUTHORITIES AND REGIONAL COMMISSIONS

Regulated Professions

35

Empowers waterfront commission to grant permanent
 37 registration to certain longshoremen.

ASSEMBLY LABOR COMMITTEE

STATEMENT TO

ASSEMBLY, No. 625

STATE OF NEW JERSEY

DATED: JANUARY 28, 1988

The Assembly Labor Committee reports favorably Assembly Bill No. 625.

This bill authorizes the Waterfront Commission of New York and New Jersey to open the longshoremen's register and grant permanent registration to approximately 150 individuals who received temporary registration as checkers in 1985 under the Commission's statutory authority to meet special or emergency needs.

This bill was pre-filed for introduction in the 1988 session pending technical review. As reported the bill includes the changes required by technical review which has been performed.

SENATE LABOR, INDUSTRY AND PROFESSIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 625

STATE OF NEW JERSEY

DATED: MARCH 21, 1988

This bill authorizes the Waterfront Commission of New York and New Jersey to open the longshoremen's register and grant permanent registration to approximately 150 individuals who received temporary registration as checkers in 1985 under the commission's statutory authority to meet special or emergency needs.