

EXECUTIVE OFFICE



INTER-COMMUNICATION

From: Vincent P. Biunno
Counsel to the Governor

To: Governor Robert B. Meyner
(Institution or Department)

Date: November 16, 1959

Re: Waterfront Regulations for Port Watchmen

File
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1. The proposed regulations of the Waterfront Commission governing port watchmen were received by Attorney General Furman and then forwarded here.
2. I agree with Mr. Furman's evaluation that the regulations are reasonably designed to strengthen security measures, and add the comment that the proposed regulations are drafted with clarity and certainty, and are well above usual standards in this regard.

V.P.B.
V.P.B.

VPB:acm

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF LAW

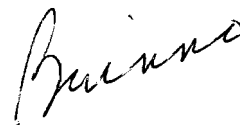
MEMORANDUM

TO: Governor Robert B. Meyner

FROM: Attorney General David D. Furman

SUBJECT: Problems of Port Security.

DATE: November 2, 1959



You have asked me to comment upon the amended and supplemental rules and regulations of the Waterfront Commission on which public hearings have been scheduled to commence on November 5, 1959.

These amended and supplemental rules appear to be reasonably designed to strengthen security measures along the waterfront with regard to the pilferage problem, which I understand is still serious.

The amended sections improve physical fitness standards of watchmen, guards, detectives and other security personnel without appearing to be unduly severe or burdensome. There are other amendments which are not of a major nature.

The supplemental regulations also appear to be well directed toward improving security on the waterfront, and set down standards of conduct for security personnel, methods of cargo theft reports, standard procedure for keeping records by security personnel, etc.



David D. Furman

DDF:MB



WATERFRONT COMMISSION OF NEW YORK HARBOR

JAMES O'MALLEY, JR.
DAVID C. THOMPSON
COMMISSIONERS

15 PARK ROW
NEW YORK 38, N. Y.

WORTH 4-3520

*Atty Genl
① review
+ comment*

October 23, 1959

*② Then
Bureau
for comment
if any*

The Honorable Robert B. Meyner
Governor of the State of New Jersey
State House
Trenton 25, N. J.

Your Excellency:

In its recent Annual Report, the Commission, after reviewing the problems of port security, revealed that it had directed the Commission staff to conduct a survey of the security system in the Port. As a result of this survey, the proposed Port Watchmen Regulations have been submitted to the Commission. At the request of Commissioners David C. Thompson and James O'Malley, Jr., the enclosed copy of the proposed Port Watchmen Regulations, together with a copy of the Notice of Public Hearings, is forwarded to you for your information.

Copies of these proposed regulations and Notice of Public Hearings have been forwarded to representatives of labor, industry, and any other interested parties concerned with the port watchmen practices in the Port. Public hearings have been scheduled to commence on November 5, 1959, and all concerned have been invited to attend and express their views.

These proposed regulations are designed to increase the efficiency of licensed port watchmen and include provisions for the licensing of supervisory personnel, revision of mental and physical fitness standards, refresher training courses, stricter control over hiring, maintenance of more detailed records of employment, more specific standards of conduct, fuller records of theft of cargo, and more careful maintenance of records by port watchmen of incidents occurring during their tours of duty.

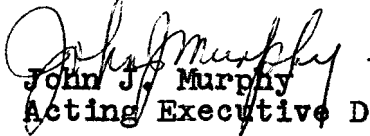
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The Honorable Robert B. Meyner

October 23, 1959

Upon completion of the hearings, the Commission will consider the facts submitted by all parties and a determination will be made as to what extent adoption of all or a part of the proposed regulations will benefit the security system in the Port.

Respectfully,


John J. Murphy
Acting Executive Director

Encl. 2



WATERFRONT COMMISSION OF NEW YORK HARBOR

15 PARK ROW

NEW YORK 38, N. Y.

WORTH 4-3520

October 23, 1959

NOTICE OF PUBLIC HEARINGS ON PROPOSED REGULATIONS

1. Notice is hereby given that the Waterfront Commission of New York Harbor has under consideration the adoption of proposed regulations concerning the port watchmen system and security in the port of New York.

2. The Waterfront Commission staff, pursuant to direction of the Commission, has made a study of security and port watchmen practices in the port of New York. As a result of its study, the staff has submitted to the Commission for its consideration certain proposed regulations to replace Regulation #5 and a supplement to Regulation #2. The staff recommends that the proposed regulations be adopted by the Commission before the expiration date of the present port watchmen licenses, November 30, 1959.

