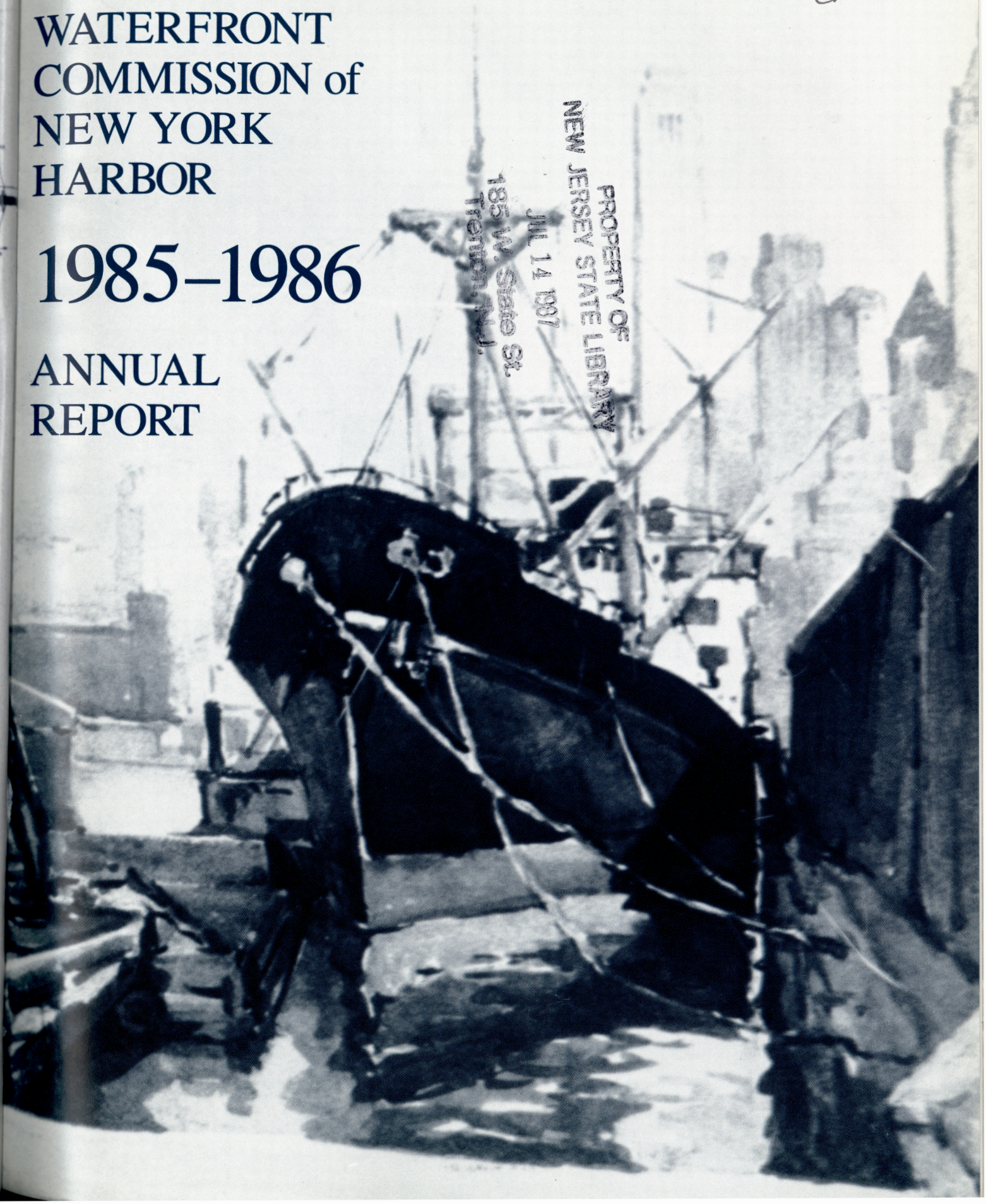
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WATERFRONT COMMISSION of NEW YORK HARBOR

1985–1986

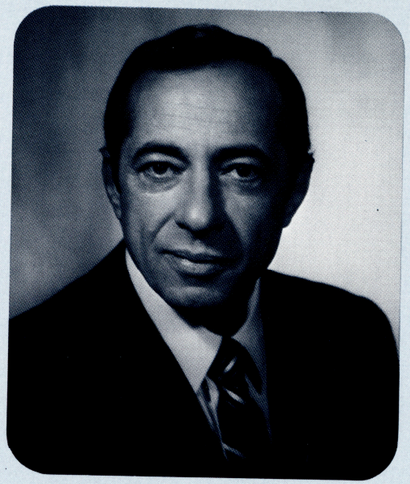
ANNUAL REPORT



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To the Honorable Thomas H. Kean, Governor, and the Legislature of the State of New Jersey



To the Honorable Mario M. Cuomo, Governor, and the Legislature of the State of New York

We are pleased to forward the Annual Report of the Waterfront Commission of New York Harbor for its fiscal year 1985–86, containing representative activities of the Commission and observations concerning its administration and enforcement of the Waterfront Commission Compact between the States of New York and New Jersey.

ANNUAL REPORT
1985–1986

THE WATERFRONT COMMISSION OF NEW YORK HARBOR

AN INSTRUMENTALITY OF THE STATES OF NEW YORK AND NEW JERSEY

THE COMMISSION

The Waterfront Commission of New York Harbor, an instrumentality of the States of New York and New Jersey, was created by a Compact between the States in 1953. The New York State Legislature enacted the legislation on June 25, 1953 and the State of New Jersey consented to the act five days later, on June 30th. The Compact received congressional approval on July 30, 1953 and was signed into law by President Dwight D. Eisenhower on August 12th of that year.

The Compact reflected the investigatory findings and conclusions of the Legislatures of both States, the New York State Crime Commission and the New Jersey Law Enforcement Council that the then waterfront hiring practices were uneconomic and degrading to the dock workers and fostered crime and corruption, that criminals were in control of key waterfront areas, and that corrupt labor leaders were using their office for the promotion of illegal interests.

The Compact's comprehensive program to eliminate these evils gave the Commission the authority to:

- register and license longshoremen, stevedore companies, hiring agents, pier superintendents, and pier guards;
- operate employment information centers throughout the Port to oversee the hiring of longshoremen and port watchmen and provide them with data concerning opportunities for employment;
- regularize the longshore work force by balancing the number of eligible dock workers with the demand of stevedores and waterborne carriers for their service and by periodically removing from the longshoremen's register those pier employees who fail to work or seek employment on a regular basis;
- investigate criminal activity in the harbor and collect and compile information concerning waterfront practices generally;
- prohibit persons with serious criminal convictions from holding positions in unions representing registered or licensed dock workers or in welfare funds or trusts administered by such labor organizations; and to
- make reports and recommendations to the governors and legislatures for the improvement of the conditions of waterfront labor and for the effectuation of the purposes of the Compact.

To aid in these duties, the agency has the statutory power to issue subpoenas throughout both states to compel the attendance of witnesses, the giving of testimony and the production of other evidence; to administer oaths; to appoint police officers; to confer immunity from criminal prosecution; to promulgate rules and regulations; and to receive from other governmental agencies such data and assistance as will enable the Commission to properly perform its functions.

* * *

Through the years, the Waterfront Commission Act (consisting of the Compact and other remedial measures enacted by the States) has been amended to further effectuate the goal of improving waterfront conditions.

After a Commission survey disclosed that numbers of persons denied registration as longshoremen because of serious criminal records were working in uncovered capacities side by side with registered longshoremen, the legislatures in 1957 required that waterfront carpenters, coopers, mechanical and maintenance personnel be licensed. The legislatures also required that those longshoremen known as "checkers," who engaged in the tallying and custodial accounting of cargo, be held to a higher standard for registration than other longshoremen.

In 1961 a Commission investigation found that criminal elements were continuing to exercise a substantial and adverse influence in waterfront affairs by circumventing the registration requirements of the Compact. "Chenangoes," dock workers moving waterborne freight between barges and piers and handling the same cargo as longshoremen, were unregistered. Accordingly, that year the Act was amended to require the registration of this class of workers. The passage of this legislation resulted in a number of leaders of the chenango union who had criminal records leaving the Port.

