



Our Port – The Model of an Essential Industry




**New York Shipping
Association, Inc.**

N Y S A 2 0 2 0 A N N U A L R E P O R T



Our Port – The Model of an Essential Industry

NYSA 2020 ANNUAL REPORT

Table of Contents

| | |
|--|----|
| President's Message | 2 |
| Safety | 6 |
| Training | 7 |
| Highlights | |
| Employment, Cargo, Container Volumes, Assessment, Auto Volume | 10 |
| United States Coast Guard Sector New York | 12 |
| Balancing Workforce Size with Pandemic Challenges and Increasing Volume | 14 |
| PPGU | 15 |
| United States Army Corps of Engineers..... | 16 |
| Information Technology | 18 |
| Industry Highlights and Special Events | 22 |
| Port Authority of NY & NJ..... | 26 |
| Council on Port Performance | 26 |
| Governmental Affairs..... | 30 |
| 2020 Legislative Review..... | 34 |
| Report of Counsel..... | 38 |
| 2020 Organizational Chart and NYSA Membership List..... | 52 |
| NYSA Board of Directors | 53 |
| NYSA Staff | 54 |



2020 PRESIDENT'S REPORT:

OUR PORT - THE MODEL OF AN ESSENTIAL INDUSTRY



“The True Test of Leadership Is How Well You Function in A Crisis.” – Brian Tracy

At this time last year our concerns were focused on the potential impact of tariff wars, implementing a newly negotiated collective bargaining agreement between NYSA and the International Longshoremen's Association (ILA), productivity, resolving ongoing absenteeism, and opening the register to add 538 new longshore workers and 120 new checkers.

My how things can change. Thirty days later, none of that mattered. Faced with the global pandemic of COVID-19, our focus immediately shifted to the safety of the workforce and employees while keeping the supply chain open.

If the true test of leadership is how well one functions in a crisis, I can say without question that the Port of New York and New Jersey (PONYNJ) is well stocked with leaders.

NY & NJ was and continues to be the epicenter of the COVID-19 virus in the

United States. There was no book to consult on safeguarding the workforce and our management from the potential devastating effects of the virus. There was no book on managing the forecasted exponential spread of the disease in the workplace or how to quarantine from contact with those who did have the virus.

During March and April, anxiety in the workforce was at its peak. Society was being told to work from home, shelter in place and avoid contact with others. However, our port workers were being asked to continue to stay on the job and work together to keep the supply chain open to deliver critical personal protective equipment and goods to the region. Yes, it was fortunate that these workers could maintain their income - but at what price?

To develop safeguards to protect all, the New York Shipping Association and our members worked hand-in-hand with the ILA, specifically President Harold Daggett and Executive President Dennis Daggett, to establish guidelines for employees to protect themselves and stop the spread of COVID-19 in the workplace. Social distancing was integrated into the workplace, reducing the sharing of machines and office spaces. Having fewer workers share machines and office space allowed for contact tracing which was put in place early in the pandemic.

Additionally, there were joint efforts by the ILA, the Port Authority of NY & NJ (PANYNJ), namely Mr. Sam Ruda the Director of Port Commerce, and Mr. Joe Ragusa the President of the Metropolitan Marine Maintenance Contractor's Association (MMMCA) to secure necessary Personal Protective Equipment (PPE) from around the world. Through these efforts, at a time when PPE was scarce, the PONYNJ was well stocked, and the workforce was well protected while on the job. As of this writing, NYSA continues to monitor PPE levels of member companies and facilitate obtaining PPE when levels become of concern.

By the beginning of April, to further reduce the anxiety of employees, NYSA Vice President of Workforce Development and Corporate Diversity Officer, Susan Winfree, worked with our marine terminal members to implement non-contact temperature-checking for 3,000 workers and vendors entering marine facilities throughout each day and night.

Longshore workers do not get paid for sick days if they do not show up for work due to illness. Recognizing the fear of employees who continued to show up for work with the possibility of contracting the virus and which could cut off their income stream, NYSA, the United States Maritime Alliance (USMX), and the ILA created a fund to compensate workers who contracted with the virus.

Port volumes plunged April through June. There were days when up to twenty-five percent of the workforce had no opportunity to work. Forecasts on volume were difficult to come by as the virus impacted the various worldwide trading partners and there were concerns about second and third waves of the virus. In August, volumes recovered. It became apparent that with no money

being spent on travel and leisure, consumers used that disposable income on retail goods and volumes began to boom. The result was continued growth, year over year, of up to twenty percent per month for the balance of the year. Combined with the social distancing measures that were needed to keep the virus from spreading, the unforecasted growth put significant strain on the workforce. To relieve this stress on the workforce we have resumed hiring to bring new workers into the industry. This will continue as a focus during the first months of 2021.

We learned in 2020 that, under the harshest and most unique circumstances, labor and management in New York and New Jersey can come together to solve our challenges. Lessons from 2020 included handling extreme peaks and valleys in cargo volume and the need for flexibility while developing safeguards for a workforce who were being asked to work side by side. Clearly, 2020 showed us that the PONYNJ has outstanding leadership to navigate any crisis.

During 2020, a year wrought with challenges, came an accomplishment that some never thought would come to pass. Due to the efforts of Trustees, the NYSA-ILA Pension Trust Fund emerged from “endangered” status into the “green” zone. This was once seen as an impossible task and a factor which had negatively impacted the cost competitiveness of NY & NJ due to potential withdrawal liability. Currently this fund is on target to be fully funded in just a few short years. While our management of the fund and difficult decisions along the way have resulted in this incredible development, we need to be vigilant and have our voices heard in Washington, D.C. to ensure that legislators are well-informed and do not introduce short-sighted legislation that will offset the hard work taken by our members to ensure this pension is fully funded on schedule. Along those same lines, we need to ensure that ill-informed State Legislation, such as that impacting independent contractors, does not shut down the supply chains by crippling the supply of independent truckers serving the port region.



In 2020, NYSA continued to proudly Co-Chair the Council on Port Performance (CPP) with the PANYNJ. To me, this forum is vitally important for the exchange of ideas regarding steps that need to be taken to improve the Port’s performance short-term and long-term. The ongoing efforts of the CPP are also an important reason why the Port has been able to handle record volume with minimal disruption. As I’ve said in years past, the greatest challenge our industry faces is a shortage of skilled labor throughout the supply chain. We’re already seeing this today with chronic shortages of truck drivers and warehouse workers. This is why the efforts of CPP and their Workforce Development Implementation Team are vital to the long-term success of the Port. The CPP needs to continue with our efforts to prepare workers for careers in the supply chain for the good of both the local communities and the industry.

As we move into 2021, there is much hope on the horizon, vaccines are being rolled out, and volumes appear to be strong. Eventually, COVID-19 will be behind us. Regardless though, whatever challenges that come our way, I’m certain that we have the leadership in our port to tackle any issues and overcome any hurdles that we encounter.

John J. Nardi
President





SAFETY 2020 – A NEW AND NECESSARY APPROACH

The health and welfare of all of those working at our terminals in the New York and New Jersey harbor continues to be the overall focus of the NYSA Safety Team, our members, and labor partners. The unwavering commitment by all, especially during a year in which we experienced a worldwide pandemic, elevated the safety consciousness throughout the Port community.



As soon as the pandemic was recognized by the CDC and state guidelines were mandated, NYSA Staff collaborated with USMX, the ILA, our member companies, and Joint Safety Committees to develop and communicate new work practices and procedures for operating at our many terminals. In an effort to keep our workforce whole and safe, equipment was continuously sanitized, manning practices were altered and social distancing was mandated. NYSA also utilized several supply chains to ensure the necessary PPE was ordered, received and distributed to our entire workforce in a timely manner. A process for contact tracing was initiated as well as, a process for recording the names of those exposed to and/or those testing positive for the virus on the job or outside of the

workplace. Coding changes to our internal systems had to be made quickly to ensure that we had a common database capturing the new data we were receiving on a daily basis. Accurate record keeping, along with the additional processes put in place throughout the harbor were our means to help ensure our workforce was protected as best as possible.

As information on the COVID-19 virus continued to evolve and was shared by both state and federal agencies, another method to ensure the safety of the workforce was initiated by the NYSA and ILA leadership. Simultaneous to the many other enhanced practices being implemented, another was put in place which we hoped would alleviate some of the anxiety shown by those who continued to work and keep commerce flowing in the Northeast Corridor. It was agreed that a non-contact temperature check would be conducted on each individual entering the marine terminals. Although we found thermometers to be in short supply, orders were placed in various supply chains and the workforce was advised to expect an additional stop upon entering any of the terminals. NYSA contracted with a vendor who was able to provide the service, although unlike anything they had ever been party to in the past. A coordinated effort between NYSA, the marine terminals and the vendor resulted in the development of new procedures and scheduling. The process kicked off on April 6th and has been ongoing since that point in time.

NYSA's membership in both the National Maritime Safety Association (NMSA) and the National Association of Waterfront Employers (NAWE) proved to be invaluable. Collaborating with both organizations fostered the exchange of ideas and best practices, identified sourcing for scarce PPE and sanitizing supplies, and became the platform for communicating our industry's needs and concerns in both the state and national arenas.

NYSA continues to focus on the wellness of our workforce by consistently communicating with our member companies to ensure their PPE and safety supply inventories are adequate and to make certain all newly installed practices are continuing to work as designed. Coordination between NYSA, the ILA and the PANYNJ has been the foundation for maintaining necessary levels of supplies both on-hand and in the overall supply chain for distribution to employers for their individual workforces.

“Safety First” continues to be our motto, as well as the common thread aimed to insure the health and safety of all of our port workers. Although 2020 has been a challenging year on multiple levels, we are all unified on the safety front in the NY & NJ harbor and ready for whatever comes our way in 2021.

TRAINING 2020 – MAINTAINING A SKILLED WORKFORCE

The NYSA-ILA-PPGU Training Center continues to be the cornerstone for expanding the skills of the existing workforce, while welcoming and orienting those individuals who have recently chosen a longshore career.

During most of 2020 and due to the variables that the worldwide pandemic presented, our major focus has been to maintain a skilled workforce in the midst of labor shortages and record-breaking volumes. Every month, the NYSA Training Team works directly with the Marine Terminal Operators (MTOs) to ensure each individual's equipment certification profile is kept current. Reports are generated and information is shared with each terminal's training team to ensure all updates are handled expeditiously. This process was especially important in 2020, as only essential training was being approved by USMX for a period of time and there was an interim halt on our Hiring Plan for 2020 during the same period. The MTOs did a tremendous job in 2020 under some very trying circumstances. They kept their individual workforces whole and were able to continue to operate as if their norm hadn't been challenged.

The NYSA state-of-the-art facility also serves as a base for industry organizations and government agencies to conduct meetings, seminars, and specialized training. Security Officer Training and Security Awareness Training for the Port Police & Guards Union (PPGU) members is facilitated at the center as well.

Although we have limited the usage of our training rooms for most of 2020, we have taken the necessary steps and incorporated social distancing and sanitization protocols for future utilization. Also, even though the COVID-19 pandemic interrupted our scheduling in 2020, the NYSA Training Center Team is looking forward to, once again, hosting our regularly scheduled Hazmat courses, as well as our courses focused on Respect and Dignity in the Workplace. We look forward to opening the doors to our industry partners, while of course, continuing to adhere to our state and federal guidelines.



Commissioner Daniel B. Maffei of the Federal Maritime Commission testing out the simulator at the NYSA-ILA-PPGU Training Center in Elizabeth, NJ.

Equipment Training Skill Certifications – Contract Year 2020

| | New Certifications | Recertifications |
|----------------------|--------------------|------------------|
| Hustler Driver | 127 | 441 |
| Straddle Carrier | 22 | 186 |
| Crane Operator | 11 | 59 |
| Top Loader | 40 | 92 |
| Stacker (DS, RS, HC) | 65 | 235 |
| Noell Carrier/N4 | 34 | 95 |
| Yard Carrier | 19 | 6 |
| Empty Handler | 33 | 135 |
| Forklift | 139 | 587 |
| RTG/Transtainer | 46 | 94 |
| Shuttle Sprinter | 5 | 40 |
| Rail Mounted Gantry | 9 | 23 |
| TOTAL | 550 | 1,993 |

*Equipment training is accomplished by an independent training company using certified ILA Trainers, as well as, at all employer terminals throughout the Port of New York and New Jersey.

Classroom Training Contract Year 2020

| | |
|--|-----|
| Initial/Refresher Hazardous Materials Training | 527 |
| PIT Safety/Equip Fundamentals/Gang Training | 133 |
| New Employee Orientation | 199 |
| Respect & Dignity Training | 528 |

*With the exception of New Employee Orientation, all training is provided by a training vendor and member companies.



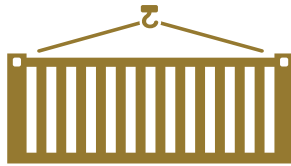


HIGHLIGHTS for contract year ended September 30, 2020



EMPLOYMENT:

- ★ 3,700 Registered Union Members
- ★ 12.1 Million Hours Worked (5.2% decrease from 2019)
- ★ Wages Paid: \$12.8 million decrease from 2019
- ★ Fringe Benefit Costs: \$6.6 million increase from 2019



CARGO:

- Containers that fit directly on a chassis
- ★ 4.1 Million, a 3.4% decrease over 2019



VEHICLES:

- ★ 453,000 Roll-on / Roll-off cargo, which is driven off the ship with its own wheels
- ★ 22.5% decrease from 2019



WORK HOURS & RATES CONTRACT YEAR 2020

| | | | | Total | Average | |
|-------------------|--------------|--------------------|--------------------|---------------------|-------------|--------------|
| CRAFTS | Rate | ST Hours | OT Hours | Work Hours | Age | # Ind. |
| Longshore | 20.00 | 194,019.5 | 236,799.5 | 430,819.0 | 37.3 | 305 |
| | 24.00 | 42,980.5 | 26,549.5 | 69,530.0 | 36.7 | 44 |
| | 30.00 | 397,079.0 | 660,731.5 | 1,057,810.5 | 42.5 | 409 |
| | 36.00 | 2,033,324.5 | 3,539,755.0 | 5,573,079.5 | 50.9 | 1,709 |
| | Total | 2,667,403.5 | 4,463,835.5 | 7,131,239.0 | 47.6 | 2,467 |
| Checkers | 20.00 | 116,898.0 | 132,482.5 | 249,380.5 | 35.0 | 88 |
| | 24.00 | 4,507.0 | 6,615.5 | 11,122.5 | 37.3 | 3 |
| | 30.00 | 156,841.0 | 246,269.0 | 403,110.0 | 39.7 | 98 |
| | 36.00 | 852,994.5 | 1,570,014.0 | 2,423,008.5 | 52.1 | 547 |
| | Total | 1,131,240.5 | 1,955,381.0 | 3,086,621.5 | 43.1 | 736 |
| Maintenance | 20.00 | 55,374.0 | 103,797.0 | 159,171.0 | 36.9 | 43 |
| | 24.00 | 5,146.0 | 3,427.0 | 8,573.0 | 34.6 | 5 |
| | 30.00 | 95,100.0 | 199,865.0 | 294,965.0 | 40.4 | 75 |
| | 36.00 | 550,249.0 | 875,327.5 | 1,425,576.5 | 51.3 | 406 |
| | Total | 705,869.0 | 1,182,416.5 | 1,888,285.5 | 48.4 | 529 |
| ALL CRAFTS | | 4,504,513.0 | 7,601,633.0 | 12,106,146.0 | 46.8 | 3,732 |