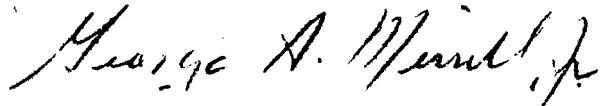
3. The Commission, pursuant to its statutory authority to advise and consult with representatives of labor and industry concerning the substance and form of proposed regulations, has deemed it to be in the public interest to hold public hearings on the proposed new regulations.

4. To this effect, the Commission has adopted a resolution that public hearings be held at its offices in 15 Park Row, New York 38, New York, commencing on November 5, 1959, at 10:00 A.M. and that representatives of labor and industry and any other interested persons are invited to attend and express their views on the proposed regulations.

5. A copy of the proposed regulations is enclosed herewith. Additional copies may be obtained at 15 Park Row and any of the Commission's employment information centers.

6. During the course of the public hearings the Commission staff will present evidence gathered in its study as to the necessity for the proposed regulations.

7. In the event that you desire to be heard, in order to expedite the proceedings, will you kindly inform the Commission in advance of the hearing of the name of the person to be heard, the section or sections of the proposed regulations or other related matter he will discuss and the approximate amount of time required for the presentation of your views. In lieu of such personal appearance, written statements with respect to these proposed regulations may be submitted in advance of the hearing.



George A. Merrill, Jr.
Secretary

Enc. 1

PROPOSED REGULATION NO. 5

Port Watchmen

Section 5.1. Port Watchman Defined.

A port watchman shall mean any person employed directly or indirectly by contract or other arrangement by the operator of a pier or other waterfront terminal or by a carrier of freight by water to perform services as a guardian or protector of property including:

- (A) watchman, roundsman, detective, investigator, gateman, guard, or any person performing similar services;
- (B) dispatcher or other person who selects or assigns port watchmen for the employer; and
- (C) security officer or supervisor, or any other person whose services include the supervision of other port watchmen engaged in the protection of property on one or more piers or other waterfront terminals.

Persons employed exclusively as protectors or guardians of persons (as distinguished from property) or exclusively in the protection or guarding of ships or vessels not included in the definition of "carrier of freight by water", or cargo not included in the definition

of "waterborne freight", or for work on a pier or waterfront terminal not used for "waterborne freight", shall not be deemed to be a port watchman and shall not be required to obtain a license.

Section 5.2. Requirement for License

No person shall act as a port watchman within the port of New York district without first having obtained a license or temporary permit from the Commission. No person shall employ a port watchman who has not obtained such license or temporary permit.

Section 5.3. Application for License

An application for a license as port watchman shall be made under oath on a form approved and furnished by the Commission, and shall include:

- (A) The full name, residence, business address (if any), place and date of birth and social security number of the applicant;
- (B) The present and previous occupations of the applicant, including the places where he was employed and the names of his employers;
- (C) The citizenship of the applicant and, if he is a naturalized citizen of the United States, the court and date of his naturalization; and
- (D) Such further facts and evidence as the Commission may deem appropriate to enable it to ascertain whether the license should be granted.

Each application shall be accompanied by four photographs (2" x 2") and four sets of classifiable, authenticated fingerprints of the applicant, upon a record identification form to be furnished by the Commission.

The Commission may issue a temporary permit to any applicant for a license as a port watchman pending final action on an application made for such license. Any such temporary permit may be issued under such terms and conditions as the Commission may prescribe and shall be valid for a period to be fixed by the Commission not in excess of six months.

Section 5.4. Medical Examination

Every applicant shall submit to a medical examination to be conducted by a licensed physician designated by the Commission. Such examination shall include the taking of a complete medical history of the applicant and any appropriate laboratory procedures which the physician may deem necessary for the purposes of this regulation.

Section 5.5. Physical Fitness Standards

No license as a port watchman shall be granted unless the applicant:

(A) Is over 21 and not more than 55 years of age, or in the case of an applicant for renewal of a license pursuant to Article X, Section 5 of the Waterfront Commission Compact, not more than 65 years of age;

(B) Has:

1. hearing corrected to within 80% of normal
2. vision corrected to 20/30 in each eye
3. hypertension of less than 170/120 (at rest);

(C) Has not had within three years a history of and is presently free from:

1. mental illness

2. heart disease

3. epilepsy;

(D) Is free from:

1. uncompensated liver disease

2. chronic lung disease

3. asthma

4. active tuberculosis

5. diabetes necessitating insulin for control

6. untreated syphilis

7. nervous system syphilis

8. prolapsed hemorrhoids

9. hydrocele - large (greater than 10 centimeters in greatest diameter)

10. severe dermatitis

11. neuro-muscular disease, Parkinson's disease and sclerosis;

(E) Is free of any condition, illness, disease or deformity, including, but not limited to, marked obesity, inguinal or ventral hernia, arthritis and peripheral vascular disease, which by its nature would make him unable or potentially unable to perform any of the duties of a port watchman, or which might cause his presence upon the waterfront to be hazardous to himself or to endanger the life and property of others.