In 1969, the Act was further amended to require that contractors performing work incidental to the actual movement of waterborne freight be licensed as stevedores and that their employees be registered as longshoremen. These ancillary functions include the repairing of containers and the weighing, scaling and warehousing of cargo at waterfront terminals.

The original Compact provided that port watchmen licenses were to be issued for three-year periods. This provision was altered in 1985 to provide that a license to act as such guard continues indefinitely and need not be renewed as long as the licensee maintains the physical and mental fitness standards set forth in the agency's regulations, completes a refresher course of training and submits supplementary personal history information required by the Commission.

* * *

Established as "a body corporate and politic," the Commission is composed of two Commissioners, one appointed by the Governor of each State, with the advice and consent of the respective State Senate. The term of office is three years and the compensation is determined by the appointing Governor. The agency is required to act by the unanimous vote of both members. The Commissioners have the power to appoint such officers, agents and employees as they deem necessary, prescribe their qualifications and duties, and establish their compensation.

Nicholas Scoppetta, a member of the New York and Federal Bars, has represented the State of New York on the Commission since May, 1979. He entered public service in 1962 when he was appointed as an Assistant District Attorney in New York County, assigned to the Rackets Bureau. He also served as Associate Counsel to the Knapp Commission in its investigation of police corruption in New York City, Special Assistant United States Attorney for the Southern District of New York, New York City Commissioner of Investigation under two mayors, and as Deputy Mayor of the City of New York for Criminal Justice. Commissioner Scoppetta was also Director of the Institute of Judicial Administration and a Professor of Law at the New York University School of Law.

Appointed in December, 1983 as New Jersey Commissioner is Conrad N. Koch. A resident of West Orange, New Jersey, Commissioner Koch is a member of the New Jersey and Federal Bars. A graduate of Seton Hall University and the Columbia University School of Law, he has been practicing law since 1959. His prior public service includes being the prosecutor for the Township of East Hanover and as the attorney for the West Orange Zoning Board.

Serving as Executive Director of the Commission since July, 1976 is Leonard Newman. As the chief executive officer of the agency, he is responsible for its daily administration pursuant to the policies established by the Commissioners. Mr. Newman, a member of the New York and Federal Bars, formerly served as an Assistant District Attorney in New York County for 32 years, which included holding the office of Chief of the Fraud Bureau for his last eight years. After leaving the District Attorney's Office, he was appointed First Deputy Commissioner of New York State's Division of Criminal Justice Services, being in direct charge of the Office of Special Services, including the Bureau of Municipal Police, the Prosecutorial Technical Assistant Unit and the Juvenile Justice Institute.

* * *

The functions of the Commission are administered through seven divisions, all under the general supervision of the Executive Director.

The Executive Division is responsible for formulating the agency's budget and administering its finances; preparing and reviewing contracts, leases, legislation and regulations; handling litigation and legal research; and for public relations. Under the provisions of the Compact, the agency's budgeted expenses are obtained through an assessment upon the employers of those persons licensed and registered by the Commission. The assessment is limited to a maximum of two per cent of the gross payroll payments made by waterfront employers to longshoremen, checkers, pier superintendents, hiring agents and port watchmen. By statute, the assessment is in lieu of any other charge for the issuance of licenses or registrations or the use of the agency's Employment Information Centers. The proposed budget, covering the agency's July 1 through June 30 fiscal year, is submitted to each Governor for review. Included in the Executive Division are the General Counsel and Comptroller sections.

With the support of police, investigatory and accounting personnel, the Division of Law probes violations of the Waterfront Commission Act and other laws pertaining to the Port. The assistant counsel assigned to this division conduct administrative hearing proceedings to determine whether persons and companies licensed by the agency have committed any illegal activity and, if so, what disciplinary action is appropriate. This division is under the supervision of a former Assistant District Attorney in New York County, who had also been the Assistant Chief Counsel of New York State's Commission of Investigation.

Under the direction of its Chief, the former Chief of Detectives of the New York City Police Department, the Commission's Division of Police investigates criminal activity in the harbor. In addition, its force of detectives, detective-investigators and waterfront intelligence analysts perform background checks of prospective registrants and licensees and gather and interpret criminal data.

The Licensing Division processes all applications for licenses and inclusion in the Longshoremen's Register. The Compact provides that no person may act as a longshoreman or checker in the harbor without being screened and registered. Stevedore firms, pier superintendents, hiring agents and port watchmen are also required to be screened and licensed. Attorneys in the Licensing Division conduct administrative trials to determine whether applicants for such registration or licensing should be approved or denied. In addition, the Division carries out the Commission's statutory

programs to balance the registered work force with the labor needs of pier employers. The Director of Licensing is an attorney with 25 years of licensing experience with the agency.

The Commission operates three employment information centers in the Port through which it supervises the hiring of longshoremen and checkers and provides data concerning waterfront employment opportunities. These centers, located in Port Newark–Port Elizabeth, Brooklyn and Manhattan, are under the management of the Director of the Division of Employment Information Centers. This Division also compiles and interprets dock hiring statistics utilized by the agency, as well as by other governmental agencies and management and labor representatives in the harbor.

Under the guidance of its Director, an accountant with over 30 years of governmental and private auditing experience, the Division of Audit and Control performs an important function in the law enforcement activities of the Commission. With its staff of accountants, the Division examines the records of persons and firms being investigated. Its personnel also audit the books of licensees and applicants for licenses as stevedores, scrutinize the payroll accounts of waterfront employers to verify the accuracy of assessment reports, and administer the Commission's record-keeping requirements.

The Administration Division provides the other divisions with support personnel, including court reporting, stenographic, clerical and library services. It maintains personnel and other records of the agency. The Director of Administration has served the agency since its creation. She has had prior government service handling personnel records for the United States Department of the Army.

During the past fiscal year, the agency operated with a staff of 152 employees. As approved by the Governors, its budget was $6,949,443. In performing its mandated functions, the Commission spent $6,410,149, staying $539,294 under its budget.

THE PORT

One of the greatest assets of the States of New York and New Jersey is the common harbor. The Port District, encompassing some 1,500 square miles and 234 municipalities within a 25-mile radius of the Statue of Liberty, contains an immediate consumer market of over 15 million persons. The Port's activities generate an estimated $14 billion annually in regional economic benefits.

In 1985, the Port handled almost 51,300,000 long tons of general and bulk oceanborne freight, a decrease of 4.6% from the previous year (each long ton is 2,240 pounds). General cargo exports and imports, however, increased 5% from 13,085,333 long tons in 1984 to 13,747,989 in 1985. Exports of general cargo increased 1% and general cargo imports improved by 6.1% over the prior year. More than 80% of the total cargo, including bulk, were imports, with almost 20% being export merchandise.

The Port's cargo, both general and bulk, was valued at over $48.7 billion, a decrease of 1.2%, although total general cargo increased almost 1% from $40.8 billion in 1984 to $41.2 billion in 1985. The Port's total dollar value of its oceanborne trade remains the highest of all United States harbors. The dollar value per ton of general cargo was $2,999; over 60% higher than the national average.

During 1985, the Port also remained the leading container harbor in the nation, handling almost 1.4 million containers of various sizes; 992,000 loaded and 400,000 unloaded.

With over 100 shipping lines serviced, the Port also led all other American harbors in the number of commodities imported and exported. Its leading trade partners for general cargo export tonnage were Taiwan, Italy, Spain, Korea and the United Kingdom and, for import tonnage, Japan, West Germany, Italy, Brazil and Taiwan. With respect to cargo value, its prime partners for oceanborne exports were the United Kingdom, Japan, West Germany, France and Saudi Arabia and, for oceanborne imports, Japan, West Germany, Italy, Taiwan and the United Kingdom.

In terms of value, the leading oceanborne general cargoes exported were general machinery, photo supplies, road motor vehicles, plastic materials, aircraft and parts, and electrical machinery. Principal import commodities were road motor vehicles, clothing, office machinery, telecommunications apparatus, general machinery, and footwear.

During the period of October 1, 1984 through September 30, 1985, the waterfront industry's collective bargaining contract year, 7,754 registered longshoremen and cargo checkers (excluding those dock workers registered under the Act to perform services incidental to the actual movement of waterborne freight) received a total of $326,157,161 in regular and overtime wages, vacation and holiday monies and guaranteed annual income payments.