EQUIPMENT OPERATOR WORK HOURS

Contract Year 2020

| Skill | Base Rate | Work Hours | % of Total |
|--|--------------|--------------------|------------|
| Crane Operator Transtainer Operator RTG Operator | 20.00 | 16,585.0 | 2.1% |
| | 24.00 | 0.0 | 0.0% |
| | 30.00 | 64,873.5 | 8.4% |
| | 36.00 | 694,297.0 | 89.5% |
| | Total | 775,755.5 | |
| Straddle Carrier Noell Carrier Operator | 20.00 | 48,836.5 | 2.8% |
| | 24.00 | 0.0 | 0.0% |
| | 30.00 | 420,734.0 | 23.9% |
| | 36.00 | 1,287,630.0 | 73.3% |
| | Total | 1,757,200.5 | |
| Hustler Operator | 20.00 | 106,969.0 | 7.7% |
| | 24.00 | 25,304.5 | 1.8% |
| | 30.00 | 247,994.0 | 17.9% |
| | 36.00 | 1,004,325.5 | 72.6% |
| | Total | 1,384,593.0 | |
| Other Container Handling Equipment | 20.00 | 17,980.0 | 2.4% |
| | 24.00 | 12,317.0 | 1.7% |
| | 30.00 | 74,382.5 | 10.1% |
| | 36.00 | 633,145.5 | 85.8% |
| | Total | 737,825.0 | |

ASSESSMENT RATE TABLE

| Description | Rate |
|---|-----------------------|
| House Containers within 260 miles | \$89.00 Per Container |
| House Containers within 260 miles-Bermuda Trade | 25.00 Per Container |
| House Containers over 260 miles | 21.00 Per Container |
| House Containers cargo laden - Railed | 10.00 Per Container |
| Loaded Barge Containers | 10.00 Per Container |
| Mafis with 43 tons or less cargo weight | 150.00 Per Mafi |
| Transshipped | 25.00 Per Container |
| Inland Transfers | 55.00 Per Container |
| Loaded Waste Containers-Barge to Rail | 17.20 Per Container |
| Empty Containers | 40.00 Per Container |
| Empty Mafis | 40.00 Per Mafi |
| Empty Waste Containers-Rail to Barge | 17.20 Per Container |
| Empty Containers-Bermuda Trade | 25.00 Per Container |
| Uncontainerized or unboxed Autos-Trucks-Buses | 8.15 Per Unit |
| Breakbulk | 6.00 Per Ton |
| Mafis with greater than 43 tons cargo weight | 6.00 Per Ton |
| Bananas | 0.09 Per Box |
| Excepted Cargo | 14.00 Per Hour |
| Passenger Assessment | 14.00 Per Hour |
| PPGU Assessment | 17.00 Per Hour |

UNITED STATES COAST GUARD

SECTOR NEW YORK – 2020 HIGHLIGHTS



50 foot NY/NJ Anchorages Study

Sector New York (SECNY) is a cooperating agency with the U.S. Army Corps of Engineers (USACE) 50 foot Anchorage Improvement Study. The USACE determined that Alternative 1-C to deepen and expand Gravesend Bay Anchorage Ground No. 25 to accommodate the 1,000 foot (LOA) design vessel could be constructed to meet the design vessels requirements at a cost that would provide economic benefits. This alternative would expand the western portion of Gravesend Bay Anchorage Ground to 50 feet deep at MLLW, 3,000 feet wide and associated modifications of the Approach Area, and a swing radius of 3,600 feet. The project construction is anticipated to be complete in approximately 2025 (or earlier depending on funding capability) and following construction, anchorage depth and width would be maintained over the 50-year lifecycle of the project.

55 foot Channel Improvement Study

SECNY is a cooperating agency with the U.S. Army Corps of Engineers (USACE) 55 foot Channel Improvement Study. The project would deepen the channels from Ambrose Channel to Elizabeth Port Authority Marine Terminal and Port Jersey Port Authority Marine Terminal by 4 or 5 feet at a cost of \$3.9 to \$4.2 billion dollars. The project assumes a construction start date of October 2024 and ending October 2038.



Cyber Threat to Maritime Transportation System (MTS)

SECNY is actively enhancing cyber resiliency of the MTS through collaboration, communication and engagement with port partners. The Coast Guard recently launched a Cyber Protection Team (CPT) capability that provides a variety of services to both public and private partners. SECNY, in coordination with the Area Maritime Security Committee (AMSC) has scheduled 5 CPT assessments throughout the Port of NY & NJ with more scheduled in FY21.

Atlantic Coast Safety Fairways and Northern New York Bight Port Access Route Study

We are also working with our District and Headquarters offices on the possible establishment of shipping safety fairways along the Atlantic Coast of the United States identified in the Atlantic Coast Port Access Route Study. This potential system of fairways is intended to ensure that traditional navigation routes are kept free from obstructions that could impact navigation safety. Comments submitted through the Advance Notice of Proposed Rulemaking are currently



under review. Additionally, the Coast Guard is conducting a Port Access Route Study (PARS) to evaluate the adequacy of existing vessel routing measures and determine whether additional vessel routing measures are necessary for port approaches to New York and New Jersey and international and domestic transit areas in the First District area of responsibility. Comments submitted through this PARS' Notice of Study and public meetings; and request for comments are under review. We will provide updates to these two proposals through the project Docket No. USCG-2019-0279 and USCG-2020-0278 at www.regulations.gov.

NJ Commuter Ferry Service

We are working with the Borough of Carteret and Hudson County on their proposed new ferry service operations from the Arthur Kill, Newark Bay and Hackensack River to New York City. We will review Navigation Safety Risk Assessments for these proposed routes and provide recommendations to mitigate project risks with commercial and recreational vessel traffic.

NYC Commuter Ferry System

The New York City Economic Development Corporation, in partnership with Hornblower, is scheduled to expand the NYC Ferry Service in 2021, adding routes from Coney Island to Wall Street and from Staten Island to Manhattan's West Side. We continue to review Navigation Safety Risk Assessments for proposed new routes and provide recommendations to mitigate project risks with commercial and recreational vessel traffic along these routes.



Windfarm Status

SECNY continues to work closely with our First Coast Guard District, Coast Guard Headquarters and the Bureau of Ocean Energy Management in the review of offshore windfarm proposals. We reviewed Equinor's Construction and Operations Plan and Navigation Safety Risk Assessment for the Empire Windfarm and provided recommendations to mitigate project risks, including the windfarm's export cable route and burial depth beneath Gravesend Bay Anchorage Ground #25.



BALANCING WORKFORCE SIZE WITH PANDEMIC CHALLENGES AND INCREASING VOLUME

In February of 2019, the NYSA-ILA Contract Board requested an opening of the Longshore Register by petitioning the Waterfront Commission (WC) to increase our workforce to meet the demands of growing volume and workforce attrition. The request, which was accepted by the Commission, specified the need to hire 538 new longshore workers and 120 new checkers. The hiring associated with this request started in 2019 and continued into the first quarter of 2020. For several months of the pandemic the hiring effort was suspended. Manning changes related to COVID-19 safety precautions, an initial dip in volumes, and the suspension of cruise ship activity in the Port put the brakes on hiring efforts. In response to growing cargo volume, the hiring of checkers resumed in June and longshore hiring picked back up in December.



The NYSA-ILA contractual Hiring Plan continues to guide our hiring efforts, recruiting and hiring candidates from a range of sources including union referrals, Department of Labor candidates, U.S. military veterans, and management referrals. Throughout this hiring effort, thousands of candidates have expressed an interest, over 1000 were interviewed and 359 have been hired throughout the Port (91 during 2020), as follows:

| Longshore | | Checkers |
|-----------|------------------|----------|
| 24 | Brooklyn | 0 |
| 26 | Manhattan | 0 |
| 175 | Elizabeth/Newark | 76 |
| 27 | Bayonne | 8 |
| 17 | Staten Island | 6 |

The hiring process includes a multi-employer interview process, application to the WC to be added to the register, approval by the WC and registration, TWIC (Transportation Worker Identification Credential) issuance, and meeting the requirements of physical exams and drug testing. Longshore workers entered the workforce initially ready for work as Car Drivers and Baggage Handlers, but by the end of 2020 many had also been trained to operate specialized equipment and to work as a member of a gang during vessel operations.

The demand in 2020 for highly skilled maintenance professionals in various areas of the Port, was slowed during the COVID-19 pandemic as shops practiced social distancing and other measures to maintain the health of the maintenance workforce. During 2020, two maintenance professionals were hired and five others were sponsored for employment but remain under review at the WC.



PORT POLICE AND GUARDS UNION (PPGU)

The Port Police and Guards Union are one of the most important segments of the labor force that are always prepared and ready to defend the Port of New York & New Jersey. The escalation of cargo volumes have required increased hours of operation at the terminals and infrastructure improvements in the Port have generated new challenges for this area of the workforce. The union is comprised of 308 active members who are responsible for guarding key access points and patrolling all perimeters of the marine container terminals, auto terminals and passenger ship/public berths. This surveillance is executed 24 hours a day, 7 days a week and 365 days a year.

In January 2018, a new five-year contract was entered into that will expire on December 31, 2022.



US ARMY CORPS OF ENGINEERS

Dredging Project Status

Maintenance Projects:

- New York Harbor, Sandy Hook Channel (FY18) – Maintenance dredging contract awarded in August 2018. Work to be completed in 2021.
- New York and New Jersey Harbor, Newark Bay – Maintenance contract awarded in June 2019 for the 50ft reaches. All work was completed in August 2020.
- Newark Bay, NJ – Maintenance contract award in September 2019 for the 40ft reaches. All work was completed in April 2020.
- New York and New Jersey Channels, Perth Amboy Anchorage – Maintenance dredging contract awarded in July 2020. All work was completed in November 2020.
- Cheesequake Creek, NJ – Maintenance contract awarded in July 2020. All work was completed in September 2020.
- Port Jersey, NJ – Maintenance contract awarded in June 2020. All work was completed in September 2020.

Ongoing & Completed Construction Projects:

The status of the NY/NJ Harbor 50' Deepening project encompasses both dredging contracts and mitigation contracts as follows:

Ambrose Channel

- First contract for Outbound half of entrance channel (S-AM-1) completed in June 2008.
- Second contract for inbound portion of channel (S-AM-2a) completed May 2010.
- Third contract (S-AM-2b) (portion of Inbound half) awarded in February 2009 and completed in January 2011.
- Fourth and fifth contracts (S-AM-3a and S-AM-3b) awarded in September 2011 and completed in October 2012 and January 2013, respectively.

Anchorage Channel

- First contract (S-AN-1a) completed in October 2008.
- Second contract (S-AN-1b) awarded in September 2009 and completed in January 2011.
- Third contract (S-AN-2) awarded in March 2010 and completed in March 2011.
- Fourth contract (S-AN-UC) awarded in December 2015 to remove material overlying several utility corridors which lie within and across the southern Anchorage Channel as well as Port Jersey Channel. The contract was completed in September 2016.

Port Jersey Channel

- Port Jersey contract 3 (PJ-3) awarded in October 2007 and completed in July 2010.
- Port Jersey contract 4 (PJ-4) (over PVSC tunnel) awarded in March 2011 and completed in October 2012.
- Shoal Removal contract #1 awarded in August 2013 and completed in September 2015.

Kill van Kull

- First contract (KVK 5) completed as part of 45 ft. deepening project in December 2004.
- Second contract (S-KVK-2) completed in March 2007.
- Third contract (S-KVK-1) awarded in June 2008 and completed in September 2011.

Newark Bay

- First contract (S-NB-1) awarded in June 2007 and completed in January 2011.
- Second contract (S-E-1) awarded in 2009 and completed in April 2010.
- Third contract (S-NB-2) awarded in September 2010 and completed in September 2012.
- Fourth contract (S-SR-2) awarded in September 2013 and completed in February 2015.

Arthur Kill

- First contract (S-AK-1) awarded in September 2010 (included as part of S-NB-2 contract above) and completed in September 2012.
- Second contract (S-AK-2) awarded in September 2011 and completed in March 2013.
- Third contract (S-AK-3) awarded in January 2013 and completed in December 2014.

Bay Ridge Channel (50 ft.)

- Deferred from construction as per Port Authority letter dated December 21, 2011.

Arthur Kill (41/40 ft.)

- Contract (AK-4) awarded in December 2014 to GLDD to deepen 40 ft. segment from NYCT to Phillips 66 Refinery. The Contract was completed in July 2017.
- With the removal of the dolphins protecting the Staten Island side footing of prior Goethal's Bridge, a small area (< 1 acre) 40 ft. navigation channel deepening is being planned for 2019 or 2020 to be accomplished as part of a Corps maintenance dredging contract that may be done in the area.

50 ft. Project Mitigation

- Elders East Marsh Island (Jamaica Bay, NY) – Completed restoration of 40 acres of wetlands in July 2007.
- Woodbridge Creek, NJ – Completed in November 2008.

Restoration (Beneficial Use of Dredged Material)

- Elders West Marsh Island (Jamaica Bay, NY) – Completed in August 2010. A total of 302,000 CY of sand was placed and 51 acres of Marsh Island habitat created.
- Lincoln Park (NJ) – A total of 339,235 CY of sand was placed from contract 1b (S-AN-1b & S-AM-2b) in 2010 in partnership with the PANYNJ, NJDEP, NOAA, Hudson County, Yellow Bar Hassock Marsh Restoration (Jamaica Bay, NY) – Options for sand placement awarded as part of S-AM-3b contract and via separate planting contract awarded in January 2012. Placement and planting was performed winter into spring of 2012 restoring 46 acres of marsh. Impacts from Hurricane Sandy necessitated replanting of significant areas of the marsh, which was completed in June 2014.
- Black Wall and Rulers Bar (Jamaica Bay, NY) – Options for sand placement were awarded as part of S-AM-3b contract and sand was placed in September and October 2012. Placement of 150,000 CY was placed at Black Wall creating and additional 20 acres of island and 92,000 CY of sand was placed at Rulers Bar for an additional 10 acres of island. A community based planting effort (NYCDEP, American Littoral Society, Jamaica Bay Ecowatchers and Jamaica Bay Guardian) was completed in summer of 2014 planting 14.5 acres and 8 acres at Black Wall and Rulers Bar, respectively.



Corps Navigation Studies in PONYNJ

- The Corps Norfolk and New York Districts are evaluating possible expanded/deepened anchorage areas in support of the 50 ft. navigation project with the tentatively selected plan to be identified in the summer of 2019.
- The Corps announced in the fiscal year 2019 work plan released on November 21, 2018 that the Corps would start a new navigation study entitled “New York and New Jersey Harbor Deepening Channel Improvements, NY & NJ.” Both the anchorage and channel improvement studies are and will be sponsored and partnered with the Port Authority of New York and New Jersey.