Section 5.6. Waiver of Physical Fitness Standards.

The Commission, in its discretion, upon petition of an applicant for renewal of a license or upon its own initiative, may grant a waiver of any physical standards required for a license as a port watchman.

A waiver shall be granted where such petition shows and the Commission finds that:

- (A) The petitioner's employer joins in the petition, is satisfied with petitioner's services, and will continue to employ petitioner;
- (B) Petitioner was employed by said employer as a port watchman for a minimum of 700 hours during the preceding year; and
- (C) If petitioner held a license or temporary permit subsequent to December 1, 1956, he:
 - (1) Is not over 65 years of age, and
 - (2) Is physically capable of satisfactorily performing any of the duties of a port watchman; or
- (D) If petitioner held a license or temporary permit prior to December 1, 1956, and has continued as a port watchman since that date, he:

- (1) Is not over 70 years of age, except where he has such equity in a bona fide pension plan for port watchmen that termination of his license would result in undue impairment of his pension rights, and
- (2) Is physically capable of performing the particular duties assigned to him as a port watchman.

Section 5.7. Exemption From Medical Examination.

(A) No applicant for a renewal of a license or holder of a temporary permit who has been previously physically examined by a physician designated by the Commission within three years shall be required to submit to a medical examination pursuant to Section 5.4 of this regulation, if he:

1. Is under the age of 45;
2. Has not been granted a waiver of the physical fitness standards prescribed by this regulation; and
3. Has not since the time of his prior physical examination been hospitalized or received medical treatment for any condition, illness, disease, or deformity as set forth in Section 5.4 of this regulation.

(B) No applicant for a renewal license or holder of a temporary permit who has been physically examined during the current year by a physician designated by the Commission shall be required to submit to a medical examination pursuant to Section 5.4 of this regulation unless specifically required to do so by this Commission.

(C) No applicant for a port watchman's license as a dispatcher, security officer or supervisor shall be required to submit to a medical examination or meet the age requirements of Section 5.5 of this regulation.

Section 5.8. Mental Fitness Standards.

(A) No port watchman's license shall be issued to an initial applicant for a port watchman's license unless, within 90 days after the issuance to him by the Commission of a temporary permit as a port watchman, he shall have satisfactorily passed an examination given by the Commission as to his mental fitness to perform the duties of a port watchman.

(B) In lieu of passing such an examination, the Commission will accept as evidence of mental fitness a certification, on forms furnished by the Commission, from an employer or person authorized by said employer that the applicant has satisfactorily completed a course of training for port watchmen, approved by the Commission, and has passed an examination approved by the Commission.

(C) In the absence of an extension of the 90-day period by the Commission, the failure of an applicant for a license as a port watchman to meet the requirements of this section shall result in the immediate expiration of any outstanding temporary permit and no further temporary permit shall issue.

(D) In order to maintain the standards of mental fitness prescribed by the Commission, every licensed port watchman during the term of his license, shall complete a refresher course of training prescribed by the Commission at a time to be fixed by the Commission.

Section 5.9. Expiration of Licenses at 70.

All port watchmen's licenses or temporary permits shall expire at the end of the calendar year in which the licensee or the holder of the permit reaches 70 years of age.

This section shall not be applicable to port watchmen licensed as dispatchers, security officers and supervisors.

Section 5.10. Licenses and Other Official Identification.

(A) Upon the approval of the application, the Commission will issue a license to the applicant.

(B) A port watchman's badge will be issued, or replaced, by the Commission to each licensee and holder of a temporary permit upon the placing of a \$5 deposit. Such badge shall remain the property of the Commission. The badge will be worn on the outer garment on the left chest at all times during the performance of duty as a port watchman. Under special circumstances upon application to the Commission by the employer, the requirement to wear a badge while on duty may be waived for the licensees named therein.

(C) The loss of a port watchman's badge shall be reported by the licensee to the Commission within 24 hours after the loss and a new badge will be issued by the Commission.

(D) Each licensed port watchman shall return his badge to the Commission upon the surrender or termination of his license. Upon return of the badge the deposit will be refunded.

