



FOR IMMEDIATE RELEASE
August 31, 2016

STATEMENT OF JOHN J. NARDI, PRESIDENT

**THE UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT
AFFIRMS DISMISSAL OF THE FEDERAL COMPLAINT**

EDISON, NJ - Nearly three years ago, the longshore industry in the Port of New York and New Jersey commenced an action to define the contours of the authority of the Waterfront Commission of New York Harbor. Even before this litigation arose the industry had through collective bargaining adopted a new hiring system that gave a preference in hiring to veterans.

This case was not about fair hiring practices, as has been portrayed by the Waterfront Commission. All entities who hire in the United States are bound to fair hiring practices, which are monitored by government agencies charged with enforcing the laws against discrimination. The NYSA and the Port employers have hired over 900 workers over the past two years. All of these workers were hired in a fair and non discriminatory manner. All of these workers were approved by the Commission.

The lawsuit was about the role and demands of the Waterfront Commission, when established government agencies with jurisdiction over fair employment laws already exist. The Port of New York and New Jersey operates in a high-cost region. Adding to this cost with duplicate levels of government oversight affects the Port's ability to maintain its competitive edge in the market.

The industry has had a history of productive collective bargaining that has assured a strike-free environment for almost forty years. While the lawsuit was pending, it was the industry, not the Commission, that adopted and implemented a new hiring plan. For the Commission to suggest

that the industry promotes discriminatory hiring practices is belied by the fact that this plan brought into the industry 900 new workers of which about 60% are minorities and over 400 are veterans. During the implementation of this hiring plan the industry fully complied with the certification provisions of the Waterfront Commission Act. Since an employer certification was submitted to the Commission with respect to every employee who has been hired, the Third Circuit's opinion should not have a significant effect on hiring in the NY-NJ Port. We, of course, are disappointed with the ruling but are hopeful that the Port will continue to evolve to ensure the long term viability of this economic engine. The industry is considering its options concerning further judicial review of the Third Circuit's opinion.

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