This represented average annual earnings for the 7,754 pier workers of $42,063, with more than 59% of such employees earning over $25,000 in actual wages. During the prior contract year ending September 30, 1984, 8,282 of such registered waterfront employees received $334,679,015 or an average annual income of $40,410.

THIS YEAR

Stevedore Investigations

The Compact's regulatory program to restrain criminal and economic abuses in the Port includes a requirement that stevedore firms be licensed by the Commission. The original Act classified stevedores as the traditional contractors whose function was to provide the labor to load and unload cargo for waterborne carriers. With the advent of the containerization mode of transporting cargo and the replacement of finger piers by huge marine terminals, the Act was amended to include the new enterprises performing services incidental to the actual movement of the freight. Thus, companies warehousing cargo, repairing containers and performing other miscellaneous labor in the Port were required to be licensed as stevedores.

One such company, engaged in storing frozen food and dry goods at Port Newark, applied to the Commission for a permit as a stevedore. In connection with the screening process of such applicants, agency accountants commenced an audit of the firm's books and records. This review, part of the procedure to determine whether the company had the required "good character and integrity" to be licensed, revealed almost $300,000 in unsubstantiated expenses, including $75,000 paid for "outside wages."

The audit also disclosed payments of almost $90,000 to a trucking concern that picked up containers of frozen fish from various piers for the applicant company and other accounts. The applicant's records demonstrated that the principal officers of its firm, as well as the trucking company, were identical and that both firms shared the same office space in two locations in New Jersey, including Port Newark. Further, one of the shareholders and directors of both firms was the son of a suspected associate of an organized crime figure. There were indications that the suspected associate, who previously had been convicted for conspiring to commit mail fraud and who was not listed as an officer or principal of the applicant, was actually controlling the company. In addition, the vice president of the applicant company was the son-in-law of a person listed by law enforcement authorities and the Permanent Subcommittee on Investigations of the United States Senate Committee on Governmental Affairs as a high ranking member of an organized crime family.

In view of the obvious close relationship between the two enterprises, the Commission issued a subpoena for the production of financial and other records of the trucking company. The trucking firm then instituted a court action in the Superior Court of New Jersey to quash the Commission's subpoena, contending that the writ was overly broad and that the Commission failed to demonstrate that the requested material was relevant to its investigation. In addition, the trucker argued that since it, as well as the applicant, moved from their Port Newark location to an address away from the piers and ceased doing business at Port Newark, the Commission's inquiry was no longer pertinent. This transfer of operations, however, was accomplished just as the agency's audit was being completed. The firm further contended that the continued investigation did not have a public purpose since the applicant had sought to withdraw its request to operate in the Port as a stevedore, which petition had been denied by the Commission pursuant to its regulatory authority.

After a judicial hearing, in which the Court found that there was "common management" of both companies and their businesses, the motion to quash the subpoena was denied in its entirety, the Court upholding the Commission's right to continue the inquiry. The trucking firm filed a notice that it would appeal the determination to the Appellate Division of the New Jersey Superior Court.

* * *

Another stevedore firm seeking a renewal of its license to repair tires on the docks in the Port was charged this year with lacking good character and integrity and with committing fraud and misrepresentation in its renewal application.

At an administrative hearing conducted by the Commission, it was established that the president and majority stockholder of the stevedore had engaged in a fraudulent scheme with an employee of a nationally prominent tire manufacturer to purchase tires from the manufacturer without paying for the merchandise. The conspirator in the manufacturing firm would advise his company's accounts receivable department that invoices due on the stevedore's account were in fact due on accounts of other customers. He also caused the accounts receivable department to transfer credits legitimately due on invoices of other customers to the account of the stevedore.

Through this deception, the stevedore obtained some $115,000 worth of merchandise over a two-year period without being charged for the goods. The president of the waterfront firm testified that he paid the tire manufacturer's employee $70,000 for his participation in this swindle.

At the conclusion of the proceeding, the Commission denied the stevedore's renewal application and permanently barred the firm, which had

operated in the Port since 1977, from any further activities in the harbor.

In criminal proceedings in the United States District Court for the Eastern District of Pennsylvania, the president of the firm pled guilty to two felony charges of aiding and abetting wire fraud.

* * *

Pier Superintendent Indictment

Commission detectives and attorneys this year developed information and evidence which led to a six-count indictment in the United States District Court of New Jersey of a pier superintendent licensed for one of the Port's major stevedores. Pier superintendents are the management representatives at the docks whose functions include the direct or indirect supervision of registered longshoremen.

The Commission commenced an investigation into the activities of the pier superintendent, who was in charge of the stevedore's container and chassis repair shop, after generating information that he was utilizing employees under his supervision, as well as his employer's material, for his own personal projects. During the course of the inquiry, some 45 of the stevedore's present and past dock workers were questioned. Testimony indicated that a number of such employees had made repairs and improvements to a horse trailer, house and barn that the supervisor owned in southern New Jersey. It appeared that those workers who cooperated with the pier superintendent in his enterprise were often rewarded with soft jobs on the docks.

Other information developed by Commission counsel and agents suggested that the pier superintendent had devised a fraudulent overbilling scheme, inducing independent trucking contractors to submit invoices to the stevedore for services actually performed by the stevedore's own employees. The supervisor would then allegedly divide the proceeds with the independent contractors.

In connection with the investigation, various books and records were subpoenaed from the stevedore with respect to the movement of containers by independent truckers. The stevedore, cooperating with the Commission's inquiry, advised the agency that certain documents essential to the probe had been stolen from its general files. Fortuitously, some documents pertaining to one respect of the investigation had been stored in the office of the president of the waterfront concern and were thus available for inspection by the Commission.

The Commission referred evidence, information and leads it had gathered in the case to the Federal Organized Crime Strike Force in New Jersey, of which it is a participating agency. After further intensive investigation by the Strike Force and the Commission, with the Labor Department's Office of Labor Racketeering and the Internal Revenue Service, the pier superintendent was charged by a Grand Jury with extortion, mail fraud, and subscribing to false income tax returns. Each count of extortion charged against the defendant carries a maximum penalty of 20 years imprisonment, a $10,000 fine, or both. The penalty for conviction of mail fraud is a maximum of 5 years imprisonment, a $1,000 fine or both and, for subscribing to a false income tax return, 3 years imprisonment, a $100,000 fine, or both. In announcing the indictment, the United States Attorney's office for the district of New Jersey praised the "outstanding efforts" of the representatives of the Waterfront Commission in the investigation. The trial of the indictment is pending.

In separate administrative action, the Commission terminated the supervisor's license to act as a pier superintendent.

In addition, as a result of the investigation, criminal charges were filed against a New Jersey trucking firm for its failure to file a federal income tax return and against the owner-operator of a truck used to haul containers for mail fraud and conspiracy.

Other Law Enforcement

As part of its law enforcement activities, Commission detectives routinely patrol the 1,500 square miles of the Port. One such patrol led to the recovery of a container and its cargo of 22 pallets of 50 pound bags of ground limestone, stolen from the storage yard of a Perth Amboy, New Jersey, trucking firm a year before.

The container, bearing Maine license plates, was discovered by the officers in an unused parking field in Port Newark, which had last been utilized in 1984 by an import vehicle distribution company. Investigation revealed that the container and its cargo had arrived at a waterfront terminal in Port Newark two years previously, after shipment by vessel from France. The cargo had been consigned to a concrete manufacturer in Vermont and was released by the stevedore handling the unloading of the vessel to the consignee's trucking firm, for temporary storage at a warehouse in Perth Amboy before shipment to Vermont.

Approximately seven months later, the warehouse firm discovered that the container was missing from its yard. The owner of the company, not realizing that the cargo of limestone had never been removed from the container, merely reported the theft of the container, but not the contents, to the local police department.

With the container-chassis valued at $10,200 and the cargo of ground limestone, utilized in the mixing of concrete, worth $8,000, the total amount of the recovery was $18,200.

* * *

While on patrol of the New Jersey piers, a Commission detective observed a new Lincoln automobile with two occupants parked in an unprotected area. The officer became suspicious since visitors to the terminal would normally enter through the main gate, which is manned by a security guard.