INFORMATION TECHNOLOGY

In 2019 the NYSA IT Department began the undertaking of replacing our 30-year-old Oracle based Enterprise Management System with a new modern system based on current Windows software technology. This new system would provide the security, flexibility and supportability of our current and future business. We had decided in order for this project to be a success, we would approach the project in phases.

In 2019 we released two phases of the new EMS into production:

- Payment System
- Pension System

In 2020 we released the following systems into production:

- ATS Assessment tracking System composed of the following systems:
 - Unit Assessment Billing (UAB)
 - Container Royalty
 - Unit Matrix (Statistical Reporting)
- Parts of the Welfare System composed of the following sub systems:
 - NYSA Fixed Assets System
 - Accident Tracking System
 - PPGU Volunteer Hiring
 - NYSA Attendance System



This year in 2021, we will be releasing into production the following:

- The remainder of the Welfare System
 - Welfare ---scheduled for production release this month 2/21
 - A&H Compensation System production release 2/21
 - Vacation System 2/21
- Payroll System, inception meetings are currently underway. Production release is scheduled for late this year.
- Employee System project is scheduled for March of this year with a production release to be determined. This is the final piece of the system and will complete the EMS project.

Following this unprecedented year, it quickly became apparent that our IT Systems would need to be utilized like never before. The planning and decision-making in previous years for emergency scenarios, were fully utilized this year. Remote operations for the Hiring Center, NYSA-ILA Employee Benefits Funds Office, NYSA-ILA Training Center and NYSA Corporate Offices needed to be addressed.

Fortunately, all of the above locations utilize virtualized computer systems, internet-based phone systems and cloud-based software. “**Virtualization** is the process of creating a software-based, or virtual, representation of something, such as virtual applications, servers, storage and networks.” These technologies allow complete remote usage as well as remote support capabilities. Our virtual applications utilize MFA (multi-factor authentication) to ensure complete security.

Since the start of the global pandemic in late March, all of our offices have been 100% functional without any business interruptions. NYSA’s Enterprise Management System Project continues to be on schedule due to our capability to host and participate in remote meetings and share data. By the end of this year, our EMS project will be completed as planned.







INDUSTRY HIGHLIGHTS & SPECIAL EVENTS

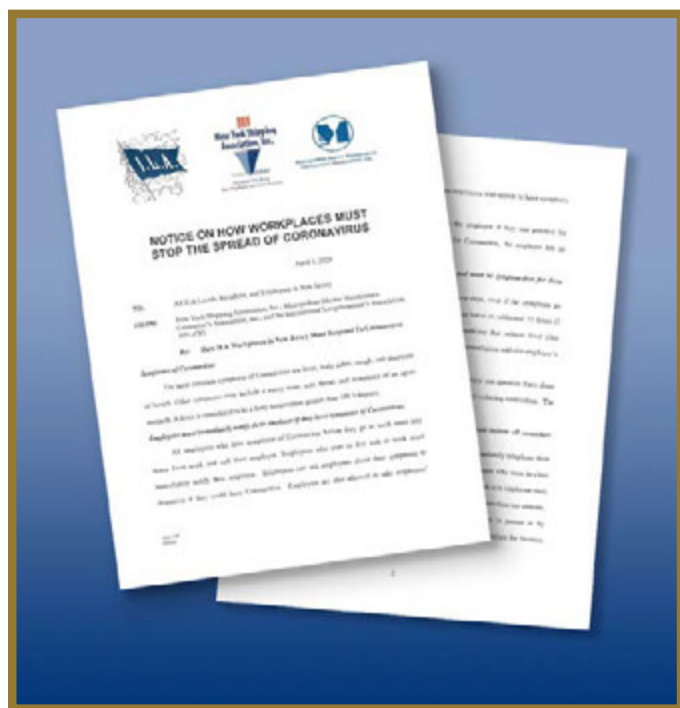
Financial Outreach to Support the Safety of Frontline Workers

On May 13, 2020, NYSA sent out a letter to numerous New York and New Jersey state and federal legislators and top staff members informing them of the crucial work taking place to support the frontline workers in the Port who help keep the economy moving by handling urgently needed cargo even under the threat of contracting COVID-19. The letter expressed that members of the NYSA and their partners in the supply chain, specifically the ILA, and MMMCA are seeking federal and state help to bear additional costs tied to constantly cleaning facilities, investing in personal protective equipment (PPE), non-contact temperature checks, as well as weathering the impact of COVID-19 on cargo volumes.



Safety procedures including daily temperature checks, work schedule modifications, equipment sanitation, and the purchasing of personal protection equipment (PPE) for workers is necessary to ensure the safety of the workforce and to sustain the economy. However, these measures create extraordinary costs which, in the absence of state and federal assistance, will likely have negative impacts on port operations in the near future. Therefore, NYSA urged legislators to consider a means to help alleviate and bridge the financial gaps in the Port that could jeopardize continued healthy operation of our domestic marine terminal industry, our maritime transportation systems, and our critical supply chain.

A video was created by the ILA that highlighted what they and their partners have been doing to support each other during this time and a link to the video was included in the letters that were sent out. Also, NYSA created an ad that featured a link to this video which appeared continuously on the New Jersey Globe website on May 13, 2020.



Working Together to Stop the Spread of COVID-19 in the Workplace

At the beginning of the pandemic, members of the NYSA, the ILA, and the MMMCA banded together to effectively manage the response of COVID-19 in the workplace. Protocols were developed to deal with workers who experienced coronavirus-like symptoms, those who tested positive for COVID-19, and those who were found to be in close proximity to someone who tested positive. A notice was distributed to all ILA Locals, Members and Employers informing them of how to guide their workers to prevent the spread of the virus and to keep themselves and those in their work environment safe.

Virtual Press Conference on the 2020 Report on the Economic Value of the New York-New Jersey Port Industry

In partnership with the North Jersey Transportation Planning Authority (NJTPA) and in collaboration with its port partners, NYSA released a new economic impact study at a press conference that was held virtually on August 18, 2020. The study was prepared by Anne Strauss-Wieder, Director, NJTPA. Speakers at the press conference included Ms. Strauss-Wieder, John Nardi, Bethann Rooney, Deputy Port Director of The Port Authority of New York and New Jersey (PANYNJ), Freeholder, Kathryn DeFillippo, Chair of the NJTPA, and Michael McGuinness, Chief Executive Officer of NAIOP New Jersey.

The study revealed that the port industry of NY & NJ accounted for nearly \$12 billion in tax revenue, supported over 500,000 jobs, and was responsible for \$36.1 billion in personal and \$99.5 billion in business income in the region in 2019.

The Port is supported by nearly \$2.9 billion in recent infrastructure investment, including the raising of the Bayonne Bridge, and has become the second largest container port in the United States which has been repositioned to meet 21st

century needs. These needs include new larger neo-Panamax vessels, according to the study conducted by the NJTPA. The study also looked at the Port's impact on a 31-county region in New York, New Jersey and Pennsylvania and provides data on the economic impact to the entire states of New York and New Jersey.

According to the study, the port industry currently employs 239,100 workers and supports another 267,250 indirect jobs — a 26 percent increase in total supported jobs since 2016. Container volume has also increased by more than 1 million additional containers, or 19 percent, since 2016. The Port also experienced a nearly 25 percent growth in cruise vessel calls since 2016. In addition, the region's industrial and distribution space increased by tens of millions of square feet of capacity between 2016 and 2019, with more under construction.

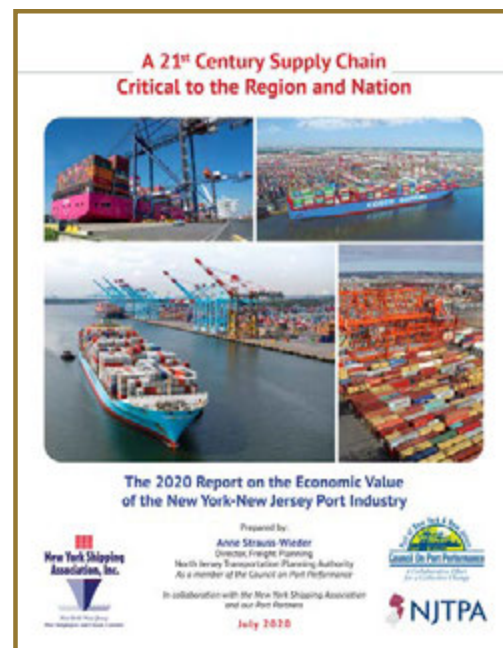
As a result of this growth, the region's maritime facilities handled:

- Nearly 7.5 million twenty-foot equivalent containers (TEUs), up from 6.3 million in 2016 and 5.8 million in 2012
- Close to 578,000 vehicles
- 50 million tons of cargo, up from 47.4 million tons in 2016 and 42 million tons in 2012
- Nearly 102,000 tons of breakbulk cargo
- 304 cruise vessels, up from 260 in 2016

From 2014 to 2019, public agencies and private port operator investments in the Port totaled nearly \$2.9 billion, including raising the Bayonne Bridge and improvements in terminal buildings and berths, cargo handling equipment, intermodal rail infrastructure, roadways, and more. The total one-time economic impact of these investments was:

- Nearly 14,400 direct jobs and 25,200 total jobs in the region
- \$2 billion in personal income
- \$4.9 billion in business activity
- \$607 million in federal, state, and local tax revenues, including \$207 million in state and local tax revenues and \$400 million in federal tax revenues

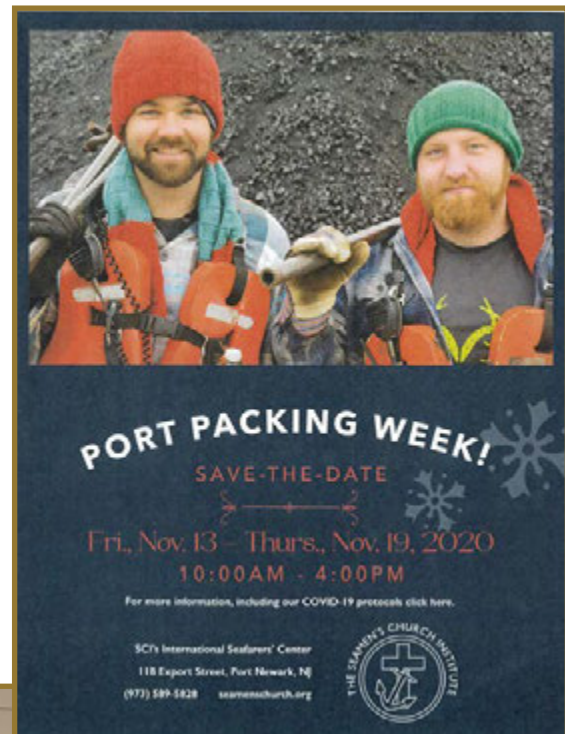
The entire press conference and the complete Economic Impact Study could be found on our website at www.nysanet.org.



*Top row (left-right): Anne Strauss-Wieder, Bethann Rooney, John Nardi
Bottom row (left-right): Michael McGuinness, Kathryn DeFillippo*

SCI's Port Packing Week

On November 17, 2020, Susan Winfree from NYSA joined members of the Council on Port Performance at the Seamen's Church Institute to participate in their annual Christmas at Sea, Port Packing Week. This yearly event is an open house where volunteers from the port community gather to help pack knitted hats/scarves, toiletries and other items that are collected throughout the year by SCI's Christmas at Sea program managed by Joanne Bartosik. This year a total of 5,232 gift bags were packed, which is a 29% increase over last year and the bags were delivered to 196 vessels calling in Port Newark.



Supporting Those in Need Within Our Port Community

In the winter of 2020, NYSA was unable to host its Annual Holiday Reception for members and friends of the maritime industry due to COVID-19 restrictions. In an effort to continue with the spirit of the season, it was decided to utilize the funds that were set aside for the reception and provide three generous donations to specific charities in the port community specializing in helping homeless families. These organizations included Covenant House Newark, the Apostles House in Newark and the Elizabeth Coalition to House the Homeless. NYSA's Susan Winfree and James H. Cobb, Jr. personally distributed the donations to the recipients.



PORT AUTHORITY OF NEW YORK & NEW JERSEY

Record Breaking Year

Despite the challenges of the pandemic which saw cargo volumes in the Port plummet in the spring and early summer by double digits, volumes rebounded by record numbers in the last four months resulting in a year-end record of 7,585,819 TEUs, 1.5% more than 2019. While export loads for the year decreased, imports and export empties each increased by more than 4% for the year. While the Port saw a reduction in container vessel calls of 1.9% due to ocean carriers “blank sailings,” there was an increase by more than 14% of the number of vessel calls with a capacity of over 9,000 TEUs.

Council on Port Performance

In 2020 the Council on Port Performance (CPP) increased the frequency of its meetings from bi-monthly to bi-weekly to provide an open forum for its members to discuss conditions within the Port of New York & New Jersey (PONYNJ) during the COVID-19 crisis. The bi-weekly format for these meetings played an important role in allowing for continued collaboration and communication among the port community during these unprecedented times and has been widely praised throughout the industry and identified as what set the PONYNJ apart from other US Ports in responding to the global pandemic.



In addition to increased CPP meetings, weekly key stakeholder calls also began in March so that port partners could share information related to their response to COVID and to share best practices to address business challenges, such as procuring personal protective equipment for essential workers within the port community.

Anticipating that warehousing capacity in the region would become constrained, in June staff worked closely with local trade associations and chambers of commerce, to conduct a survey amongst warehouse operators to identify any available warehouse or open area storage capacity in the region. The survey was conducted in response to concerns of container bottlenecks at marine terminals once import volumes begin to rebound and shippers are faced with potential warehouse closures or storage constraints.

The results of the survey were compiled and organized into a list of over 60 facilities with additional storage capacity that range from traditional warehouse space and pallet positions to yard space and parking. The list was published on the Port Authority's website and distributed as a resource for shippers. Regular updates have been made in the ensuing months to include additional warehouse operators who wish to collaborate on this effort.

Workforce Development Highlights and Program Advancements

In a tumultuous year for which the States of New York and New Jersey faced staggering unemployment numbers, the CPP reinforced its commitment to the PONYNJ's host communities, ensuring workforce development programming was delivered virtually. A silver lining to the massive layoffs was that the maritime transportation, logistics and distribution (TLD) industry was hiring. And some employers offered sign-on bonuses. Career awareness webinars focused on employment shortages in drayage trucking and warehousing industries. These webinars reviewed necessary credentials, sought after job skills, and the avenues to apply for careers in these essential industries. Helping support virtual and hybrid learning, a TLD CareerWave Mini-Conference for guidance counselors and educators was held virtually, and Virtual Tours of the PONYNJ helped prepare job seekers with background information for their job interviews. These events reached nearly 2,000 participants, students, and job seekers; over 150 employers; 130 teachers and educators; and close to 200 additional participants viewed the webinars released in 2020.