(E) The requirement to wear a badge while on duty shall not be applicable to port watchmen assigned as or licensed as dispatchers, security officers and supervisors.

Section 5.11. Port Watchman's Uniform.

Every port watchman must wear an appropriate cap while on duty and may wear a uniform and cap furnished by his employer.

This requirement shall not be applicable to port watchmen assigned as or licensed as dispatchers, security officers and supervisors.

Section 5.12. Hiring of Port Watchmen.

No person shall directly or indirectly hire any person for work as a port watchman within the port of New York district except through the employment information center and centers designated by the Commission. No person shall accept employment as a port watchman within the port of New York district, except through such employment information centers. Every employer shall file with the Commission a statement designating a person or persons authorized to hire port watchmen on his behalf.

Section 5.13. Permanent Port Watchmen.

For the purposes of this regulation the term "permanent port watchman" shall mean a port watchman licensed as a dispatcher, security officer or supervisor who shall not be available for employment by any other employer.

Permanent port watchmen shall be employed through the appropriate employment information center in the following manner:

(A) The employer shall file a request, in duplicate, for the employment of a port watchman on a permanent basis for either a stated period or indefinitely, listing the name and license or temporary permit number of each permanent port watchman and such other information as may be required, on forms furnished by the Commission.

(B) A person duly listed as a permanent port watchman on any such request approved by the Commission may be employed in accordance with the request and for the period stated therein, without any personal appearance by him at the employment information center or any further notification to the Commission by the employer.

(C) On written request of either the employer or permanent port watchman, a permanent port watchman, shall be removed from the list.

(D) Each employer shall notify the Commission of the termination of employment of any permanent port watchman within twenty-four hours thereafter.

Section 5.14. Regular Port Watchmen.

For the purposes of this regulation the term "regular port watchman" shall mean a licensed port watchman for whom the employer certifies that the port watchman has received at least 15 days employment during the preceding calendar month and that the employer intends to continue to employ him in regular employment.

For the purposes of this regulation the term "regular employment" shall mean employment for a minimum of 15 days per month or such other number of days as the

Director of the Division of Licensing and Information Centers shall establish either generally or to meet special situations.

Regular port watchmen may be employed through the appropriate employment information center by personal appearance pursuant to the provisions of Section 5.15(B) of this Regulation or in the following manner:

(A) The employer shall list his regular port watchmen by name and license or temporary permit number on forms furnished by the Commission. No regular port watchman may be on more than one port watchmen's list at any one time.

(B) On written request of either the employer or the port watchman on said regular port watchmen's list, the port watchman's name shall be removed from the list.

(C) An employer may employ regular port watchmen from his regular port watchmen's list by filing a request, in duplicate, listing the name, license or temporary permit number, the pier or other waterfront terminal of employment, and such other information as may be required on forms furnished by the Commission. Such request shall be filed at the employment information center not later than 5:00 P.M. on the day preceding each date of employment for the tours of duty 12:00 midnight to 8:00 A.M. and 8:00 A.M. to 4:00 P.M. and not later than 12:00 noon on the same

day for the tour of duty 4:00 P.M. to 12:00 midnight. A port watchman duly listed may be employed in accordance with the request without any personal appearance at the center.

(D) When the employment is anticipated for a Saturday, Sunday or holiday or the next regular working day thereafter, the requirements of Paragraph C of the section shall be fulfilled on the preceding regular working day.

(E) Within 24 hours after the time that the port watchman is to report for employment, each employer will notify the employment information center upon a form furnished by the Commission of the failure of an employee to report for employment or any change of the place of employment, i.e., pier or other waterfront terminal.

(F) On the first Friday after the first Wednesday of each month following the effective date of this regulation, the Director shall remove from the list of regular port watchmen the names of those port watchmen who have not received regular employment during the preceding month. An exception shall be made where the Director is satisfied that failure to receive regular employment resulted from illness or some other sufficient cause.

Section 5.15. Casual Port Watchmen.

For the purposes of this section the term "casual port watchman" shall mean a licensed port watchman other than a permanent port watchman or a regular port watchman.

A casual port watchman may be employed through the appropriate employment information center by either of the following methods:

(A) By prevalidation:

(1) The employer, twenty-four hours in advance of a calendar month shall list casual port watchmen by name and license or temporary permit number on forms furnished by the Commission. A casual port watchman may be included on casual lists submitted by more than one employer.

(2) On written request of either the employer or the casual port watchman, the port watchman shall be removed from the list.

(3) Such lists shall be filed for a stated period not exceeding a calendar month.