The detective thereupon ran an ownership check of the vehicle and found that it belonged to a rental car agency in New Jersey. Further inquiry revealed that the automobile had been stolen from the rental firm a week earlier. The driver was then confronted and it was revealed that he neither had a lease agreement nor an operator's license. The Commission agent placed the driver under arrest and searched the vehicle, uncovering drug paraphernalia secreted in an umbrella hidden in the trunk of the auto. The case is pending.

* * *

Receiving a report that a chassis, container and its cargo of 1,750 cartons of imported plastic bags were stolen from a storage yard in Bayonne, New Jersey, Commission police commenced a search for the equipment and merchandise throughout the port area. The container, which had been discharged from a vessel, had been trucked to the yard awaiting further shipment to the consignee.

Several days later, one of the Commission's police officers spotted the container at a truck stop in Jersey City and observed an individual about to enter it. The individual, who turned out to be the owner of the truck stop, explained that the container had been parked on his property without permission for several days and that he was about to examine the container when he was confronted by the detective.

The container, with its cargo, was valued at over $17,000 and was recovered intact.

* * *

Suspecting that a tire repair service in Newark was engaging in illegal activities, Commission investigators placed the establishment under surveillance. Their vigilance bore fruit.

Two Commission detectives observed a container-chassis belonging to a Port Elizabeth steamship carrier being driven into the tire company yard. They watched as the truck driver and the owner of the company first engaged in conversation and then proceeded to remove several tires from the chassis, place them in a stack of fairly new tires, and replace the removed tires with worn tires from a separate stack.

The tire service owner then left the establishment. Some ten minutes later the truck driver proceeded to drive away, at which time he was stopped by Commission agents and taken into custody. The driver admitted his role in the theft of the tires, which he was selling to the tire company. He disclosed that he had previously stolen tires from chassis of the same waterfront company, which he also sold to the tire service company owner.

With the cooperation of the Essex County, New Jersey, Prosecutor's Office, a warrant was issued for the arrest of the owner of the tire company and the seizure of various items at his place of business.

The Commission recovered 43 truck tires which had been stolen from four different waterfront carriers and stevedores. The tire company had utilized a buffing machine to remove the logos of the waterfront firms from the tires.

In addition, agency detectives found four negotiable checks in an envelope on the shop floor in the tire company. Each check had been filled in for an amount in excess of $1,000. Further investigation revealed these checks were a portion of some 250 blank checks stolen from three different companies.

Both the owner of the tire company and the truck driver were prosecuted in Essex County, Superior Court and convicted of theft.

* * *

Together with agents of the United States Customs Service, the Commission this year arrested two individuals for attempting to receive over twenty-four pounds of marijuana. The marijuana, with a street value of over $12,000, had been secreted in furniture being shipped by vessel to the United States from Guyana.

Investigation revealed that the two men had made arrangements with a resident in Guyana to ship the marijuana as part of a crate of household effects. The marijuana, seized at a Brooklyn pier, was to have been taken to a Brooklyn apartment for packaging and distribution in the metropolitan area. Both men were charged with felonies.

* * *

This year the Commission intensified its continuing investigation of the shipment through the Port of stolen vehicles. Agency investigators compared the vehicle identification numbers of the thousands of privately owned motor cars being shipped abroad against law enforcement computer lists of stolen vehicles. Moreover, recognizing that some

vehicles being exported are falsely reported by their owners as stolen after shipment, to fraudulently collect insurance monies, the computer records were re-checked once the vessel had departed. During the year, over 10,500 vehicles in transit through the harbor were checked and stolen automobiles valued at more than $167,000 were recovered by Commission officers.

Miami Heist

In checking various vehicles awaiting shipment to Puerto Rico, Commission detectives noted the absence on a vehicle of an Environmental Protection Agency sticker required to be affixed to the door frame. Further inspection revealed that the vehicle identification number, visible through the windshield, and which appeared not to be securely fastened, varied in one digit from the number on the shipping documents. The police officers thereupon examined a hidden identification number on the vehicle's fire wall which disclosed that the automobile was not a 1981 model as listed in the shipping papers, but was, in fact, a 1983 version. A check of computer records then reflected that the vehicle had been stolen in Miami, Florida, almost a year earlier. Additional inquiry developed information that the vehicle identification number attached to the dashboard had been removed from another vehicle stolen in Key Biscayne, Florida.

The investigators then ascertained that the shipper of the vehicle, employed as a social worker in New Jersey, was sending the automobile to his wife in Puerto Rico, where she had recently been transferred as a supervisor for a federal agency. The social worker advised the Commission that he had purchased the vehicle from his wife's nephew, who had brought it to New Jersey from Florida and who had furnished him with a Florida certificate of title for the car. He portrayed the nephew as a former army officer holding a Master's Degree in Business Administration from a prestigious university. Ironically, the social worker noted, the vehicle had been stolen from him and recovered shortly before he had arranged to have it shipped to Puerto Rico.

The Commission detectives then contacted detectives with the Metro Dade Police Department in Miami and furnished them with information on the nephew. The Miami authorities advised the Commission that they had been scrutinizing the nephew's activities and suspected him of being part of a large auto theft ring in Florida. Subsequently, the nephew was arrested by Miami police, partially based on the information supplied by the Commission, as part of a car theft ring that had stolen nearly 200 Porsches in the Miami area, including a Porsche owned by a producer of the television series "Miami Vice."

Bottled Up

The examination by a Commission detective of a new Japanese-made sports car, scheduled for shipment from a New Jersey pier to the Dominican Republic, disclosed that one digit of the vehicle's identification number appeared to have been altered. A closer check divulged that a portion of the VIN number was apparently assigned to an automobile which had not yet been built. The officer then reviewed the shipping documents and observed an unsigned registration of the car attached to the bill of lading. An inquiry made to the New York Division of Motor Vehicles disclosed that there was no record that the license plate which was affixed to the car had ever been issued. The Commission accordingly placed a "hold" on the vehicle to prevent its shipment pending further investigation. Commission agents learned that the vehicle had been stolen in New York a few weeks earlier and notified the Federal Bureau of Investigation. A search of the vehicle uncovered an empty beverage bottle under the driver's seat, which was processed for fingerprints.

Several days later, the Commission detective received information that two men were at the pier inquiring about the sports car. After questioning by the officer, one of the men stated that he had been paid $100 to drive the vehicle to the pier and implicated the other as the thief of the vehicle. The fingerprints on the beverage bottle were shown to match those of the thief and he was arrested by Commission agents.

The case was tried by the Union County Prosecutor in New Jersey and the defendant was convicted of receiving stolen property and possession of a motor vehicle with an altered identification number.

Tag Game

Examination by Commission detectives of an automobile brought to a New Jersey terminal for transport to Santo Domingo disclosed certain irregularities. The labels on the seat belts of the vehicle had been removed and there were scratch marks behind the firewall and around the hatchback lock.

The person shipping the automobile, who claimed he was a broker handling the vehicle for a customer, produced a Massachusetts title for the vehicle which matched the identification tags on the car. However, with the aid of the National Auto Theft Bureau, it was discovered that the vehicle identification number had been altered and that the vehicle had been stolen a week earlier. The shipper was arrested and the vehicle impounded for return to the rightful owner.

A Lesson Learned

The scrutiny by the Commission of vehicles destined for export has on many occasions uncovered automobile insurance fraud. In one such case, the agency developed information that a vehicle reported as stolen in Maryland had actually been shipped through the Port of New York–New Jersey to Puerto Rico some three months before. The owner's sister, a college student, claimed that the automobile was stolen from a city street in Maryland while she was attending school. Her brother, a podiatrist practicing in New York City, initiated an insurance claim for over $16,000, based on the alleged larceny, but later refrained from completing the necessary insurance forms to obtain payment after learning of the Commission's inquiry. Based on the Commission's investigation, however, his sister was arrested by Maryland police and charged with filing a false report of theft.

Seizure Sustained

Several years ago, agency detectives commenced an investigation into the disappearance from a Brooklyn pier of 18 cases of ball bearings consigned for export. The Commission inquiry led to the arrest and subsequent conviction of a truck driver and a waterfront checker for theft. The driver and checker had arranged to sell the 18 cartons to an auto parts dealer in Brooklyn.