The CPP's Workforce Development Implementation Team met quarterly with its mission strongly centered on raising awareness, building connections, providing training, and hiring a workforce that will sustain maritime commerce and the TLD industry. Advancing new partnerships during 2020 proved critical to achieve workforce development goals for our stakeholders across the region. The committee welcomed new members from both New York and New Jersey

including representatives from Red Hook Initiative, Staten Island Borough President's Office of Education, Urban Assembly for Global Commerce, and the Association of Bi-State Motor Carriers.

In support of both workforce development and business engagement, the Port Authority established the Maritime Community Engagement Center in Newark, NJ in March.

The CPP's TLD LinkedIn Job Board experienced an increase in membership to 360 members, adding a total of 128 new members in 2020. The group offers job developers, HR professionals, industry leaders and job seekers the ability to network and explore the many career opportunities that exist throughout the industry in the NY/NJ region.

Among the key events in 2020 were:

- In February, the CPP held a 2020 Transportation, Distribution and, Logistics Apprenticeship & Internship Fair in Jersey City, NJ. The event attracted 25 employers and approximately 75 job seekers. Through collaboration and partnership, Newark Alliance helped secure Farmland Fresh and Amazon Deliveries, both with locations in Newark, to participate in this event.
- The CPP successfully secured and organized a maritime TLD panel at CareerCon 2020, Staten Island's largest High School Career awareness event. Panelists included maritime operations, maintenance and electrical experts and the Port Authority Police Department. The event was attended by over 700 high schoolers and 80 employers.
- The webinar "Preparing High School Grads for Hiring Opportunities in COVID-19" that was held in May provided teachers and school counselors with immediate hiring opportunities, credentialing pathways, and registered apprenticeship programs applicable to high school graduates. According to follow-up survey results, participants shared the information received during the webinar with close to 500 high school students and reported student interest in jobs in the maritime TLD industry. The feedback from this webinar helped spur other CPP partners to deliver additional virtual career awareness events throughout the year.
- CPP partner, Gateway Chamber of Commerce, hosted three virtual TLD Job Fairs in June, August, and October. The virtual events used a software, known as Remo, that allows employers and participants to video chat and communicate across virtual "tables" to explore job opportunities and build networking skills. The target audience included high school students, college students and recent graduates, as well as job seekers affected by the pandemic. Employers represented a wide group of industries across New Jersey including healthcare, supply chain & logistics, and warehousing.
- The Port Authority team created a Port 101 video presentation to serve as a virtual alternative to previously scheduled facility tours. The video was distributed to a network of teachers and school counselors across the region for inclusion in their students' curriculums. Live virtual tours for over 200 interested maritime TLD job seekers were delivered in October and December.



Security Accomplishments

- Under the Maritime Transportation Security Act, the United States Coast Guard (USCG) is required to conduct two inspections annually of every regulated facility in the Port. USCG Sector NY received authorization from Coast Guard Headquarters to pilot the first ever virtual Annual Compliance Examination at New York Marine Terminals in May. After successful execution, a virtual examination was then carried out at New Jersey Marine Terminal and with many of the Port's container terminal operators. This allowed the USCG to retain oversight of security compliance during the COVID-19 pandemic.
- The Port Authority worked with NYSA and the ILA to temporarily implement a requirement to show identification credentials upon departing secure areas in addition to the standing regulatory requirement to show credentials for access. This modification came at the request of the USCG and Customs and Border Protection (CBP) to ensure vessel crewmembers who are not permitted ashore for health and safety reasons, remained on the ships. The cooperation shown by NYSA and the ILA is greatly appreciated and an important part of the Port's health and safety protocols.
- In December 2020, the USCG approved new Facility Security Plans for New York New Jersey Rail's Cross Harbor car float operation. This approval gives NYNJ Rail broader flexibility in the types of cargo they carry between Jersey City and Brooklyn.
- Throughout 2020, the Port Authority and NJ Office of Homeland Security and Preparedness carried out a project to update Municipal Public Safety Answering Points (PSAPs), the computer aided dispatch database system used to notify Port Authority Police when calls for service are requested in their jurisdiction. This was done in coordination with Newark, Elizabeth, Bayonne, and Jersey City. This is expected to result in quicker response times by the Port Authority Police Department and the ability for local municipalities to reduce the strain on their first responder resources.

Reinvention of Business Development Activities

The COVID-19 pandemic fundamentally altered the traditional face-to-face and/or in-person components of conducting customer outreach. Our Business Development and Industry Relations (BDIR) staff quickly responded to this challenge by creating and consistently enhancing a virtual webinar-based outreach concept. Customer engagement, communication and information sharing were especially important as the region and port community experienced challenges associated with COVID-19. BDIR regularly hosted, coordinated and participated in webinar-based port briefings for thousands of external stakeholders, shippers and service providers throughout the year. While the topics varied based on the individual needs of diverse regional stakeholder groups or specific trade associations, these briefings provided opportunities for Port Authority staff and key port partners, most especially the terminal operators, to stay connected and share timely information with port users and customers. These customer engagement sessions have been critical to share information about the state of the Port, provide project and initiative updates, and highlighting the Port's essential role in maintaining supply chain fluidity. Additionally, we initiated and developed a 3-part executive broadcast series for the Port Department Director, Sam Ruda to address our customers and stakeholders on the state of the Port and measures that have been undertaken to ensure fluidity of their supply chain.



Intermodal Rail

In 2020, the Port handled over 700,000 lifts through the ExpressRail intermodal rail network. This represents a 6.2% increase over 2019's rail volume and a record breaking 16.6% of the Port's overall volume. This was not without its challenges but our rail partners, CSX, NS and Conrail, all worked very closely with the terminal operators to maximize the amount of inbound and outbound rail car footage on a daily basis to maximize efficiencies for better fluidity in the rail network. Toward the end of the year, CSX and NS added destinations for customers at ExpressRail Port Jersey (Stackbridge and Sharonville) and Express Rail Port Newark (Brampton, Montreal, and Stackbridge) rather than those boxes needed to be drayed over to Millennium Marine Rail (ExpressRail Elizabeth).



GOVERNMENTAL AFFAIRS HIGHLIGHTS 2020

As the calendar year 2020 began, at the top of the list of priorities were two carryover issues from 2019. The ongoing saga to modernize or eliminate the burdensome effects of the Waterfront Commission (WC) of New York Harbor's antiquated policies governing recruitment and hiring of new workers in the PONYNJ, and to safeguard the future of the vast majority of the PONYNJ's port drayage drivers right to independent contractor status. The former issue had made its way to the United States Court of Appeals for the Third Circuit in Philadelphia, Pennsylvania and was awaiting scheduling for the State of New Jersey's appeal of the District Court's decision. The latter had stalled at the end of the previous legislative session in the State of New Jersey, as New York State was considering setting up a task force comprised of legislators, businesses, and labor interests to address the matter there. In the background, a new virus strain referred to as COVID-19 was starting to gain attention outside of the United States of America due to its increasing rate of community spread and the mounting number of terminal outcomes.

State of New Jersey

On February 18, 2020, the clerk of the United States Court of Appeals for the Third Circuit, issued a Notice of Oral Argument to the parties in the Waterfront Commission of NY v. Governor of New Jersey action which had been scheduled to be argued on March 3, 2020 before Chief Judge Smith along with Circuit Judges Hardiman and Smith. Arguments for New Jersey were led by Aaron A. Love, Esq., Deputy Attorney General, State of New Jersey (representing Governor Murphy), and Leon J. Sokol, Esq., (Counsel for the New Jersey Senate and General Assembly). An Amicus Brief was also filed by New York Shipping Association (NYSA). The brief centered around whether the WC's attempt at suing Philip Murphy, as the Governor of the State of New Jersey, was a veiled attempt to avoid the appearance of trying to sue the sovereign State of New Jersey in Federal Court, a violation of the Eleventh Amendment of the United States Constitution.

As arguments commenced, the Chief Judge noted in procedural instruction to counsel for the New Jersey Senate and Assembly, "clearly New Jersey wants a divorce." The oral arguments by the counsels on both sides, included some very incisive questioning and arguments on points of law from the judges prior to adjournment of the proceeding. After ninety-three days, the Third Circuit Court of Appeals rendered its decision to the parties on June 5, 2020. In summary, the three-judge panel wrote, "Because this suit impinges on the State of New Jersey's sovereignty, thereby depriving the District Court of jurisdiction, we will vacate the order granting summary judgement to the Commission, reverse the order denying the Governor's motion to dismiss, and vacate the order in all other respects. The case will be remanded for dismissal."

The court's decision would open the way for Governor Murphy to ultimately notify Governor Andrew M. Cuomo of New Jersey's intention to withdraw from the compact. If not objected to by New York State, policing of facilities located in New Jersey and background checking of candidates for employment would be turned over to the New Jersey State Police. The WC has chosen to pursue available legal avenues to overturn the Third Circuit Court's decision before their orders must be executed in the District Court. On December 4, 2020, the WC filed a Writ of Certiorari (see Legal section) to the Supreme Court of the United States in the hope of getting a hearing before court. NYSA will continue to watch this issue in the coming year.

Independent Contractor Status

Legislation was introduced near the end of the 2018-2019 legislative session to modify the "ABC" test for determining the eligibility to achieve and maintain independent contractor status for workers who choose to be. Of major concern to the maritime industry is that enactment of this legislation could dismantle the established business model employed by many in the fleet of independent port drayage truck drivers who move more than seventy percent of the freight hauled in and out of marine terminal facilities in the State of New Jersey. Independent drivers would be forced to be employees of a company operation, taking away their right to choose to be in business for themselves. The legislation which was opposed by NYSA and many independent business owners who would be adversely affected, did not progress toward enactment before the end of the 2018-2019 legislative session in January of 2020. The bill was reintroduced on January 14, 2020 in the Senate. A companion bill was not reintroduced in the General Assembly in 2020. NYSA will continue to oppose any progress of this legislation as enactment would adversely impact economic growth in the PONYNJ and the regional economy.

Environmental Justice/Protecting Against Climate Threats

In September, Governor Murphy signed legislation into law that would give the New Jersey Department of Environmental Protection authority to limit or prohibit new or expanded facilities in overburdened communities. This would provide greater protections for these communities that often bear the brunt of health impacts. Overburdened communities as defined in the legislation are census block groups in which half of the population is considered low income and either 40% are minorities or 40% have limited English proficiency. In addition to requiring permit applications to include an Environmental Justice Impact Statement to analyze the cumulative impacts on the community, the new law also establishes a public hearing requirement for applicants seeking new or expanded permits for facilities in overburdened communities. Applicants must also conduct a public hearing at which members of the community can comment and have their comments considered. The New Jersey Department of Environmental Protection (NJDEP) will look at health and environmental impacts caused by the permit and if impacts can be reduced or avoided. A permit application may be denied upon a finding that the cumulative impacts of existing environmental and health stressors result in a disproportionate impact to the overburdened community when compared to other communities.



As part of the NJDEP's rule-making process for its New Jersey Protecting Against Climate Threats/Reducing CO2 Emissions strategy, NJDEP held two virtual stakeholder input meetings on September 16th. NYSA working in close cooperation with the PONYNJ's Sustainable Terminal Services Agreement, the World Shipping Council, The Lambos Firm, and our environmental consultants at Greener by Design, prepared, gave testimony and submitted comments for review and consideration to the NJDEP. Our comments detailed the complex challenges that the industry would face in attempting to implement a California Air Resources Board styled strategy to reduce CO2 and Particulate Matter 2.5 emissions emanating from Ocean Going Vessels/Harbor Craft and Cargo Handling Equipment in use at New Jersey Marine Terminal Operations. Focus was also given to the substantial technical and infrastructure challenges related to achieving the department's goal of full utilization of zero-emissions equipment by 2050 and how this would impact the industry, due to the potential economic risks involved. The submission also highlighted environmental initiatives that the industry had historically and is presently undertaking to improve air quality in the Port and surrounding communities.

The NJDEP is reviewing comments and working to develop draft rules for the February/March 2021 publication in the New Jersey Register. After publication in the NJ Register, there is a period for public review and comment, after which the department will work on developing the final rules with a target for adoption in June/July of 2021.

New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act

On Election Day, November 3rd, New Jersey voters approved a ballot question seeking to amend the Constitution of the State of New Jersey to legalize adult use of cannabis items. On December 4th Governor Murphy and legislative leadership announced agreement on a bill that would launch the legal cannabis industry in New Jersey.

NYSA proposed industry specific amendments to the original version of the legislation to protect employers right to sustain a drug-free environment in our safety sensitive workplace, as per our Collective Bargaining Agreement with the ILA. Unfortunately, language in the second reprint of the legislation declared, impacts our ability to consider the presence of marijuana during pre-employment drug screening moving forward.

The legislation went on to state and allow that "An employer may require an employee to undergo a drug test upon any suspicion of an employee's usage of a cannabis item while engaged in the performance of the employee's work responsibilities, or upon finding any observable signs of intoxication related to use of a cannabis item, or following a work-related accident subject to investigation by the employer. A drug test may also be done randomly by the employer, or as part of pre-employment screening, or regular screening of current employees to determine use during

an employee's prescribed work hours." Any test administered must be scientifically reliable or conducted by a certified Workplace Impairment Recognition Expert. This is a new job title created by the legislation intended to assist employers with their effort to maintain a drug and alcohol-free workplace, especially in safety sensitive workplaces like marine terminal operations. Also, in the legislation, "the employer may utilize the results of the drug test when determining the appropriate employment action concerning the employee, including, but not limited to dismissal, suspension, demotion, or other disciplinary action."

This legislation was approved in the legislature on December 17th and sent to the governor for his approval. Many legal scholars around New Jersey believe there will inevitably be many legal challenges to aspects of the new law. NYSA will continue to advocate for amendments to improve workplace safety in the law following its anticipated enactment.

Governor Murphy Holds Press Conference in Port Newark

On November 17th, Governor Murphy, joined by Department of Transportation Commissioner Diane Gutierrez-Scaccetti, held an important press conference in Port Newark to announce a series of infrastructure projects that will enhance safety and vehicle movements, including routes serving the broader regional port operations.

"For decades, New Jersey and our ports have been the corridor through which much of our nation's economic activity has flowed," said Governor Murphy. "I'm thrilled that these critical projects will further enhance regional operations and contribute to a stronger, more modern infrastructure that will both deliver safer roads and bridges as well as fuel our state's economic recovery – not just as we work toward the end of the pandemic, but for decades to come. In doing so, the jobs here in the Port, and the jobs created by the infrastructure projects around us will help us ensure a stronger, fairer, and more resilient post-COVID economy." Governor Murphy also took a moment pay homage to the PONYNJ's ascension to the position of the second busiest gateway of international maritime commerce in the United States of America.



