

32:23-114

4/21/88

LEGISLATIVE HISTORY CHECKLIST

NJSA: 32:23-114

(Waterfront Commission Act--
amendments)

LAWS OF: 1987

CHAPTER: 279

Bill No: A4327

Sponsor(s): Franks and Foy

Date Introduced: June 18, 1987

Committee: Assembly: Labor

Senate: Labor, Industry and Professions

Amended during passage: Yes

Amendments during passage denoted
by asterisks.

Date of Passage: Assembly: June 29, 1987

Senate: September 10, 1987

Date of Approval: October 2, 1987

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

New York law, mentioned in statute:

P.L. 1987, c. 742, approved 8-5-87

See newspaper clipping attached:

"Kean signs waterfront . . . bills." 10-6-87 Star Ledger.

[OFFICIAL COPY REPRINT]
ASSEMBLY, No. 4327

STATE OF NEW JERSEY

INTRODUCED JUNE 18, 1987

By Assemblymen FRANKS and FOY

AN ACT ***[to amend the "Waterfront Commission Act," approved June 30, 1953 (P. L. 1953, c. 202)]** **empowering the waterfront and airport commission of New York and New Jersey to exempt certain classes of persons from the periodic closing and reopening of the longshoremen's register and amending P. L. 1966, c. 18*.*

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

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

3 2. 5-p 1. The commission shall suspend the acceptance of
4 applications for inclusion in the longshoremen's register for a
5 period of 60 days after the effective date of this act. Upon the
6 termination of such 60 day period the commission shall thereafter
7 have the power to make determinations to suspend the acceptance
8 of applications for inclusion in the longshoremen's register for such
9 periods of time as the commission may from time to time establish
10 and, after any such period of suspension, the commission shall have
11 the power to make determinations to accept applications, which
12 shall be processed in the order in which they are filed with the
13 commission, for such period of time as the commission may estab-
14 lish or in such number as the commission may determine, or both.
15 Such determinations to suspend or accept applications shall be
16 made by the commission on its own initiative or upon the joint
17 recommendation in writing of stevedores and other employers of
18 longshoremen in the Port of New York District, acting through

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 printed in italics *thus* is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

*—Assembly committee amendments adopted June 22, 1987.

19 their representative for the purposes of collective bargaining with
20 a labor organization representing such longshoremen in such dis-
21 trict and such labor organization, which joint recommendation the
22 commission shall have the power to accept or reject.

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

25 (a) To encourage as far as practicable the regularization of the
26 employment of longshoremen;

27 (b) To bring the number of eligible longshoremen into balance
28 with the demand for longshoremen's services within the Port of
29 New York District without reducing the number of eligible long-
30 shoremen below that necessary to meet the requirements of long-
31 shoremen in the Port of New York District;

32 (c) To encourage the mobility and full utilization of the existing
33 work force of longshoremen;

34 (d) To protect the job security of the existing work force of
35 longshoremen;

36 (e) To eliminate oppressive and evil hiring practices injurious
37 to waterfront labor and waterborne commerce in the Port of New
38 York District, including, but not limited to, those oppressive and
39 evil hiring practices that may result from either a surplus or
40 shortage of waterfront labor;

41 (f) To consider the effect of technological change and automa-
42 tion and such other economic data and facts as are relevant to a
43 proper determination.

44 In observing the foregoing standards and before determining a
45 suspend or accept applications for inclusion in the longshoremen's
46 register, the commission shall consult with and consider the views
47 of, including any statistical data or other factual information con-
48 cerning the size of the longshoremen's register submitted by,
49 carriers of freight by water, stevedores, waterfront terminal own-
50 ers and operators, any labor organization representing employees
51 registered by the commission, and any other person whose interests
52 may be affected by the size of the longshoremen's register.

53 3. Any determination by the commission pursuant to this section
54 to suspend or accept applications for inclusion in the longshore-
55 men's register shall be made upon a record, shall not become effec-
56 tive until five days after notice thereof to the collective bargaining
57 representative of stevedores and other employers of longshoremen
58 in the Port of New York District and to the labor organization
59 representing such longshoremen and shall be subject to judicial
60 review for being arbitrary, capricious, and an abuse of discretion

61 in a proceeding jointly instituted by such representative and such
62 labor organization. Such judicial review proceeding may be insti-
63 tuted in either state in the manner provided by the law of such
64 state for review of the final decision or action of administrative
65 agencies of such state, provided, however, that such proceeding
66 shall be decided directly by the appellate division as the court of
67 first instance (to which the proceeding shall be transferred by
68 order of transfer by the Supreme Court in the state of New York
69 or in the State of New Jersey by notice of appeal from the commis-
70 sion's determination), and provided further that notwithstanding
71 any other provision of law in either state no court shall have power
72 to stay the commission's determination prior to final judicial deci-
73 sion for more than 15 days. In the event that the court enters a
74 final order setting aside the determination by the commission to
75 accept applications for inclusion in the longshoremen's register,
76 the registration of any longshoremen included in the longshore-
77 men's register as a result of such determination by the commission
78 shall be canceled.