Based on information obtained during the course of the investigation, the Commission obtained a warrant to search the auto parts firm for the missing shipment. A search of the premises revealed 18 cases of bearings, segregated from the other merchandise in the establishment. The owner of the parts company, unable to produce a bill of sale or other documents demonstrating ownership of the goods, was arrested and the stolen bearings recovered and returned to the rightful owner.

When the indicment against the owner of the parts company was subsequently dismissed because of the unavailability of a key witness to testify at the criminal trial, the defendant commenced a civil action against the Commission for conversion of the ball bearings.

A Justice of the New York Supreme Court found in favor of the Commission, ruling that the plaintiff's case had "no merit" since he failed to show any "color of title, ownership or any other property interest" in the bearings. The defendant appealed. In a unanimous decision, the Appellate Division affirmed the lower court's ruling, stating that "the plaintiff failed to offer evidence to substantiate his claim that the property in question belonged to him" and that the Waterfront Commission "offered convincing evidence that the property belonged to someone else."

Licensing Proceedings

This past year, the Commission's licensing division examined and processed 979 applications and reapplications for registration and licensing. These included 585 applications for registration as longshoremen, 77 for inclusion in the register as cargo checkers, 165 for licensing as pier guards, 41 for pier superintendent licenses, 28 for licenses as hiring agents and 83 for licenses to operate in the Port as stevedores. Since its creation, the Commission has reviewed almost 144,500 applications.

At the conclusion of the fiscal year on June 30, 1986, there were outstanding 5,719 "deep-sea" longshore registrations, 1,894 cargo checker registrations, 2,091 longshore registrants to perform services incidental to the movement of cargo, 455 licenses as port watchmen, 317 licensed pier superintendents, 242 licensed hiring agents and 83 firms licensed as stevedores.

Longshore and checker registrations are issued by the agency without any termination date. Hiring agent and pier superintendent licenses are valid for as long as the licensee continues in employment with the sponsoring stevedore firm. A license to act as a pier guard continues indefinitely, provided that the guard periodically submits supplementary personal history information, completes a refresher course of training, and satisfies mental and physical fitness standards established by the Commission.

Currently, stevedore licenses expire on December 1st of each odd-numbered year. Legislation requested by the agency would extend the licensing period to three years. Such a bill has passed in New York (New York Laws 1986, Ch. 457) and is awaiting legislative action in New Jersey.

* * *

The Waterfront Commission Act provides that an application for inclusion in the Register, or for licensing, may not be denied without reasonable prior notice and an opportunity for the applicant to be heard at an administrative proceeding. Moreover, once issued, a registration or license may not be cancelled, suspended or revoked without the respondent being granted a right to contest the charges. Revocation proceedings may be initiated by the Commission on its own initiative or on the complaint of any person, including a public official or agency. Additionally, a licensee or registrant who has been charged with a crime equivalent to a felony may be temporarily suspended by the Commission pending the determination of the hearing.

The Commission hearings are open to the public, stenographically recorded, and presided over by administrative law judges selected from a panel of New Jersey and New York attorneys. Each appli-

THE SUNDAY STAR-LEDGER, November 9, 1986

Law enforcement officials pledge continuing probe of port corruption

By AL FRANK

Last week's indictments charging eight men, including the general organizer of the International Longshoremen's Association (ILA), with waterfront racketeering does not end an infront racketeering does not end an investigation into corruption in the Port of New York and New Jersey, law enforcement authorities said.

Manpower shortages and budget constraints, as well as the increased sophistication of those being investigated, are hampering progress, officials said.

Consequently, authorities said they do not think the probe, now in its second year, will yield as many trials as the union racketeering (UNIRAC) investigation, conducted between 1975 and 1980, led to the racketeering convictions of more than 30 officers of the dockworkers' union in ports from Maine to Florida.

Even so, the current investigation is going over traditional ground, said Raymond Maria, the deputy inspector of the Labor Department's office of racketeering.

In addition to racketeering, in which payments are exchanged between management and union officials to ensure "labor peace" or to circumvent expensive union rules, authorities also are examining cargo containers, said Maria.

"This facet of the industry is certainly receiving intense investigative review," he said. "Also, from the department's standpoint, we are vitally interested in assuring the integrity of associated employee benefit plans."

Law enforcement agencies involved in the Port of New York and New Jersey investigation are the U.S. Attorneys in Newark and Brooklyn, the Federal Bureau of Investigation, the bistate Waterfront Commission of New York Harbor, the New York Organized Crime Strike Force and New York City Police Department, Maria said.

"There are multiple in occurring and we anticipa them will be concluded in th endar year," he said, adc everything will result in indic

He said the involvement of many agencies was necessary at a time when, for example, the staffs of U.S. Attorneys in heavily involved in other investigations and trials of reputed organized crime figures.

Waterfront Commissioner Conrad Koch of West Orange said last week's charges originated with routine audits by the bistate agency that licenses many port employers and employees.

"We had records that suggested something wasn't quite right and we gave the records to the Department of Labor," Koch said. "After that, Labor and the (Newark) Star-Ledger, with their wiretaps, made the connection."

"What we're attempting to do is leverage the amount of resources we have to capitalize on the available strengths of a number of agencies," Maria said. This not only pools expertise but is an attempt to economize, he said, noting, "Budget restrictions across the board are hurting everybody, not just Justice and Labor."

Although ongoing in other ports he would not name the current investigation will not be as extensive as UNIRAC, Maria said.

"UNIRAC is something we will probably never see again," he said. "Criminal adversaries read the law and become more sophisticated."

Part of that sophistication is seen in a recent action by the Metropolitan Marine Maintenance Contractors Association Inc. of New York, a consortium of ship repair and maintenance companies that Maria confirmed is under scrutiny.

Aware of this, the association, under the Freedom of Information Act, requested the Waterfront Commission of New York Harbor to provide it with documents the agency has filed in the group since 1978. The matter is with Pending in U.S. District Court in New York.

Carson, 48, of Scotch Plains, who assumed the post in 1982, is accused of pocketing more than $170,000 in illicit payments imported from a stevedoring firm, United Terminals Inc. He has denied the charges.

Scotto succeeded Fred Field 3[illegible] who was convicted in 1980, he v[illegible] of racketeering in Florida and [illegible] payments. In Florida he was also convicted of extortion and corrupt[illegible] controlling waterfront industr[illegible] was Scotto. Field was released [illegible] jail last year.

Scotto was a reputed "capo [illegible] Gambino Crime Family. Car[illegible] cording to the indictment, is a [illegible] of an association headed by [illegible] Anthony Provenzano, a soldier [illegible] ovese Crime Family.

According to the indi[illegible] son, who was secretary [illegible] ILA Locals 1587 and 15[illegible] operated the locals und[illegible] sion and control of DiB[illegible] said he is inspector of t[illegible] UNIRAC investi[illegible]

In the UNIRAC investi[illegible] Fiumara, another ranking mem[illegible] the Genovese family was the reputed "boss" of the Newark and Elizabeth waterfront.

In that probe, Carol Gardner and Vincent Colucci were convicted of racketeering and extortion. Respectively, they were the presidents of ILA Locals 1233 and 1235, the locals providing dockworkers in Port Newark-Elizabeth. In addition, Gardner was the ILA's assistant general organizer.

UNIRAC investigation is the naming in last week's indictment of Milton Held, an officer of United Terminals and chairman of its parent company, Overseas Transportation Company. Overseas Transportation Company. Overseas Transportation Company.

cant or respondent may be represented by counsel, present evidence in his behalf and cross-examine witnesses. In addition, the applicant or respondent may have subpoenas issued at his request. Commission regulations provide for interrogatories to be answered by witnesses who may be outside the two compact states. Under the provisions of the Compact, the administrative judges are not bound by common law or statutory rules of evidence or by technical rules of procedure in the conduct of the hearing.

Upon the completion of the hearing, the administrative judge renders a written memorandum to the Commissioners containing findings of fact and a recommendation for final disposition. A copy of such report is furnished to each party in interest for written exceptions and arguments.

Each proceeding is thereafter individually considered by the Commissioners who receive the entire record for review and determination. The Commissioners' action is reflected in an order which is subject to judicial review in either New York or New Jersey. An applicant or respondent may also petition the Commission for a rehearing of the case, reconsideration of the disposition, restoration of a license or registration which has been cancelled or revoked, or for leave to reapply for the license or registration.