New York State

New York State was hit extremely hard by COVID-19 and at one point held the distinction of being the global epicenter of the pandemic. As it became obvious early on that the pandemic could have catastrophic impacts on so many aspects of life in the state, the New York State Senate and Assembly granted Governor Cuomo powers over the issuance of Executive Orders to address challenges of the COVID-19 crisis. Following approval of the state budget, a limited number of legislative meetings and sessions were conducted via virtual format, specifically to address COVID-19, the state's budget shortfall, and Police and Criminal Justice Reform matters. Legislation to fix the WC and an Independent Contractor Task Force that was scheduled to be formed were both placed on the back burner.

As 2020 was coming to an end and two COVID-19 vaccines began making their way towards the United States, the Food & Drug Administration granted Emergency Use Approval of these vaccines to combat the pandemic. NYSA began working with the Governor's Offices of New Jersey and New York to solidify 1b priority classification for essential port workers as the vaccination rolled out. At year's end the pace at which vaccinations would make it into the arms of industry workers had still not been established. Both states cited inadequate allocations of the vaccine to the states, high demand among frontline workers and vulnerable populations, and logistical problems for the delays in the process. NYSA's Governmental Affairs primary focus in 2021 will be resolving this matter for the hard-working men and women of NYSA member companies and the ILA. They have worked tirelessly and persevered through the pandemic to keep the PONYNJ up and running. Their effort and sacrifice have helped to minimize the hardship COVID-19 has inflicted on many in our society and generated hope for a speedier post-COVID-19 economic recovery in which our industry will play a major role.



2020 LEGISLATIVE REVIEW

National Association of Waterfront Employers (NAWE)

Lauren Brand

President



2020 was a tumultuous year for the United States and the world alike. The global COVID-19 pandemic was declared a national emergency on March 13, 2020. To fully understand the unexpected impact of the pandemic on the industry, bear in mind that the coronavirus outbreak was first reported in China December 2019, disrupting worldwide logistics and closing ports in China for two months¹, blank sailings haunted the year through to December 2020, the way terminal operations were conducted had to be altered to meet guidelines issued by the U.S. Center for Disease Control (CDC), and every person working or entering a terminal were subject to new safety protocols. These actions impacted economies across the world. While marine terminals and stevedoring operations were subjected to every one of the actions named herein, every NAWA member remained committed to move freight trusted to their care as safely and efficiently as possible. Productivity remained good in the face of sporadic worker shortages, chassis availability, distribution warehouse congestion, destination facilities that were closed and restrictive business conditions.

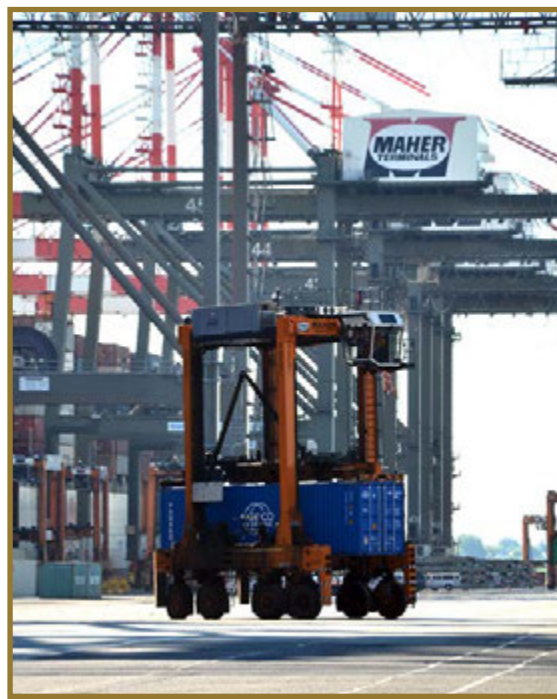


Figure 1: Development of international maritime trade and global output, 2006–2020



Source: UNCTAD calculations based on data from UNCTADstat. Published 12 November 2020 <https://unctad.org/news/covid-19-cuts-global-maritime-trade-transforms-industry>

¹ <https://www.wsj.com/articles/china-shipping-exports-rebound-just-as-western-ports-cope-with-coronavirus-downturn-11584647486>

NAWE was able to secure legislative wins throughout the year designed to aid waterfront employers meet each challenge during the economic downturn. A few highlights of these legislative focus areas are outlined below:

- **NAWE increases relevance; is recognized as a trusted industry advisor.**

This past year, NAWE has increased its visibility and influence in the political arena, becoming a vital maritime industry stakeholder. Over the course of 2020, NAWE conducted considerable outreach, advocacy, and education campaigns on numerous issues of importance to NAWE members ranging from aiding in the formation and passage of the Maritime Transportation System Emergency Relief Act (MTSERA) to testifying in front of the House Transportation and Infrastructure Committee in Congress regarding how COVID-19 has impacted Marine Terminal Operations. These efforts have been highly successful in opening lines of communication and dialogue with Congressional leaders, and Federal agencies such as the Maritime Administration (MARAD) and US Department of Transportation and the Federal Maritime Commission (FMC), on behalf of marine terminal operators and stevedore industry workers. NAWE plans to leverage these relationships going forward to further the goals of its members and to expand its relationship building to at least 15 additional Federal offices.

- **Federal Reserve expanded the scope and eligibility for the Main Street Lending Program for small and mid-sized businesses.**

The Federal Reserve initially announced the Main Street Lending Program on April 9, 2020 as a means of assisting businesses impacted by the COVID-19 pandemic and, at that time, requested public comments on the terms of the Program. After receiving more than 2,200 comments, including comments from NAWE, to modify the Program, Federal Reserve revised the terms on April 30th, expanding its scope and eligibility and adding a third facility to facilitate borrowers with greater leverage. Over 90% of NAWE members were not eligible to apply for the PPP stimulus program offered through the Small Business Administration and were hoping Main Street Lending could be an option. Initially, under Main Street, businesses with less than 10,000 workers and \$2.5 billion of revenue could apply. The limits were raised to allow companies with up to 15,000 employees and \$5 billion in revenue to apply for financing. However, the terms were no more favorable than NAWE members could obtain through the commercial banking market and NAWE sought an alternative program.

- **Reaching out to the Maritime Administration and Congress generates results**

In May, NAWE spoke to House T&I Chairman Peter DeFazio and MARAD Administrator Admiral Buzby, then testified before the House Transportation & Infrastructure Committee's Subcommittee on Coast Guard and Maritime Transportation regarding the impact that the COVID-19 pandemic has been having on Marine Terminal Operators and the overall maritime supply chain. Testimony was concentrated on describing real-time impacts on this sector while pointing out this industry had been omitted from stimulus programs.

- **Maritime Transportation System Emergency Relief Act (MTSERA)**

Initially conceptualized by NAWE's leadership and political strategy team, the Maritime Transportation System Emergency Relief Act (MTSERA) was introduced by House Chairman of the Transportation and Infrastructure committee, Rep. Peter DeFazio (D-OR-4) in the summer of 2020 as a response to the COVID-19 pandemic. MTSERA is designed to provide relief to those in the maritime industry during a declared national emergency, increase training opportunities for merchant mariners, and authorize a new competitive grant program for projects at smaller ports and terminals. Specifically, the bill allows MARAD to provide 100% grants for 11 different operating costs involved with an emergency response operation, including costs for cleaning, sanitizing, debt service, staffing, paid leave, and procuring personal protective equipment; and the costs of capital projects to protect, repair, reconstruct, or replace equipment and facilities of the U.S. maritime transportation system that are in danger of suffering serious damage, or have suffered serious damage, as a result of an emergency.

NAWE was **the** organization that worked to get this program permanently applicable to private firms, leading a multi-maritime industry effort with AAPA, AWO, and CAGTC in support of the legislation. After an extensive outreach and engagement campaign, the new relief program for ports and terminal operators affected by COVID-19 has now been included in the final NDAA which became law on January 1st, 2020².

² <https://www.congress.gov/bill/116th-congress/house-bill/6395>

- **Infrastructure Grant Programs Continue**

After nearly a year of negotiations, compromises, and debate, the Consolidated Appropriations Act of 2021 was signed into law on January 1st, 2020. This measure included \$1.4 trillion to fund regular government operations and \$900 billion in pandemic relief aimed at boosting the U.S. economy into the early spring. This bill contained many provisions important to NAWA and its members, including the following:

Transportation, Housing and Urban Development

- **Port Infrastructure Development Program (PIDP)** -- This bill provides \$230 million for the PIDP, \$5 million above FY20. This program had been eliminated in the President's budget request, but was passed by Congress.
- **Better Utilizing Infrastructure to Leverage Development (BUILD) Discretionary Grant Program** - \$1 billion is provided for National Infrastructure Investments through the BUILD program. This represents level funding compared to FY20.
- **Marine Highway Program** – This proposal allocates \$10.819 million for Marine Highways. NAWA worked with the Senate Commerce Committee to reduce the historic bureaucracy in the program.
- **Consolidated Rail Infrastructure and Safety Improvements (CRISI) Grants** – Through this bill CRISI would receive \$375 million. This represents an increase of \$50 million over FY20 amounts.
- **Other Provisions Include:**
 - \$3 million for the environmental program, META

Interior, Environment, and Related Agencies

- **Diesel Emissions Reduction Act Grants** – This proposal would direct \$90 million to the Environmental Protection Agency for Diesel Emissions Reduction Act (DERA) Grants. This is a \$3 million increase from FY20.

Energy and Water

- **Harbor Maintenance Trust Fund projects** are estimated to receive \$1.68 billion, an increase of \$50 million above the FY 2020 enacted level and \$678 million above the President's budget request. This meets the target set by authorizers for FY 2021 and represents 92 percent of estimated revenues compared to the FY 2021 target of 83 percent.
- The bill provides for nine new navigation study starts and two new construction projects, one of which is to be at a small or medium sized harbor.





Homeland Security

- **Port Security Grant Program** – This bill would maintain the FY20 Port Security Grant Program funding level of \$100 million.
- **United States Coast Guard** – This bill provides \$12.84 billion appropriated for USCG, an increase of \$878.8 million above FY20.
- **New CBP Officers** – No funding was provided for an increased number of border patrol officers. The bill recommends CBP utilize the money it appropriated in FY20 for new officers.
- **Cybersecurity and Infrastructure Security Agency** – \$2 billion is provided for CISA, an additional \$9.4 million from FY20.
- **NAWE works hard to defeat LHWCA Amendment in HEROES ACT 2.0**
In October, the House of Representatives passed a COVID-19 relief package titled HEROES Act 2.0, in an effort to get the ball rolling on new COVID-19 relief negotiations. Included in the HEROES 2.0 package was a provision that would have established a presumption that COVID-19 was work related and granted longshore benefits to maritime workers diagnosed with COVID-19 between January 27, 2020 and January 27, 2022 who are diagnosed with COVID-19, or who were ordered not to return to work by the employer or by a public health agency because of exposure or risk of exposure in the workplace to one or more individuals diagnosed with COVID-19.

While HEROES 2.0 was not taken up in the Senate and did not become law, there was chatter that the Longshore Act Provision could make its way into a final compromise relief package. After staunch opposition from NAWA and its members, including engaging Congressional staffers in multiple meetings and writing letters of opposition to congressional delegations, this provision was **dropped** from the final compromise COVID-19 relief package contained in the year-end omnibus bill. Hats off to NAWA's Insurance Committee for all their efforts and support.

Seeking Prioritization of COVID-19 Vaccines for Waterfront Workers

NAWE ended the year with an initiative to prioritize waterfront workers to gain access to COVID-19 vaccines in 34 states and Puerto Rico. A letter campaign to Governors followed by joining a transportation coalition led by the American Trucking Association and joined by rail, port and other trucking association leaders, we pressed forward seeking assistance from States. This is a State controlled action, not one that the Federal government can decide. That said, we will continue pushing with Federal contacts.

2020 REPORT OF COUNSEL

NYSA-ILA COLLECTIVE BARGAINING AGREEMENT

COVID-19 Unavailability Procedures

COVID-19 dominated 2020 all over the world, including in the PONYNJ. At the onset of the COVID-19 outbreak, NYSA and its counsel worked to ensure that a steady supply of labor would be available to its member companies and established COVID Unavailability Procedures to ensure that employees exposed to COVID-19 could be removed from the workplace to prevent widespread infection.

The protocols were based on relevant law and guidance from the Centers for Disease Control and the States of New York and New Jersey and were implemented to permit employers to assess the availability of their employees and to understand the extent of COVID-19-related unavailability, as well as to prevent employees from potential Waterfront Commission decasualization and enable them to obtain available benefits for unpaid leave time.



COVID Pandemic Relief Fund (CPRF)

In response to the loss of work opportunities caused by the COVID-19 pandemic, the USMX-ILA Master Contract was amended to create the COVID Pandemic Relief Fund (CPRF), a supplemental unemployment benefit plan. The CPRF assists eligible ILA-represented workers covered by the Master Contract to replace lost income caused by COVID-19-related absences. The CPRF supplements state and federal unemployment benefits and other governmental and local contract benefits received by ILA-represented employees so that each eligible ILA-represented employee could receive each week two-thirds of the employee's 2019 average weekly wage or \$1,550.00, whichever was less, for the period of an approved COVID-19-related absence.

The CPRF has been funded by industry assessments on an as needed basis, which will continue until September 30, 2024, and from month-to-month thereafter. Participation Agreements were executed with various ports in connection with the payment of CPRF benefits, including the PONYNJ. On April 23, 2020, NYSA and the ILA amended the NYSA-ILA GAI Fund and Plan Agreement and Declaration of Trust and Plan to

authorize the GAI Fund to disburse CPRF benefits to longshore workers in the PONYNJ. The Participation Agreement between the CPRF and the NYSA-ILA GAI Fund was executed on April 30, 2020.

NYSA COVID-19 Communications

NYSA along with its counsel worked with the ILA and ILA counsel from the onset of the pandemic to create a series of joint NYSA-ILA manuals alerting the employers and the ILA workforce in the PONYNJ to the benefits that were available to the ILA workforce. The manuals also explained the benefits created by the CPRF. There were four distinct manuals based on the size of the employer and whether the employer was in New York or New Jersey. Between the start of the project to create the manuals and the date each manual was published, the manuals had to be revised on an almost daily basis to keep track of the changes in federal and state laws that were passed to aid employees afflicted and affected by COVID-19.

Recruitment and Hiring of Longshore and Checker Crafts

In 2019, the Waterfront Commission of New York Harbor (WC) issued Determination 44, which accepted the NYSA-ILA Recruitment and Hiring Plan in the 2018-2024 NYSA-ILA Collective Bargaining Agreement. Determination 44 provided for the acceptance of over 600 applications for longshore and checker positions in the PONYNJ to address a serious labor shortage throughout the Port.

The Hiring Plan provides for 50% ILA referrals and 50% NYSA referrals with NYSA providing 20% veterans, 20% Department of Labor referrals, and 10% employer referrals. At year end, 345 new employees had been hired as

longshore workers and checkers. Of those 345, 57.4% were racial minorities, 14.2% were women, and 23.2% were veterans. A further breakdown by craft (longshore workers and checkers) reveals that of the 256 longshore workers who were hired, 65.2% were racial minorities and 10.9% were women. Of the 89 checkers who were hired, 35% were racial minorities and 23.6% were women.