(4) An employer may employ casual port watchmen from his casual port watchmen's list by following the procedure set forth for the hiring of regular port watchmen under the provisions of Section 5.14(C), (D) and (E) of this regulation.

(B) By personal appearance at employment information center.

(1) Any licensee seeking employment as a port watchman for a particular day shall personally attend any employment information center and register his name.

(2) Any employer desiring to employ port watchmen, other than those listed on his permanent, regular or casual port watchmen lists, shall select such port watchmen from among any port watchmen personally present at the employment information center.

(3) The Commission will validate a daily card for each licensed port watchman who is selected for and agrees to employment at such center. The prospective employer will indicate on such daily card the pier or other waterfront terminal where the port watchman is to perform his services.

(4) When the services of a port watchman validated under this section are required by an employer for two or more successive days, the employer, on a form furnished by the Commission, may renew daily the employment authorized by the initial

validation, in order to eliminate the necessity of such men appearing personally for selection on each of the successive days at an employment information center.

Section 5.16. Emergency Validation.

The Director, where special circumstances warrant and the purposes of the Waterfront Commission Compact will be furthered, may permit emergency validation of licensed port watchmen.

Section 5.17. Standards of Conduct.

Any port watchman's license or temporary permit may be revoked or suspended for such periods as the Commission deems in the public interest or the licensee reprimanded for any acts or conduct inconsistent with good character and integrity. Among other things, failure to comply with the following standards of conduct will be considered by the Commission in determining whether such port watchmen possess good character and integrity:

(A) Every port watchman shall have in his possession at all times while engaged in his port watchman duties his Waterfront Commission license card or temporary permit.

(B) Every port watchman shall wear his Waterfront Commission badge as required by this Regulation.

(C) Every port watchman shall wear a cap as required by this Regulation.

(D) Every port watchman shall submit to his immediate superior and to the pier superintendent a detailed written report of any theft of cargo which comes to his attention during his tour of duty.

(E) No port watchman shall leave his assigned post while on duty unless permission is received from his superior or the pier superintendent.

(F) No port watchman shall be in an intoxicated condition or consume any intoxicating beverage while on duty.

(G) No port watchman shall sleep while on duty.

(H) No port watchman shall smoke or carry
lighted cigarettes, cigars or pipe in prohibited areas.

Section 5.17. Information to be furnished by Employers

Each employer of port watchmen or any duly authorized agent for such employer shall upon request furnish the Commission with information as to the name, license number, social security number, hours and days worked, and the compensation therefor for each port watchman employed by such employer. Each employer shall maintain appropriate books and records to comply with the requirements of this section.

Section 5.18. Records to be Maintained by Port Watchmen.

A. Every port watchman, except a port watchman licensed as a dispatcher, security officer or supervisor, shall maintain, in a memorandum book furnished by the Commission, an accurate account of his tour of duty.

B. Entries made in such memorandum book shall include:

1. Name
2. License number
3. Date
4. Employer
5. Time in and time out
6. Pier
7. Post or posts
8. List of reports submitted to his superior
9. Any other unusual occurrence

PROPOSED ADDITION TO REGULATION NO. 2
Pier Superintendents and Hiring Agents

Section 2.13. Cargo Theft Reports.

Every licensed pier superintendent shall report to the Commission, on forms furnished by the Commission, within 24 hours of notice thereof, any theft or any loss of cargo under suspicious circumstances. This report shall include all information of any such theft or loss received from port watchmen, receiving clerks, delivery clerks and any other person.

(File Room Use Only)

To: Hon. David D. Furman
Attorney General

Sender John J. Murphy
Acting Executive Director
Waterfront Commission of New York Harbor
Address 15 Park Row
New York 38, New York
Subject Problems of port security.

From: **OFFICE OF THE GOVERNOR**

Date of Letter October 23, 1959
Date Referred October 28, 1959

- Please reply to sender stating that the Governor has referred this matter to you. (Return original correspondence from sender with a copy of your reply.)
- Please draft reply suitable for Governor's signature. (Return original correspondence.)
- Please submit information upon this matter. (Return original correspondence.)
- Please investigate and report to the Governor. (Return original correspondence.)
- For your information X comments consideration advice action. (Return original correspondence.)
- For your information. (Do not return original correspondence)

Kindly complete this assignment by November 2, 1959 or notify this office, Ext. 796.

(This form to be attached to correspondence)
RBM:DS:rn

NOTES:

1. Review and comment
2. Then ¹⁰ ~~Bur~~anno for comment if any

RBM