* * *

The Commission made final determinations in 65 administrative licensing proceedings this year. It denied inclusion in the Register to 15 applicants, 10 seeking registrations as longshoremen and 5 as cargo checkers. Two applications for licenses as pier superintendents and 1 for a hiring agent's license were denied. One stevedore license was granted. The registrations of 4 longshoremen were unconditionally revoked, with an additional 9 revoked with leave granted to reapply for the registration after stated periods. Five checkers and 1 hiring agent were also revoked, with leave to reapply. The Commission also suspended for various periods 14 longshoremen, 9 checkers and 2 pier guards, and issued reprimands to 2 longshoremen. These rulings included 19 summary proceedings in which the respondents admitted the violations charged in the notice of hearing and waived trial.

Orders were also issued suspending the registrations of 3 longshoremen pending the final determinations of administrative charges initiated against them.

During the year there were 38 petitions submitted to the agency for reinstatement of licenses or registrations, reconsideration of final orders, restoration to the Register and for leave to withdraw a license, with 28 being denied and 10 being granted.

The type of misconduct which may result in the denial, suspension or revocation of a license or registration does not necessarily have to be connected to the waterfront.

Thus, in one case, the Commission found, after an administrative hearing, that an applicant for registration as a longshoreman was a "danger to the public peace or safety" for attempting to burn a store in a small suburban shopping center together with another person. The evidence adduced at the proceeding established that the store was owned by a relative of the applicant who was in arrears of her rent at the time of the attempted arson.

The applicant challenged the Commission determination in a judicial proceeding heard by the Appellate Division of the New York Supreme Court. The four-justice court unanimously confirmed the agency's ruling denying the applicant's request for inclusion in the Longshoremen's Register.

In another case, a longshoreman was arrested and charged with possession of a stolen motor vehicle. While the criminal charges were later dismissed for failure of the People to timely proceed to trial, the Commission held a licensing proceeding in which the allegations were established. The agency ordered the revocation of the dock worker's registration, with leave granted to him to reapply for restoration of his license after nine months.

In a review proceeding brought in New York Supreme Court, the longshoreman contested the sanction ordered by the Commission. In upholding the determination, the court stated in part:

> "In determining an appropriate penalty the Commission may consider the type and seriousness of the criminal activity engaged in by a longshoreman, and may determine that his presence on the waterfront is objectionable, although the criminal activity complained of is unrelated to the waterfront. ***The Commission*** is not bound by the disposition of the criminal charges."

* * *

The licensing of port watchmen, the private guards engaged by stevedores and carriers to protect the over $48 billion worth of cargo moving through the Port, is governed not only by the Compact, but also by extensive regulations promulgated by the Commission.

Included in these rules are age, physical fitness and mental standards regulating port watchmen applicants and licensees. These criteria have been amended from time to time through the years, after consultation with the waterfront industry, to ensure an efficient and effective cargo security corps.

Until recently, the Commission regulations provided that an applicant for a port watchman license had to be not more than 50 years of age when he or she orginally applied. A few years ago, a prospective applicant, then aged 51, was refused an application since he was over the age set forth in the rules for licensing. Shortly thereafter, he filed a complaint with the Federal Equal Employment Opportunity Commission (EEOC) alleging that he had been discriminated against by the Waterfront Commission because of his age in violation of the Age Discrimination in Employment Act ("ADEA").

In answer to the charges, the Commission maintained the propriety of its age regulation since port watchmen are considered quasi law enforcement personnel, and denied any violation of ADEA. Nothing further was heard from the EEOC for 15 months until the Commission received a request from the federal agency to amplify its position. The Commission responded that the New York Supreme Court in two separate legal proceedings had upheld the age regulation and that a few years previously the United States District Court for the Southern District of New York had ruled that the Commission, in its licensing function, did not come within the coverage of federal statutes prohibiting discrimination in employment by an "employer" or "employment agency." Moreover, the Commission reminded the EEOC that a previous allegation of age discrimination against the Commission by a different prospective applicant for a port watchman license had not been entertained by the EEOC.

Despite the Commission's position, the EEOC then issued a "letter of violation," charging the agency with violating the Age Discrimination in Employment Act. Representatives of the Commission met with agents of EEOC to discuss "voluntary compliance" through what the EEOC described as "informal methods of conciliation." Among certain demands of the EEOC were that the Commission pay the applicant the sum of $13,300 for earnings it claimed he was denied, and $85 a week additionally until he would be hired as a port watchman by a waterfront employer.

While the Commission, without conceding the applicability of the Federal Age Discrimination in Employment Act to it in its licensing functions, was willing to voluntarily amend its regulation and remove the age 50 bar (which it later did), it advised the EEOC that it had not committed any violation of the ADEA and accordingly would not pay any monies to the applicant as demanded by the EEOC.

The EEOC then instituted suit in the United States District Court for the Southern District of New York against the Commission alleging "unlawful employment practices" under the Age Discrimination in Employment Act. The EEOC also named as defendants in the suit eight waterfront employers, including six stevedores and carriers and two security firms providing waterfront guards. The Commission had previously attempted to dissuade the EEOC from instituting suit against the employer-defendants since the companies were all required under the Waterfront Commission Act to hire only licensed port watchmen and thus could not hire the applicant unless he was licensed by the Commission. Furthermore, the applicant for the license had applied to only one of these eight defendants for employment.

The Commission brought a motion for summary judgment to dismiss the EEOC's complaint, alleging that there were no genuine issues of fact and that the Commission was entitled to judgment as a matter of law since it was not an "employer" within the meaning of the Age Discrimination in Employment Act, as accused by the EEOC. The United States District Court, in a recent opinion, found for the Waterfront Commission, granted the motion for summary judgment and dismissed the EEOC's complaint "in its entirety."

As stated, in part, by the Court:

> "The EEOC argues that the WC [Waterfront Commission] falls within this definition of employer [in the Age Discrimination in Employment Act]. The argument, however, ignores the fact that this suit was brought against the WC in its *licensing capacity.* Certainly the WC hires its own employees, but it does not presently and has never in the past hired pier guards.
>
> "In *Nat'l Org. for Women v. Waterfront Comm'n,* 468 F. Supp. 317, 320-321 (S.D.N.Y. 1979), the court, in considering language essentially identical to that of the ADEA, held that the WC, in its licensing capacity, was not an employer within the meaning of Title VII of the Civil Rights Act. The issue in *Nat'l Org. for Women* was whether the WC was an employer in respect to applicants for cargo checker positions. Only longshoremen registered with the WC were eligible to be hired for these positions. As in the instant case, the WC's role was exclusively as a licensing or registering body. Thus the court stated, 'In its licensing role, the Commission neither pays the wages nor engages the services of persons it registers. Nor does it undertake to obtain workers for employers or jobs for workers. It is, therefore, neither an "employer" nor an "employment agency" with respect to persons desiring registration.' *Nat'l Org. for Women,*

at 320; *see also Lavender-Cabellero v. Dept. of Consumer Affairs, 458 F. Supp. 213, 214-215* (S.D.N.Y. 1978) (city licensing body not an employer under Title VII)."

* * *

"As there is neither a statutory basis nor a basis in case law for finding that the WC, in its licensing capacity, is an employer within the meaning of the ADEA, the motion for summary judgment is granted."

The Court also dismissed the EEOC's claims against the employer-defendants, ruling:

"***Although the EEOC claims to be pursuing this case as a class action, it has entirely failed to identify even one other person who might have a claim against any of the employer-defendants. Rather, it appears to me that the EEOC is using this court inappropriately, in effect, to create legislation it believes appropriate."

In an unusual move, the Judge sanctioned the attorney for the EEOC for bringing the claims against the employer-defendants. The Court fined EEOC lawyer the sum of $500.00, stating:

"I set the fine at this modest amount in consideration of the attorney's present position with the federal government. The same Federal Rules of Civil Procedure apply to attorneys for the government as apply to private attorneys. The same ethical considerations should delimit the bounds of activity for both private and public lawyers. There can be no distinction between the two when it comes to bringing totally unfounded litigation. Indeed, I should think that an attorney charged with the public's interest, if anything, should be more circumspect in the initiation of this type of litigation where too often the mere charge is equated with 'conviction' in the mind of the public."