WATERFRONT COMMISSION OF NEW YORK HARBOR (WC)

In January 2018, the WC commenced an action in federal district court in New Jersey to prevent the State of New Jersey from implementing legislation that would allow New Jersey to withdraw from the bi-state Waterfront Commission Compact (Compact) between itself and the State of New York. Defendants include the Governor of New Jersey and its President of the Senate and Speaker of the Assembly.

In May 2019, the district court granted the WC's motion for summary judgment to enjoin the State of New Jersey from unilaterally withdrawing from the Compact. Defendants filed their appeals with the Court of Appeals for the Third Circuit in June 2019.

NYSA filed an amicus brief with the Court of Appeals on behalf of NYSA's members in August 2019. The purpose of the amicus brief was to provide the Court with an understanding of why the industry regulated by the WC considered the demise of the WC to be in the public interest and to focus the Court on key arguments related to the Eleventh Amendment to the United States Constitution, which restricts the ability of individuals to sue states in federal court, and state sovereign immunity issues, issues which had not been emphasized by the parties or the district court below.

On June 5, 2020, the State of New Jersey prevailed in its appeal before the Third Circuit. The unanimous opinion was largely based on arguments made in NYSA's amicus brief. The Court of Appeals dismissed the WC's complaint, ruling that the WC had improperly brought the action against Governor Philip Murphy, rather than the State, to circumvent the Eleventh Amendment's prohibition on citizens' suing states in federal court.

The WC submitted a Petition for a Writ of Certiorari to the Supreme Court of the United States, which was pending at year end. The proceeding in the Court of Appeals has been stayed upon the motion of the WC. Hence, the Third



Circuit is precluded from ordering the district court to lift its injunction, which currently prevents New Jersey from withdrawing from the Compact until the Supreme Court either denies the petition for certiorari or otherwise disposes of the case.

NEW YORK STATE DIVISION OF HUMAN RIGHTS (DHR)

On November 1, 2019, after seven years of litigation, the Chief Administrative Law Judge (ALJ) of the New York State Division of Human Rights issued a decision favorable to NYSA and several of its direct-employer members in *New York State Division of Human Rights v. International Longshoremen's Association, New York Shipping Association, Inc., et al.*, DHR Case No. 10156672.

The ALJ's fifty-six (56) page decision recommended the dismissal of the complaint in its entirety. The ALJ concluded that the DHR had failed to establish a prima facie case of disparate-impact discrimination regarding the NYSA-ILA Hiring Plan at issue, that the DHR's claims were barred by the applicable statute of limitations, and that the DHR's claims were not saved by the continuing-violation exception. The DHR filed objections to the decision on January 31, 2020. At year end, the DHR's Adjudication Counsel had not issued any recommendation to the DHR Commissioner as to whether the objections filed should be entertained or whether the ALJ's decision should be adopted in full.

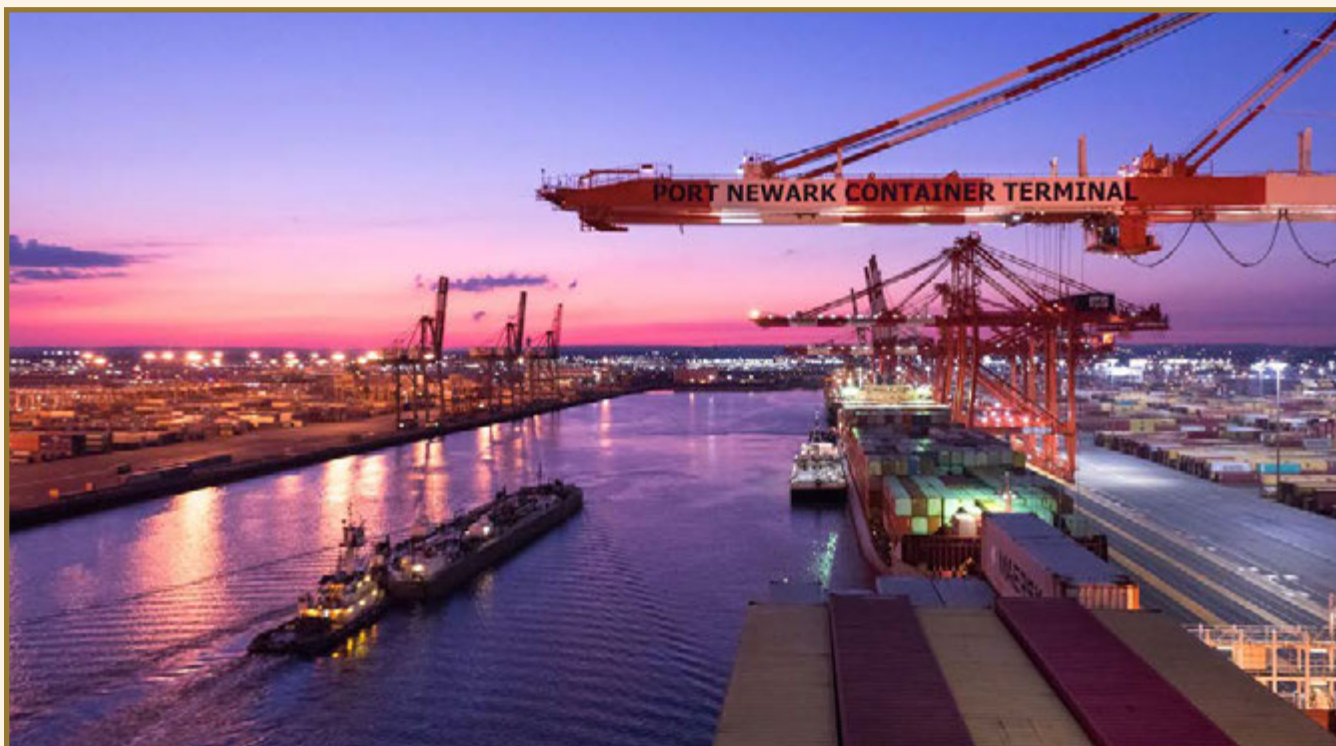
NYSA-ILA EMPLOYMENT LAW PROGRAMS

Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA)

The NYSA-ILA USERRA Coordinator reviews requests for military leave, notifies the employees of their obligations when seeking reemployment, and acts as a liaison with the different NYSA-ILA fund departments to ensure appropriate benefits are credited upon return from service. Forms and checklists were prepared to assist the Coordinator in these efforts.

NYSA Counsel has continued its oversight of the USERRA training program and has created additional forms to facilitate the processing of USERRA leaves of absence, including a comprehensive Military Leave Benefits Inquiry Form, to ascertain that a returning longshore worker receives all the benefits to which that employee is entitled after completion of his or her military service.

The purpose of this form is to direct USERRA benefit inquiries to the appropriate benefit fund, rather than having them filed as labor grievances. These forms have been distributed to the various ILA locals. Counsel has also prepared



work sheets to enable relevant employee-benefits personnel to calculate such benefits. Fund personnel have been trained on how to calculate these benefits.

Anti-Discrimination and Anti-Harassment Policy; Family-and-Medical-Learn Procedures

The NYSA-ILA Equal Employment Opportunity Officer continues to investigate complaints brought under the port wide Respect & Dignity Anti-Discrimination and Anti-Harassment Policy.

As a result of the COVID-19 pandemic the NYSA-ILA Family and Medical Leave Review Committee saw a marked increase in the number of requests for family and medical leave during March and early April 2020.

However, the enactment of the Coronavirus Aid, Relief, and Economic Security (CARES) Act on March 27, 2020 and the liberalization of the

New York and New Jersey state unemployment laws that provide employees unemployment benefits for a wide variety of COVID-related reasons resulted in a short-term decline of COVID-related family and medical leave requests.

In 2020, NYSA Counsel conducted a virtual training session for NYSA-PPGU Family and Medical Leave administrative personnel to ensure that requests for leave from port security guards are appropriately processed and that employers receive adequate notice of leave taken.



NYSA-ILA Accommodations Team (A Team)

The A Team conducted its business throughout the year despite the COVID-19 pandemic. It continued to entertain requests from longshore workers seeking reasonable accommodations under relevant federal and state laws that would permit them to continue to work in the industry, despite certain disabilities.

The A Team continues to monitor past accommodations that have been provided and has found that most employees are performing well in their jobs. The A Team also considers referrals from the NYSA-ILA Absenteeism Committee and the NYSA-ILA Seniority Board concerning employees with unexcused absences that raise medical issues.

NYSA-ILA Drug and Alcohol Abuse Program

The NYSA-ILA Drug and Alcohol Abuse Program provides drug and alcohol abuse services to those members of the industry requiring help by placing them in in- and out-patient treatment programs and referring them for the counseling services provided by the Management-ILA Managed Health Care Trust Fund (MILA).

During 2020, the State of New Jersey passed legislation legalizing the use and possession of recreational marijuana as well as regulating the commercial sale of marijuana in the state. Nothing in the new law prohibits an employer from maintaining a drug-and-alcohol-free workplace or requires employers to permit the use, consumption, being under the influence of, possession, transfer, or sale of marijuana in the workplace. Accordingly, marijuana would remain a prohibited substance under the NYSA-ILA Drug and Alcohol Policy. Employees testing positive for marijuana at levels proscribed in the policy will continue to incur a positive test result under the policy and be subject to the violation provisions of that policy. The New Jersey legislation was awaiting the Governor's signature at year end.



2020 FEDERAL JUDICIAL, LEGISLATIVE, AND REGULATORY ACTIVITY

SUPREME COURT OF THE UNITED STATES

On June 15, 2020, the Supreme Court of the United States issued a decision holding that Title VII's protections against sex discrimination in the workplace apply to LGBTQ employees. *Bostock v. Clayton County, Georgia*, 590 U.S. ____ (2020). This 6-3 decision resolved a split of authority among lower courts and now confirms that under federal law, Title VII prohibits employers from discriminating against employees based on sexual orientation and gender identity. Currently, many states have discrimination laws that expressly include sexual orientation or gender identity as protected classifications. Employers should review their employment policies to ensure that these protections are included.

FEDERAL COVID-19 LEGISLATION

The Families First Coronavirus Relief Act (FFCRA), the first federal COVID-19 relief bill, was signed into law on March 18, 2020. FFCRA created two emergency paid leave requirements, including paid sick leave under The Emergency Paid Sick Leave Act (EPSLA) and expanded family and medical benefits under The Emergency Family and Medical Leave Expansion Act (EFMLEA).

On March 20, 2020, NYSA convened a conference call for its direct-employer members to review the FFCRA as it pertained to the EPSLA and EFMLEA. It was noted that the requirements of the Acts were separate and distinct from the NYSA-ILA Family and Medical Leave Program that is jointly administered by NYSA and the ILA on behalf of NYSA's direct employer members for the benefit of their ILA member employees. The EPSLA and EFMLEA became effective on April 1, 2020 and expired on December 31, 2020.

The Coronavirus Aid, Relief, and Economic Security (CARES) Act followed on March 27, 2020, which authorized more than \$2 trillion to battle COVID-19 and its economic effects. It provided immediate cash relief for individuals, loan programs for small businesses, support for hospitals and other medical providers, and various types of economic relief for impacted businesses and industries.

UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES (USCIS)

In January 2020, the USCIS issued a revised version of Form I-9 (Employment Eligibility Verification) that employers must use to verify new hires and to re-verify current employees effective May 1, 2020. Failure to complete a Form I-9 within three (3) business days after the start date of employment can result in substantial penalties for the employer. An employer must maintain a completed Form I-9 for every employee on its payroll and for terminated employees during the required retention period (three years from the date of hire or one year from the date of termination, whichever is later).

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC)

In September 2020, the EEOC issued updated guidance addressing COVID-19 inquiries and the federal anti-discrimination laws that the EEOC enforces, including the Americans with Disabilities Act (ADA). The questions involved COVID-19 testing, the confidentiality of medical information, and reasonable accommodations for those employees who are reluctant to return to the workplace due to COVID-19. The guidance clarified that employers may administer COVID-19 tests to all employees and question all employees entering a workplace about COVID-19. Employees who refuse to take COVID-19 tests or answer questions may be barred from a workplace.

At year end the EEOC updated its COVID-19 guidance again to clarify that employers may implement mandatory vaccination policies but that those policies must meet the requirements of the ADA, the Genetic Information Nondiscrimination Act, and the religious protections of Title VII of the Civil Rights Act of 1964 (Title VII). In line with its previous guidance regarding mandatory vaccinations, the EEOC advised that employers may require employees to receive a COVID-19 vaccine before reporting to work, but employers must consider accommodations for workers who refuse to get vaccinated due to a medical disability or a sincerely held religious belief. Employers should consider the implications of a mandatory COVID-19 vaccination policy. While it might help reduce the danger of infection, employers need to be prepared to respond to any employee's objections.

FEDERAL MARITIME COMMISSION (FMC)

Fact Finding No. 29: International Ocean Transportation Supply Chain Engagement

On March 31, 2020, the FMC issued an order authorizing Commissioner Rebecca Dye to identify operational solutions to cargo delivery system challenges related to COVID-19. An early finding was that service contract negotiations between ocean carriers and shippers were being disrupted by the COVID-19 pandemic. On April 27, 2020, the FMC issued a temporary rule that allows service contracts to be filed up to thirty (30) days after they take effect. The rule was extended to June 1, 2021 to provide the ocean container shipping industry some flexibility during the 2021 spring service contract negotiation period.

Fact finding meetings were held during 2020 in the Ports of Los Angeles and Long Beach, the PONYNJ, and the Port of New Orleans. Although the Commissioner found that COVID-19 minimally impacted container operations in the PONYNJ, she noted that there was a common challenge for both the East and West Coasts, that is, the need to improve chassis pickups and returns by use of “double moves” where truckers can return containers to one location and pick up an outbound container. The Council for Port Performance (CPP) in the PONYNJ advised the Commissioner during her investigation that the CPP had made achieving that goal a top priority in the PONYNJ.

At year end the FMC expanded the authority of Fact Finding No. 29 to further investigate the policies and practices of ocean carriers operating in alliances related to detention and demurrage charges, container return, and container availability for United States export cargoes in the Ports of Los Angeles, Long Beach, and New York and New Jersey.

Demurrage, Detention, and Per Diem Charges (FMC Petition No. P4-16)

The FMC’s Interpretive Rule on demurrage and detention, which amends the Shipping Act of 1984, took effect on May 18, 2020. The rule requires the FMC to consider the extent to which demurrage and detention are serving their intended purposes as financial incentives to promote freight fluidity in assessing the reasonableness of demurrage and detention practices and regulations. The rule provides guidance on how the FMC may apply that principle in terms of cargo availability, notification of cargo availability, and empty container return.

Exemption from Certain Provisions of the Shipping Act of 1984 (FMC Petition No. P3-18)

To eliminate the administrative and regulatory burden on ocean common carriers, the FMC adopted a rule that will exempt ocean common carriers from publishing the essential terms of their service contracts with shippers, which include the origin and destination port ranges, the commodities involved, the minimum volume, and the service contract duration. The rule became effective on June 25, 2020.