79 This section shall apply, notwithstanding any other provision of
80 this act, provided, however, such action shall not in any way limit
81 or restrict the provision of section 5 of article IX of this act
82 empowering the commission to register longshoremen on a tempo-
83 rary basis to meet special or emergency needs or the provisions of
84 section 4 of article IX of this act relating to the immediate rein-
85 statement of persons removed from the longshoremen's register
86 pursuant to article IX of this act. Nothing in this section shall be
87 construed to modify, limit or restrict in any way any of the rights
88 protected by article 15 of this act.

89 4. Notwithstanding any other provision of this act, the commis-
90 sion **[many]** *may* include in the longshoremen's register under
91 such terms and conditions as the commission may prescribe;

92 (a) A person issued registration on a temporary basis to meet
93 special or emergency needs, who, on the effective date of this act,
94 is still so registered by the commission; **[and]**

95 (b) A person defined as a "longshoreman" in subdivision (6) of
96 section 1 (5-a) of P. L. 1954, c. 14 (C. 32:23-85), who is employed
97 by a stevedore as defined in paragraph (b) or (c) of subdivision
98 (1) of the same section (C. 32:23-85) and whose employment is
99 not subject to the guaranteed annual income provisions of any
100 collective bargaining agreement relating to longshoremen; *and*

101 (c) *No more than 20 persons issued and holding registration*

102 *pursuant to paragraph (b) of this subdivision who are limited to*
103 *acting as scalemen and who are no longer employed as scalemen*
104 *on the effective date of this 1987 ***[amendment]*** *amendatory*
105 *act*.*

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

AUTHORITIES AND REGIONAL COMMISSIONS

Empowers the Waterfront Commission to exempt certain classes
of persons from the periodic closing and reopening of the long-
shoremen's register.

STATEMENT

This bill amends the Waterfront Commission Act to empower the Waterfront Commission of New York Harbor to permit up to 20 persons registered by the commission as scalemen to be transferred to the "deepsea" longshoremen's register. The persons to be transferred would never become eligible to receive guaranteed annual income.

The Port of New York and New Jersey is in jeopardy of losing its long-standing position as the nation's leading port in the handling of coffee. During the past several years, the port has been losing its dominant position in this important commodity. One of the factors which has contributed to this slippage is the high cost of weighing coffee in the port. This cost is due, in part, to the number of scalemen required to be hired under the local collective bargaining agreement. The ILA local union representing scalemen, recognizing the negative impact of weighing costs, has reached an agreement with the employers of scalemen to reduce the number of scalemen used for weighing coffee, provided those displaced would be able to seek employment elsewhere in the waterfront industry. In order to insure that the 20 persons displaced by this reduction will continue to work, the New York Shipping Association, Inc. and the International Longshoremen's Association, AFL-CIO have agreed that the displaced individuals shall be transferred to handle only bananas as deep sea longshoremen, without ever becoming eligible to receive guaranteed annual income. This bill empowers the commission to implement this agreement which would bring about a reduction in the number of scalemen used in the handling of coffee bags and result in an immediate cost reduction in the handling of coffee. As a result, coffee ships would be encouraged to use the port rather than using other ports to discharge cargoes of coffee.

AUTHORITIES AND REGIONAL COMMISSIONS

Empowers the Waterfront Commission to exempt certain classes of persons from the periodic closing and reopening of the longshoremen's register.

ASSEMBLY LABOR COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4327

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: JUNE 22, 1987

The Assembly Labor Committee reports favorably, with committee amendments, Assembly Bill No. 4327.

As amended, this bill permits the waterfront and airport commission of New York and New Jersey to include as longshoremen in the longshoremen's register, under any terms and conditions as the commission may prescribe, not more than 20 persons who have been issued and who hold registration as scalmen pursuant to subdivision (6) of section 1 (5-a) of P. L. 1954, c. 14 (C. 32:23-85).

By providing additional latitude to the commission under the waterfront commission compact, the bill will allow the commission to reduce the number of scalmen currently working in New York Harbor. Under the terms of an agreement reached between the New York Shipping Association, Inc., and the International Longshoremen's Association, the scalmen who are displaced under this act and who are not retiring will be transferred to handle only bananas as deepsea longshoremen, without ever becoming eligible to receive guaranteed annual income.

The bill is a recommendation of the commission, and may become effective only upon enactment of legislation with an identical effect by the State of New York.

The committee amendments make technical changes to the title of the bill and to a cross reference contained in the amendatory language of the bill.

SENATE LABOR, INDUSTRY AND PROFESSIONS
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 4327

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STATE OF NEW JERSEY

DATED: AUGUST 6, 1987

This bill permits the waterfront and airport commission of New York and New Jersey to include as longshoremen in the longshoremen's register, under any terms and conditions as the commission may prescribe, not more than 20 persons who have been issued and who hold registration as scalemen pursuant to subdivision (6) of section 1 (5-a) of P. L. 1954, c. 14 (C. 32:23-85).

By providing additional latitude to the commission under the waterfront commission compact, the bill will allow the commission to reduce the number of scalemen currently working in New York Harbor. Under the terms of an agreement reached between the New York Shipping Association, Inc., and the International Longshoremen's Association, the scalemen who are displaced under this act and who are not retiring will be transferred to handle only bananas as deep sea longshoremen, without ever becoming eligible to receive guaranteed annual income.

The bill is a recommendation of the commission, and may become effective only upon enactment of legislation with an identical effect by the State of New York.