Personnel

The Commissioners and the staff note with sorrow the deaths of two former employees of the agency.

William M. Cooke died at the age of 70 after retiring from the Commission in 1982. He joined the agency in 1962 as a clerk with the Division of Employment Information Centers and was later transferred to the Division of Administration where he served as supervisor of the mail and supply room for 16 years.

Joseph A. Salmieri served as a Special Agent for the Commission from 1963 to 1967, and later became chief of security for a major banking institution in New York City.

Several long time and dedicated Commission employees retired during the year.

John V. Macaluso, a detective with the Division of Police, retired after more than 29 years of service. Prior to joining the Commission, he had been employed by the Federal Bureau of Investigation and served in the United States Navy for three years during the Second World War.

Robert A. Pin, an assistant counsel assigned to the General Counsel's litigation section, retired after 30 years of employment. A graduate of the Fordham University School of Law, Mr. Pin saw military service in the Intelligence Section of the United States Air Force during World War II. He is a member of the New Jersey bar.

Joseph P. Murphy, with the Commission for over 21 years, retired as a detective in the agency's Division of Police. He had previously served in the United States Air Force and was a police officer in the Hasbrouck Heights, New Jersey, Police Department.

Barbara E. Stange, who held positions in the Office of the Comptroller, Division of Licensing and Division of Police retired with 13 years of service.

* * *

Lawrence E. Walsh, The Commission's first Executive Director, and later a United States District Court Judge and Deputy Attorney General in the Eisenhower administration, was appointed by a Federal three-judge panel as Independent Counsel or "special prosecutor" in the Iran-Contra investigation.

CONCLUSION

To maintain and continue the accomplishments of the Commission and the gains realized in the Port of New York-New Jersey by the enforcement of the Waterfront Commission Act, the Waterfront Commission finds and determines that public necessity still exists for the continued registration of longshoremen, the continued licensing of those occupations and types of employment required to be licensed under the Waterfront Commission Act and amendments thereto, and the continued public operation and maintenance of the employment information centers provided for in Article XII of the Waterfont Commission Compact.

Respectfully submitted,

NICHOLAS SCOPPETTA
Commissioner for New York

CONRAD N. KOCH
Commissioner for New Jersey



PEAT MARWICK

Peat, Marwick, Mitchell & Co.
Certified Public Accountants
150 John F. Kennedy Parkway
Short Hills, New Jersey 07078

The Commissioners
Waterfront Commission of New York Harbor:

We have examined the statement of cash receipts and disbursements of the Waterfront Commission of New York Harbor for the year ended June 30, 1986. Our examination was made in accordance with generally accepted auditing standards and, accordingly, included such tests of the accounting records and such other auditing procedures as we considered necessary in the circumstances.

As described in note A, it is the policy of the Waterfront Commission of New York Harbor to prepare its financial statement on the basis of cash receipts and disbursements; consequently, revenue and related assets are recognized when received rather than when earned and expenses are recognized when paid rather than when the obligation is incurred. Accordingly, the accompanying statement of cash receipts and disbursements is not intended to present financial position and results of operations in conformity with generally accepted accounting principles.

In our opinion, the aforementioned statement of cash receipts and disbursements presents fairly the cash transactions of the Waterfront Commission of New York Harbor for the year ended June 30, 1986 on the basis of accounting described in note A, which basis has been applied in a manner consistent with that of the preceding year.

Peat, Marwick, Mitchell & Co.

July 31, 1986

Notes to Statement of Cash Receipts and Disbursements
June 30, 1986

(A) It is the policy of the Waterfront Commission of New York Harbor (Commission) to prepare its financial statement on the basis of cash receipts and disbursements; consequently, revenue and related assets are recognized when received rather than when earned and expenses are recognized when paid rather than when the obligation is incurred.

(B) The Commission is party to various claims which, in the opinion of general counsel, will not have a material adverse effect on the accompanying statement of cash receipts and disbursements and future operations.

WATERFRONT COMMISSION OF NEW YORK HARBOR
Statement of Cash Receipts and Disbursements
Year Ended June 30, 1986

Balance of funds at beginning of year:		
Cash in checking accounts and on hand	$ 7,702	
Cash in money market accounts	84,674	
Cash in savings accounts	6,693	
Time certificates of deposit	965,000	
	1,064,069	
Less taxes and other withholdings from employees	50,574	$ 1,013,495
Receipts:		
Assessments on employers of persons registered or licensed by the Commission	5,901,198	
Penalties, fines and miscellaneous income	90,397	
Interest:		
Time certificates	122,817	
Money market accounts	9,287	
Savings accounts	378	6,124,077
		7,137,572
Disbursements:		
Salaries	3,784,460	
Retirement, group insurance and Social Security taxes	1,245,368	
Rentals	611,651	
General insurance	235,519	
Light, heat and power	134,173	
Repairs and maintenance	85,854	
Furniture and equipment	87,734	
Carfare, auto and travel	62,311	
Communications	59,861	
Special services and supplies	47,999	
General office	27,046	
Printing	12,863	
Hearing officers, auditors and consultant fees	9,170	
State unemployment insurance	5,290	
Miscellaneous overtime expense	849	6,410,148
Excess of receipts and balance of funds at beginning of year over disbursements—balance of funds at end of year consisting of:		
Cash in checking accounts and on hand	50,996	
Cash in money market accounts	159,791	
Cash in savings accounts	7,072	
Time certificates of deposit	555,000	
	772,859	
Less taxes and other withholdings from employees	45,435	$ 727,424

COMMISSION DETERMINATIONS

Year Ended June 30, 1986

APPLICATIONS AND REVOCATIONS

	Denied	Granted	Revoked	Revoked L/R	Sus-pended	Repri-manded	Dismissed Charges	Suspended P/H	Totals
Longshoremen	1	0	3	7	14	2	0	3	30
Checkers	5	0	0	5	9	0	0	0	19
Hiring Agents	1	0	0	1	0	0	0	0	2
Port Watchmen	0	0	0	0	2	0	0	0	2
Pier Superintendents	2	0	0	0	0	0	0	0	2
Stevedores	0	1	0	0	0	0	0	0	1
Maintenance	9	0	1	2	0	0	0	0	12
Totals	18	1	4	15	25*	2	0	3	68

* Includes 19 summary proceedings

PETITIONS

	Denied	Granted	Totals
Petitions for Reconsideration	2	1	3
Petitions for Leave to Reapply	0	4	4
Petitions for Rehearing	0	0	0
Petitions to Withdraw	1	3	4
Petitions to Remove Ineligibility	0	1	1
Petitions for Restoration of Registration	11	0	11
Petitions to Vacate Temporary Suspension	0	0	0
Petitions for Retention or Reinstatement	14	1	15
Totals	28	10	38

REGISTRATIONS AND LICENSES IN EFFECT DURING FISCAL YEARS

As of June 30th

	1971	1972	1973	1974	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984	1985	1986
Longshoremen	16,367[a]	16,006[a]	14,226[a]	13,704[a]	12,515[a]	12,237[a]	11,863[a]	11,420[a]	11,150[a]	10,804[a&b]	10,289[a&b]	9,947[a&b]	9,474[a]	8,702[a]	7,955[a]	7,810[a]
Checkers	3,714	3,557	3,176	3,006	2,728	2,584	2,479	2,408	2,468	2,373	2,231	2,084	2,017	1,806	2,065[b]	1,894[b]
Hiring Agents	605	545	493	512	427	378	369	361	357	339	327	304	291	279	242	242
Pier Superintendents	406	424	374	395	370	337	342	340	357	344	353	341	325	304	298	317
Pier Guards	1,485	1,405	1,291	1,064	979	894	818	789	750	705	655	635	560	525	491	455
Stevedore Companies	106	109	117	113	118	112	115	113	116	113	109	110	104	101	87	83
TOTALS	22,683	22,046	19,677	18,794	17,137	16,542	15,986	15,431	15,198	14,678	13,964	13,421	12,771	11,717	11,138	10,801

(a) Includes warehousemen, container repairmen, and other persons required to register under amendments to Waterfront Commission Act, effective September 1, 1969.

(b) Includes persons registered on a temporary basis to meet special and emergency needs.