Intermodal Motor Carriers Conference, American Trucking Associations, Inc. v. Ocean Carrier Equipment Management Association, Inc., et al., Docket No. 20-14

In August 2020, the Intermodal Motor Carriers Conference (IMCC) of the American Trucking Associations, Inc. (ATA) filed a complaint with the FMC against the Ocean Carrier Equipment Management Association, Inc. (OCEMA) and its carrier members, alleging substantial overcharges for container chassis use that caused IMCC’s members to suffer \$1.8 billion in damages during the three years prior to filing the complaint. The complaint further alleged that OCEMA and its ocean carrier members engaged in unreasonable practices by denying motor carriers their right to select a chassis provider in violation of the Shipping Act of 1984.

In September 2020, OCEMA filed a motion to dismiss the IMCC’s complaint, alleging that the FMC lacked jurisdiction over the complaint because it could not adjudicate domestic transportation issues, such as merchant haulage trucking. The FMC’s Chief Administrative Law Judge (ALJ) denied OCEMA’s motion to dismiss the IMCC’s complaint and found that the IMCC had made a plausible claim of subject matter jurisdiction by alleging that ocean carriers affect and exert control over chassis availability through their regulations and practices. OCEMA’s motion for leave to appeal the ALJ’s order and for a stay of the proceeding was pending at year end.





NATIONAL LABOR RELATIONS BOARD (NLRB)

Pro-Employer Decisions

The NLRB issued a host of pro-employer decisions, some of which overturned pro-employee rulings that had been handed down during the Obama administration, including:

- Employers can discontinue deducting union dues after the collective bargaining agreement that contains the checkoff provision expires.
- Employers can once again require confidentiality from employees for the duration of a workplace investigation.
- Employers can restrict employees from conducting union business over company email systems on a non-discriminatory basis, unless there are no other reasonable means for employees to communicate with each other.
- The NLRB restored its longstanding post-arbitration standard of review in which it will defer to an arbitrator's decision if (1) the arbitration appears to have been fair and regular, (2) all parties have agreed to be bound, (3) the arbitrator considered the unfair labor practice issue alleged to be in violation of the National Labor Relations Act (NLRA), and (4) the arbitrator's decision is clearly not repugnant to the NLRA. The decision also restores policies for pre-arbitration deferral by the NLRB, which were established in 1984, and for deferral by the NLRB to pre-arbitration settlement agreements, which was established in a 1985 NLRB decision.
- Employers can refuse to provide documents responsive to a union's information request when the union fails to provide adequate factual reasons as to why the information is needed.

Employers should be cautious about adopting employment policies that rely on these decisions as they may be subject to changing political tides.

NLRB "Joint Employer" Rule Restored

In February 2020, the NLRB published its Final Rule governing determination of joint-employer status under the NLRA. The Final Rule restores the NLRB joint employer standard that had been applied for several decades and became effective on April 27, 2020. In 2015, in *Browning-Ferris Indus. of Cal., Inc.*, 362 N.L.R.B. No. 186 (2015), the NLRB significantly broadened the "joint employer" doctrine. Under this revised standard two or more entities could be found to be joint employers of a single work force, if they share or co-determine those matters governing the essential terms and conditions of the employees' employment, such as hiring, firing, discipline, supervision, direction of work or hours, and wages. Under the new Final Rule, to be designated as a joint employer, a business must possess and exercise substantial, direct, and immediate control over at least one essential term or condition of employment of another employer's employees.

Revised NLRB Election Rule Favorable to Employers

In April 2020, a revised NLRB election rule took effect that will scale back the onerous time requirements that had been implemented in April 2015 in connection with representation elections. The rule increases the time for employers to respond to petitions for election and reinstates the right of parties to file post-hearing briefs within five (5) business days of the hearing without requiring permission from the NLRB. The NLRB must now allow at least twenty (20) business days between directing an election and holding the election. The rule also restores the NLRB's former practice of resolving questions of representation, unit scope, and voter eligibility (including supervisory status) before an election is scheduled.

Secondary Boycott Prohibitions Are Not Unconstitutional

The Court of Appeals for the Ninth Circuit affirmed an order by the NLRB confirming that prohibitions on secondary boycotts under the NLRA do not violate the First Amendment to the United States Constitution.

Testimony in Unfair Labor Practice Investigations

In June 2020, the NLRB General Counsel issued Memorandum GC 20-08, which sets forth new guidelines for how the NLRB's twenty-six (26) Regional Offices obtain the testimony of former supervisors and agents in unfair labor practice investigations as well as how to handle audio recordings. If an employer's agent, such as a supervisor, is alleged to have engaged in unlawful conduct and is to testify against the employer about the unlawful conduct, the Regional Office must advise the employer and allow the employer to be present during the testimony. If the witness is only a fact witness and is not testifying against the employer, the Regional Office need not notify the employer or otherwise involve the employer in the proceeding.

Regional Offices are discouraged from accepting recordings that were made in violation of the Federal Wiretap Act or in contravention of a lawful employer work rule or policy. They are encouraged to offer to play the recording for the employer during the unfair labor practice investigation and to advise the provider of the recording that this may happen.

NLRB Division of Advice Memoranda

In July, August, and September 2020, the NLRB's Division of Advice issued Advice Memoranda addressing questions posed by various Regional Offices resulting from unfair labor practice charge investigations covering COVID-19-related unilateral actions by employers, non-work political advocacy, and the legality of confidentiality provisions in separation agreements. Advice Memoranda are binding only on the parties to the dispute at issue, but they are released to give the public an idea of how the NLRB might handle similar issues. One investigation found that an employee's individual decision not to work out of fear of being exposed to COVID-19 was not protected activity under the NLRA because she did not involve her co-workers or speak to management about her decision.

Civility Returns to the Workplace

In July 2020, the NLRB simplified its longstanding legal standard for determining whether an employer has violated the NLRA in disciplining an employee for abusive or offensive conduct. If an employee alleges unlawful discipline for such conduct, the NLRB must show in an adjudicatory proceeding that the employee engaged in protected activity, the employer knew of that activity, and the employer had animus toward that activity.

If the NLRB makes that showing, then the burden of persuasion shifts to the employer who must prove that it would have taken the same disciplinary action against the employee if the abusive or offensive conduct had occurred outside the protected activity. The standard will be applied to all NLRB cases moving forward.

Mail-and-Manual-Ballot Representation Elections during COVID-19

At year end the NLRB issued a decision that sets forth the considerations Regional Directors should weigh in determining whether a representation election should be conducted by a mail ballot or by an in-person ballot because of COVID-19. Although the NLRB's longstanding policy favors manual elections, about 90% of elections have been conducted by mail since March 2020 due to COVID-19.

The decision outlined several situations related to COVID-19, which, when one or more is present, will generally suggest the propriety of conducting an election by mail as opposed to by manual ballot. The Board further held that this new guidance would be applied retroactively and, accordingly, remanded the decision to the Regional Director to consider the enumerated factors. The Regional Director had previously directed that the representation election at issue be conducted by mail.

PENSION BENEFIT GUARANTY CORPORATION (PBGC)

PBGC Approves Merger of Two Multiemployer Pension Plans

In January 2020, the PBGC approved the first merger of two New York area multiemployer pension plans pursuant to the terms of the Multiemployer Pension Reform Act of 2014 (MPRA). To help facilitate the merger, the PBGC provided the first of three (3) annual installments of \$8.9 million in January 2020 to the merged funds.

MPRA authorizes the PBGC to facilitate mergers to extend a pension plan's solvency by providing financial assistance when one or more of the plans is projected to run out of money within twenty (20) years. One of the two plans was in "critical and declining" status and was projected to become insolvent in 2026, but the merger will allow it to remain solvent and to pay pension benefits to its members.

September 14, 2020 PBGC Report

The *FY 2019 Projections Report* summarized the PBGC's future expected operations and financial status over the next ten (10) years as well as the financial condition of its single employer and multiemployer pension programs. Single-employer pension plans cover approximately 25 million participants in about 24,000 pension plans; 10.8 million participants are covered in approximately 1,400 multiemployer pension plans. The report advised that the single-employer program has evolved from very recent deficits to a positive net financial position that is projected to grow over the next decade. The improved net financial position is due primarily to low claims activity and increasing premium revenue.

Absent changes in the law or an increase in resources, the FY 2019 \$65.2 billion deficit of the multiemployer program will increase, rising to a present value basis of \$82.3 billion in FY 2029 with an expected future value of negative \$100.7 billion. The increase in the projected deficit is due primarily to a considerable decline in both the projected investment returns on plan assets and the discount rate used to value the liabilities.

Of the 1,400 insured multiemployer pension plans, 124 are in "critical and declining" status and are expected to run out of money over the next 20 years. As these plans become insolvent, benefits will be reduced to the amounts guaranteed by the PBGC under current law. The PBGC projects that the failure of these plans will deplete its assets, prevent it from paying guaranteed benefits, and cause it to run out of money by the end of FY 2026.

Under MPRA, plans that are in "critical and declining" status may apply to the U.S. Department of the Treasury for approval to suspend participant benefits to prevent insolvency. These suspensions are permanent reductions. Some plans may apply to the PBGC for a partition (that is, carving out pension benefit liabilities owed to participants who have been abandoned by employers that have exited the plan without paying their fair share of those liabilities), and other plans may pursue plan mergers.

Pipeline and Hazardous Materials Safety Administration (PHMSA): Hazmat Training Deadline Extension

As a result of the pandemic, maritime industry employers and training providers throughout the nation were unable to provide the required recurrent HAZMAT (3-year refresher) training. In late 2020, PHMSA suspended enforcement against any employer engaged in the maritime transportation of hazardous materials that was unable to provide recurrent training in a timely manner and provided a mechanism for employers to join in a special permitting process that allowed multiple employers to seek a further extension of time to provide the required recurrent HAZMAT training. The six container terminal members of NYSA participated in this permitting process. All participants were required to submit a plan to the PHMSA that outlined how they intended to address their recurrent HAZMAT training backlog and come back into compliance with PHMSA regulations.

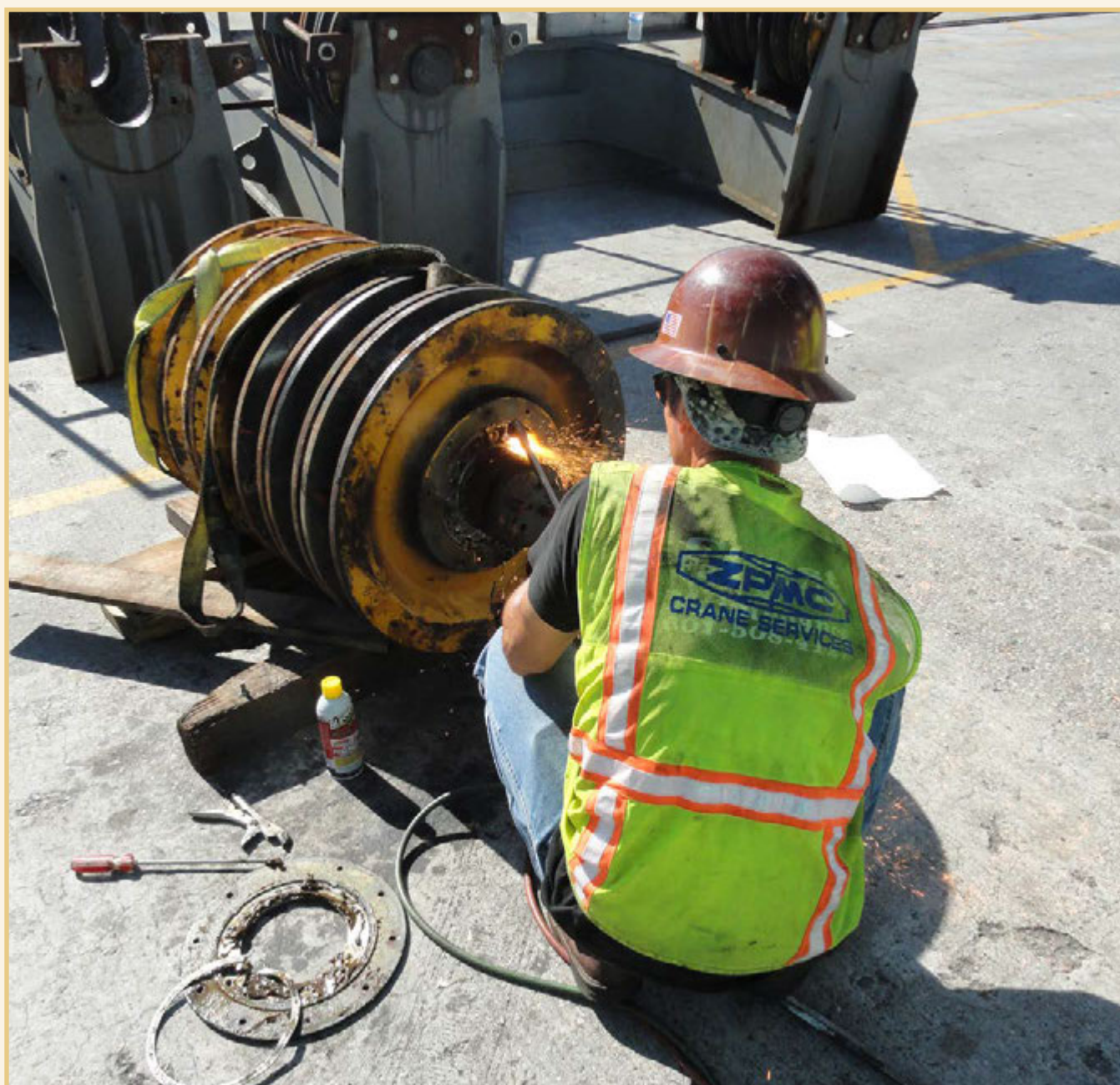


PORT SECURITY/TRANSPORTATION WORKER IDENTIFICATION CREDENTIAL (TWIC)

TWIC Enrollment/Expiration

The Transportation Security Administration (TSA) continued to process TWIC applications despite COVID-19. TWIC vetting, adjudication, and card issuance were not impacted by the pandemic. As of August 2020, there were 5.874 million TWIC enrollments since inception in October 2007. There were 2.237 million active TWIC cards in use as of August 2020. The TSA implemented its OneVisit Enrollment Program in June 2014 to streamline the enrollment process and to eliminate the need for a second visit to an enrollment center to pick up a TWIC. As of August 2020, there were 2.251 million OneVisit enrollments (90% of all enrollments).

In April 2020, the TSA published a notice of temporary exemption regarding the expiration of certain TWICs due to COVID-19. For TWICs that expired between March 1, 2020, and July 31, 2020, the exemption extended the validity of a TWIC for 180 days for an individual whose TWIC would have otherwise expired during the effective period of the exemption. TSA did not extend this exemption. TWIC holders with a security threat assessment that expired on or after August 1, 2020 must re-enroll.



2020 STATE AND LOCAL JUDICIAL, LEGISLATIVE, AND REGULATORY ACTIVITY

NEW JERSEY

New Jersey COVID-19 Legislation

In April 2020, in response to the COVID-19 pandemic New Jersey enacted legislation that enhanced the coverage and protections of its Earned Sick Leave Law, Family Leave Act, Paid Family Leave Insurance Program, and its Disability Law for its citizens.

New Jersey Earned Sick Leave Law (NJESLL)

The amendments to the NJESLL expanded the circumstances under which this paid sick leave can be used to include a state of emergency declared by the Governor to prevent the spread of a communicable disease and which requires in-home care or treatment of a child due to the closure of a school or place of childcare or in response to an order of quarantine issued for a family member.

New Jersey Family Leave Act (NJFLA)

The NJFLA was expanded to permit leave to provide in-home care or treatment of one's child due to the closure of a school or place of childcare due to an illness caused by an epidemic or known exposure to a communicable disease or to assist a family member who undergoes self-quarantine because of a suspected exposure to a communicable disease.

New Jersey Family Leave Insurance (NJFLI)

The NJFLI program now provides paid leave for the reasons authorized by the expanded NJFLA.

New Jersey Disability Law (NJDL)

The NJDL was also amended to waive waiting periods for disability claims and to extend the definition of a compensable disability to include communicable illnesses or duly issued quarantine or isolation orders. As a result of the amendment to the NJDL, non-occupational disability (A&H) benefits provided by the NYSA-ILA Welfare Fund were expanded to provide this state-mandated coverage.

New Jersey Executive Order Sets COVID-19 Health and Safety Standards for Employers

At year end Governor Murphy issued an executive order that sets forth health and safety standards for all businesses, non-profit organizations, and governmental and educational entities mandating social distancing, mask wearing, and conducting daily health checks of employees.

New Jersey Wage Statements

Effective May 20, 2020, New Jersey's Wage Payment Law required public and private employers with at least ten (10) employees to furnish their employees with additional information each pay period to help them determine if their wages are being calculated properly.



NEW YORK STATE

New York State Paid Family Leave

Paid-family-leave benefits increased on January 1, 2020. As of that date individuals were entitled to take ten (10) weeks of paid leave and to receive 60% of their weekly pay with a benefit cap of 60% of the New York State average weekly wage, which was \$840.70 per week.

New York State COVID-19 Legislation

Quarantine Pay

On March 18, 2020, New York State enacted a law that provides mandatory sick leave and certain employee benefits for workers subject to a mandatory or precautionary order of quarantine or isolation due to COVID-19. These provisions went into effect immediately. They create new requirements for paid sick leave and a limited expansion of the New York State Paid Family Leave Law and the New York State Disability Law to cover an employee's mandatory or precautionary period of quarantine or isolation or for circumstances when an employee is caring for a minor dependent child who is subject to a mandatory or precautionary order of quarantine or isolation.

The new law classified employers into four (4) categories according to the number of employees and the employer's net income to determine how much paid and unpaid leave an employer must provide to its employees. If the leave is used by an employee to provide care for a minor dependent child of the employee who is subject to a mandatory or precautionary order of quarantine or isolation, that employee would be entitled only to the New York State paid-family-leave benefit (\$840.70 a week).

The paid sick leave as required above must be provided in addition to any paid sick leave an employee is already provided by an employer. Employees should be restored to their positions following the leave. Employers are prohibited from retaliating against employees who take this leave.

Travel Restrictions

Effective June 25, 2020, a New York State Executive Order required individuals who spent more than twenty-four (24) hours in a COVID-19 "hot spot" to quarantine for fourteen (14) days after traveling to New York. Those individuals are ineligible for New York State COVID-19 paid sick leave. That executive order was modified at year end to permit travelers to New York to "test out" of the mandatory 14-day quarantine. Travelers from states that are contiguous with New York are exempt from the travel advisory; however, covered travelers must continue to fill out the New York State Traveler Health Form. Essential workers continue to be exempt from the travel advisory as well.

New York State Human Rights Law (NYSHRL)

Effective August 12, 2020, New York State extended the statute of limitations from one (1) to three (3) years to bring sexual harassment claims before the New York State Division of Human Rights. Other discrimination and harassment claims filed with the Division remain subject to the one (1) year statute of limitations.

Amendment to New York State Labor Law Mandating Paid Sick Leave

Notwithstanding the unpaid and paid leave required for COVID-19 quarantine or isolation periods, effective September 30, 2020, New York State amended its labor law and enacted a mandatory paid sick leave program applicable to all private employers throughout the state (New York City already had a mandatory paid sick leave program). Employers that already provide paid time off that meets or exceeds the provisions of the new law do not have to provide additional paid time off. Nothing in the program would prohibit a local government from enacting a more generous paid sick leave law.

An employer's number of employees and its net income in the previous tax year determines how much paid and unpaid sick leave it must provide to its employees in each calendar year. Employees may begin to use accrued sick leave on or after January 1, 2021. Employees may carry over unused sick leave into the following calendar year, but an employer is not required to pay an employee for unused sick leave upon termination, resignation, retirement, or other separation from employment.

The law does not prohibit a collective bargaining agreement entered into on or after September 30, 2020 from providing a comparable benefit in the form of paid days off, which may be in the form of leave, compensation, other

employee benefits, or some combination. In addition, the law recognizes the ability of a certified collective bargaining agent to negotiate the terms and conditions of sick leave different from the provisions of the paid sick leave program.

CITY OF NEW YORK

Effective September 30, 2020, the City of New York amended its Earned Safe and Sick Time Act (ESSTA) to mirror the coverage provided by the New York State Paid Sick Leave Law that took effect on the same day. The amended ESSTA requires employers to provide employees with documentation showing leave accrued and used during each pay period as well as the total balance of ESSTA leave.



2020 NYSA INSURANCE AND INDEMNITY PROGRAM

New York Shipping Assurance Association, Inc. (NYSAA)

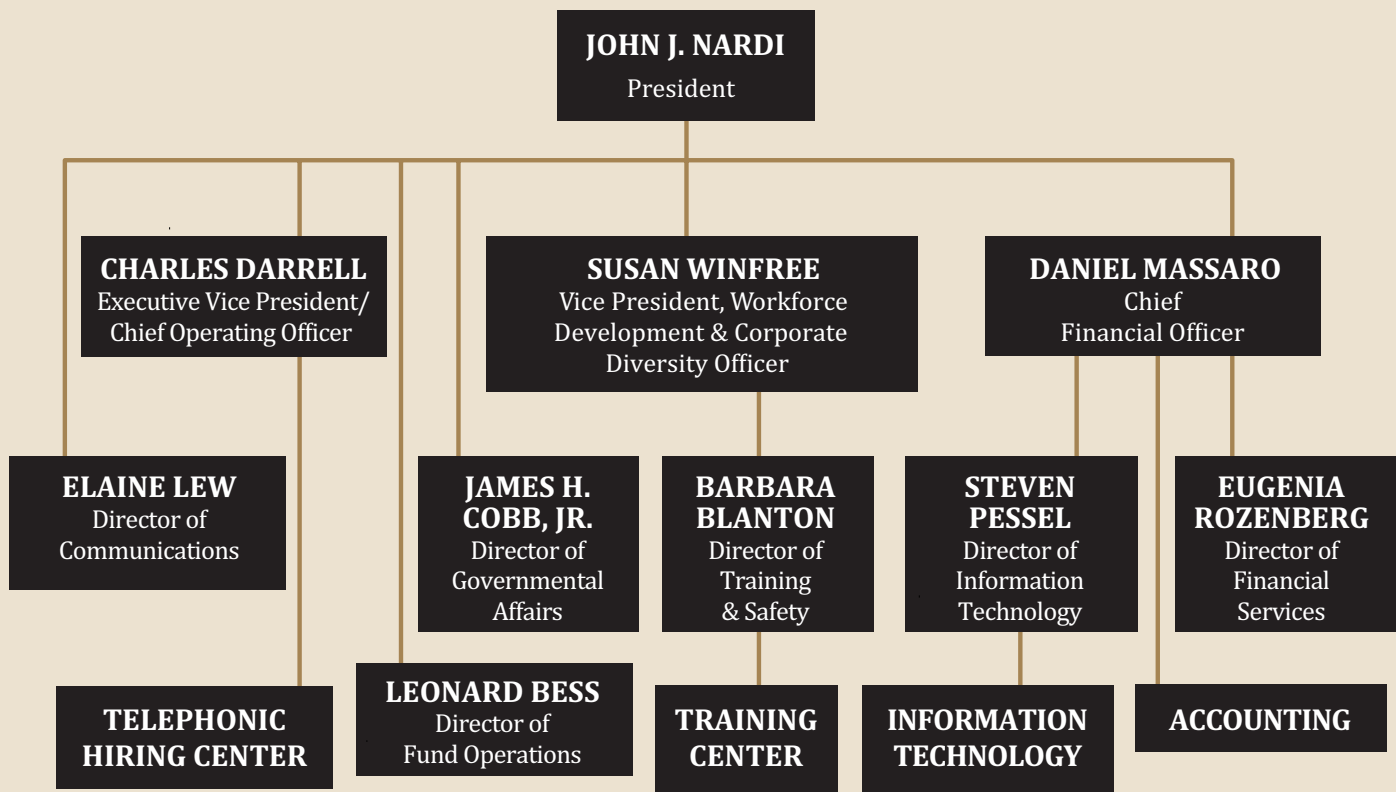
In 2006, NYSA created a comprehensive insurance program to protect NYSA, its directors, officers, employees, and representatives as well as NYSA members. The coverage for NYSA members is provided through a Vermont captive insurance company, New York Shipping Assurance Association, Inc., a wholly-owned subsidiary of NYSA based in Burlington, Vermont, and includes legal representation and defense costs incurred to enjoin strikes or work stoppages, to defend arbitrations, court actions, adjudicatory proceedings, and third-party claims, and to prosecute court actions and arbitrations in connection with the implementation of the NYSA-ILA and NYSA-PPGU Collective Bargaining Agreements. This coverage is referred to as “Financial Injury Coverage.” Premiums are paid from the assessments paid by NYSA members. For the fiscal year ended September 30, 2020, less than 1% of total assessments were used to fund NYSAA Policy No. NY 001.

During the 2019-2020 Policy Year NYSA filed one new insurance claim with NYSAA on behalf of its members in connection with the work performed by NYSA due to the COVID-19 pandemic to keep safe and to protect the wages and benefits of longshore workers pursuant to the NYSA-ILA Collective Bargaining Agreement. NYSA worked proactively with the ILA to establish COVID safety standards for marine terminal operators in the PONYNJ to protect their employees in the workplace. A new supplemental unemployment benefit plan was established, the USMX-ILA COVID Pandemic Relief Fund, to assist eligible ILA workers to replace lost income caused by COVID-19-related absences.

New York Shipping Association Self-Insurance Trust

Liability insurance coverage for NYSA, its directors, officers, employees, and representatives is provided through commercial insurance policies with excess coverage provided by the NYSA Self-Insurance Trust. The Trust also provides Financial Injury Coverage to NYSA for its legal costs that arise from the implementation of the NYSA-ILA and NYSA-PPGU Collective Bargaining Agreements. NYSA did not file any claims with the Trust during the 2019-2020 Policy Year.

NYSA ORGANIZATIONAL CHART | DECEMBER 2020



2020 NYSA MEMBERSHIP LIST

Allied Universal Services
 The American Sugar Refining Company
 APL (America), LLC
 APM Terminals Elizabeth, LLC
 APS Stevedoring, LLC
 Atlantic Container Line
 Bermuda Agencies Limited
 Agents for Bermuda Container Line
 Cargotec Crane & Electrical/Kalmar USA
 CMA-CGM (America), L.L.C.
 Terminal Link USA
 Columbia Coastal Transport, LLC
 COSCO SHIPPING Lines (North America) Inc.
 Essex Cement Company
 Evergreen Shipping Agency (America) Corporation
 GCT Bayonne LP
 GCT New York LP
 Hapag-Lloyd (America) Inc.
 Hoegh Autoliners AS
 Hyundai America Shipping Agency, Inc.
 “K” Line America, Inc.
 Kinder Morgan
 M.P. Howlett, Inc.
 Maersk
 Maher Terminals, L.L.C.
 Mediterranean Shipping Company

Metro Cruise Services LLC
 Mitsui O.S.K. Lines, Ltd.
 c/o MOL (Americas) LLC
 NYK Group Americas Inc.
 Ocean Network Express (North America) Inc.
 OOCL, (USA), Inc.
 Port Newark Container Terminal L.L.C.
 Ports America, Inc.
 Red Hook Container Terminal, LLC
 SIMS Metal Management
 Terminal Security Solutions, Inc.
 Turkon America, Inc.
 Wallenius Wilhelmsen Logistics Americas, LLC
 Yang Ming (America) Corp.
 ZIM American Integrated Shipping Services Company
 ZPMC USA Inc.

ASSOCIATE MEMBERSHIP LIST

American Maritime Service of New York, Inc.
 Bay Container Repairs of New Jersey
 Container Services of New Jersey, Inc.
 FAPS, Inc.
 Nissin International Transport U.S.A., Inc.
 Portwide Cargo Securing Company

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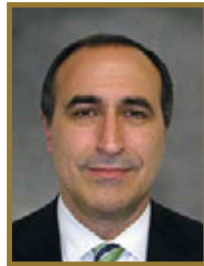
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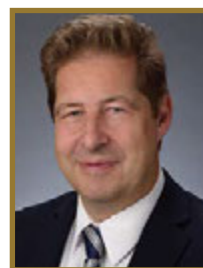
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Michael Stamatis
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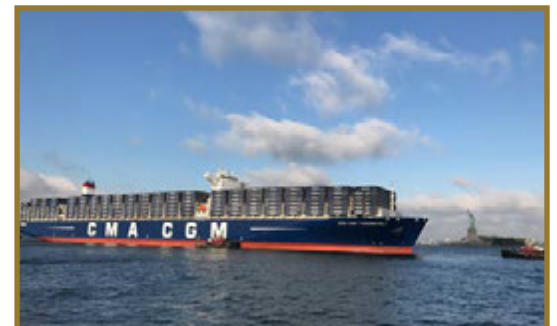
NMC Nominations (& Membership) Committee

CC Compensation Committee

NC Negotiations Committee

BLC By-Laws Committee

AC Assessment Committee



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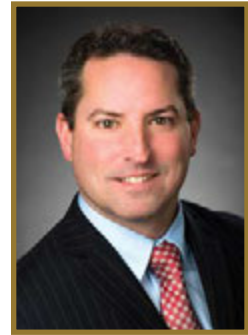
Executive Staff



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Executive Vice President,
Chief Operating Officer



Susan Winfree
Vice President, Workforce Development
and Corporate Diversity Officer

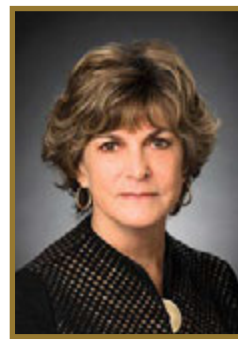


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The Lambos Firm



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