COMPARISON OF AVERAGE EARNINGS OF LONGSHOREMEN AND CHECKERS

	1954	1983	1984	1985
Over $25,000	(*)	3,939	4,399	4,583
$20,000 to $25,000	(*)	731	555	492
$15,000 to $20,000	(*)	812	526	392
$10,000 to $15,000	(*)	818	526	374
$10,000 and Over	(*)	6,300	6,006	5,841
$ 5,000 to $10,000	3,797	699	600	556
Under $3,000	37,536	1,650	1,676	1,357
TOTAL REPORTED	41,333	8,649	8,282	7,754
Total Earnings	$102,061,108	$203,615,185	$231,731,760	$231,669,145
Total Hours Worked	37,813,991	12,537,900	12,880,669.5	12,177,200.5
% Hours Overtime	24.3%	24.0%	31.1%	29.6%
AVERAGE ANNUAL WAGES**	$ 2,469	$ 23,542	$ 27,980	$ 29,877

* Records Incomplete for 1954

** Does Not Include Fringe Benefits.

NOTE: This table includes craftsmen such as carpenters, coopers, maintenance men and miscellaneous personnel required to be registered as longshoremen effective May 27, 1957, but does not include most persons required to be registered as waterfront warehousemen and in other capacities effective September 1, 1969. Similar tables in annual reports prior to 1957–1958 included earnings of longshoremen and checkers only, as reported by the New York Shipping Association.

SOURCE: New York Shipping Association for its fiscal year ending September 30th.

DECASUALIZATION OF LONGSHOREMEN AND CHECKERS

		Number Decasualized	Remaining Registrants
1st decasualization	June 3, 1955	7,141	31,574a
25th decasualization	March 31, 1967	1,142	22,100
30th decasualization	October 3, 1969	1,022	20,627b
35th decasualization	March 30, 1972	227	17,626b
36th decasualization	September 27, 1972	523	16,316b
37th decasualization	April 9, 1973	930	15,368b
38th decasualization	September 27, 1973	330	14,792b
39th decasualization	March 25, 1974	423	14,409b
40th decasualization	September 26, 1974	271	14,143b
41st decasualization	March 27, 1975	425	13,726b
42nd decasualization	September 25, 1975	156	12,962b
43rd decasualization	March 25, 1976	194	12,602b
44th decasualization	September 23, 1976	181	12,303b
45th decasualization	March 24, 1977	174	11,978b
46th decasualization	September 22, 1977	168	11,723b
47th decasualization	March 31, 1978	120	11,370b
48th decasualization	September 29, 1978	126	10,995b
49th decasualization	March 30, 1979	150	11,321b,c
50th decasualization	September 28, 1979	124	10,956b,c
51st decasualization	April 3, 1980	115	10,701b,c
52nd decasualization	October 2, 1980	88	10,510b,c
53rd decasualization	April 2, 1981	126	10,266b,c
54th decasualization	October 1, 1981	147	9,841b,c
55th decasualization	April 1, 1982	114	9,639b,c
56th decasualization	October 7, 1982	102	9,383b
57th decasualization	April 21, 1983	103	9,195b
58th decasualization	October 6, 1983	115	9,038b
59th decasualization	April 5, 1984	81	8,400b
60th decasualization	October 4, 1984	88	8,026b
61st decasualization	April 11, 1985	87	7,819b
62nd decasualization	October 3, 1985	70	7,776b
63rd decasualization	April 10, 1986	55	7,653b

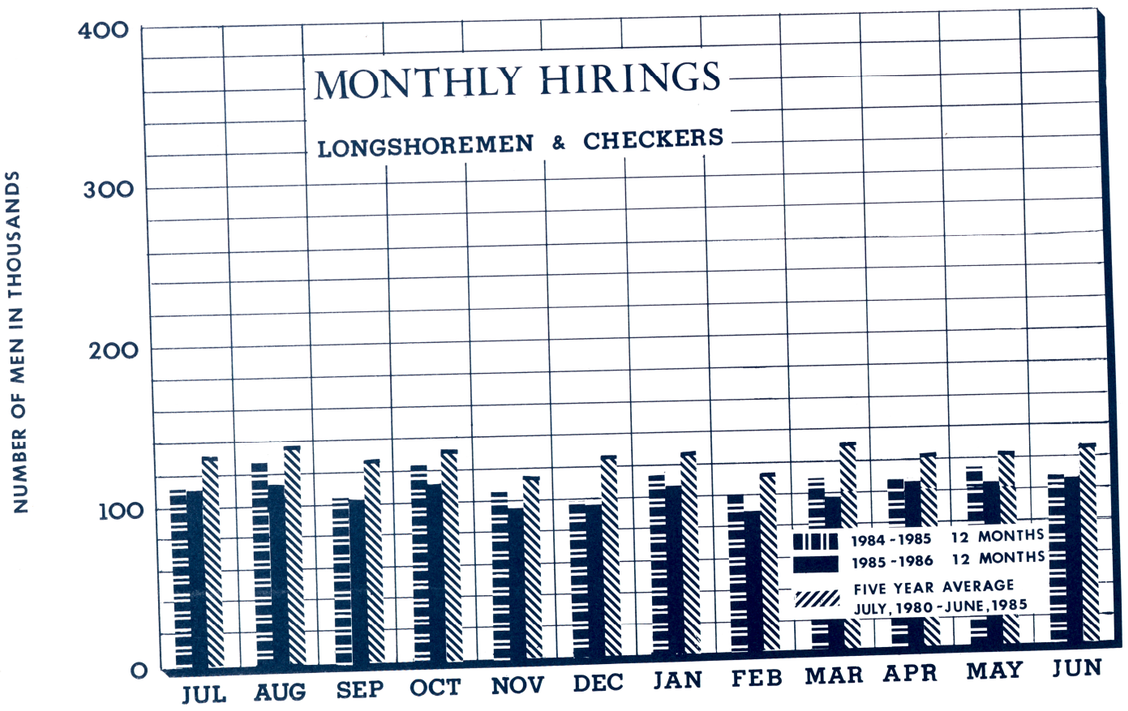
(a) Does not include craftsmen whose registrations were required on or after May 27, 1957.
(b) Does not include warehousemen, container repairmen, and other persons required to be registered on or after September 1, 1969.
(c) Includes persons registered on a temporary basis to meet special and emergency needs.

EMPLOYMENT INFORMATION CENTERS

Showing Comparison of Hirings for the years ending June 30th, 1986 and 1985

Center and Location	Piers and Areas	HIRINGS 1985-1986	HIRINGS 1984-1985	Increase or Decrease	% Change	% Share in Port Employment 1985-1986	% Share in Port Employment 1984-1985
Manhattan 261-281 Hudson St.	Manhattan	79,469	77,446	+ 2,023	+02.61	06.44%	05.84%
Brooklyn 5914 3rd Avenue	Brooklyn & Staten Island	349,731	400,431	– 50,700	–12.66	28.33%	30.21%
Port Newark 117 Tyler Street	Port Newark & Port Elizabeth	668,233	688,707	– 20,474	–02.97	54.12%	51.97%
	Jersey City, Bayonne & Weehawken	137,209	158,727	– 21,518	–13.56	11.11%	11.98%
TOTAL—NEW JERSEY		805,442	847,434	– 41,992	–04.95	65.23%	63.94%
TOTAL—NEW YORK		429,200	477,877	– 48,677	–10.19	34.77%	36.06%
PORT WIDE TOTALS		1,234,642	1,325,311	– 90,669	–06.84	100.00%	100.00%

*Hudson County Center merged with Port Newark on November 30, 1984.





Nicholas Scoppetta
Commissioner for New York



Conrad N. Koch
Commissioner for New Jersey



Leonard Newman
Executive Director

Jerome J. Klied, *Deputy Executive Director*

Gerald P. Lally, *General Counsel*

Ralph C. DeRose, *Secretary*

James T. Sullivan, *Chief, Division of Police*

Paul D. Kelly, *Director, Division of Law*

Jesse O. Langston, *Director, Employment Information Centers*

Carmine A. Cardone, *Director, Division of Licensing*

Gemma T. Macaluso, *Director, Administration*

Marvin Weissman, *Director, Division of Audit and Control*

Elmer H. Williams, Jr., *Comptroller*

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