# ANNUAL REPORT 2020



UNITED STATES MARITIME ALLIANCE, LTD.

# US MX PORT CITIES

United States Maritime Alliance, LTD . . . to preserve and protect the interests of our members.





# **USMX MEMBER ORGANIZATIONS**

## **CARRIERS**

Atlantic Container Line (ACL)

APL

CMA CGM Group

Columbia Group

COSCO SHIPPING Lines Co., Ltd.

**Evergreen Line** 

Hamburg Süd North America, Inc.

Hapag-Lloyd, LLC

HMM Co., Ltd.

"K" Line

Maersk, North America

MSC Mediterranean Shipping Company, S.A.

Ocean Network Express (ONE)

Orient Overseas Container Line (OOCL)

Turkon Line

Wallenius Wilhemsen

Yang Ming Marine Transport Corporation

ZIM Integrated Shipping Services Ltd.

## **PORT ASSOCIATIONS**

Boston Shipping Association, Inc.

Georgia Stevedore Association, Inc.

Hampton Roads Shipping Association, Inc.

Jacksonville Maritime Association, Inc.

Midgulf Association of Stevedores, Inc.

New York Shipping Association, Inc.

Ports of the Delaware River Marine Trade Association, Inc.

South Carolina Stevedores Association, Inc.

Southeast Florida Employers'Port Association, Inc.

Steamship Trade Association of Baltimore, Inc.

West Gulf Maritime Association, Inc.

#### **DIRECT EMPLOYERS**

APM Terminals North America, Inc.

Ceres Terminals Incorporated

Cooper/Ports America, LLC (C/PA)

CP&O, LLC

**GCT USA** 

Maher Terminals, LLC

Ports America

SSA Atlantic, LLC

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#### **ABOUT USMX**

The United States Maritime Alliance, Ltd. (USMX) is a non-profit incorporated membership association headquartered in Lyndhurst, New Jersey and representing longshore industry employers on the U.S. East and Gulf Coasts, including container carriers, marine terminal operators and port associations. USMX serves as the maritime Management group's representative in Master Contract bargaining with the International Longshoremen's Association, AFL-CIO. Other responsibilities of USMX include the articulation of various industry positions on regulatory and safety issues; the oversight of coastwide safety and training, retraining and certification/recertification programs; and the administration of coastwide fringe benefit funds and programs that are part of the Master Contract.

#### MISSION STATEMENT

The mission of USMX is to preserve and protect the interests of its members in matters associated with the maritime industry, including all labor relations issues affecting longshore and related activities, and, in particular, in the realm of collective bargaining. The Alliance shall carry out this mission for its members and customers, with due consideration of the interests, safety and well-being of the workers and their representatives. Likewise, it understands the importance of its commitment to maintaining labor peace in order to meet and exceed the crucial demands of a global economy.

#### A TEAM EFFORT

Editorial Content: USMX Staff Editorial Design: Queleen Roland

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Additional Photo Contributions: USMX Member Organizations

# Executive Vice President and COO's Message





# A REVIEW OF 2020

USMX and the ILA started 2020 as any other year. We set forth with aspirational goals and an eye toward the future. We planned for more volume, efficient settlement of implementation issues and grievances and initial preparations for 2024 bargaining.

As we all now know, halfway through March 2020, our corporate plans and our personal lives came to a screeching halt. The COVID-19 pandemic challenged every aspect of our business. It accelerated change. It forced greater agility. And, most importantly, it strengthened our partnership and collaboration.

Together, we focused on common goals and navigated fundamental changes in our business model, as a two week 'interruption' turned into years. We kept our workforce, our families and ourselves safe while ensuring the ports remained operational. We put outstanding issues and grievances on hold or settled them telephonically. We changed our business model by learning how to work remote where we could, changing work rules to ensure we were safe, and we kept in constant contact and made sure the lines of communication were always open. We adapted to the constant changes from government, news, and world health agencies. We partnered to ensure smooth operations, despite the enormous stress placed on our ports, terminals and infrastructure.

And, together, we succeeded - keeping the world supply chain in motion, and as a result, food and medicine on the tables of millions around the world.

Most importantly, we never lost sight of what truly matters—our people and our workforce. The CPR Fund (Covid Pandemic Relief) is one example of this, that we are particularly proud of. In early April, the CPR fund was created to provide financial support to ILA members, who contracted COVID or were required to quarantine, while the rest of the world worked from the safety of their homes.

On behalf of all our members, USMX would like to truly thank the ILA for their hard work and dedication. Two years later, as we reflect on one of the most trying times in our history, we can be proud of our collaboration as a means to our success in 2020—and for the years ahead.



# 2020 Board of Directors



**David F. Adam**US Maritime Alliance, Ltd.



Roy Amalfitano Evergreen Shipping Agency (America) Corp.



lan S. Cairns CMA CGM Group



David Daly
Ocean Network Express
(North America), Inc.



Thomas Engel Hapag-Lloyd (America), LLC



Albert V. Gebhardt Maersk, North America



Roger J. Giesinger Hampton Roads Shipping Association, Inc.



James R. Gray, Jr. Jacksonville Maritime Association, Inc.



John J. Nardi New York Shipping Association, Inc.



Paul Nazzaro
COSCO SHIPPING Lines
(North America) Inc.



Christopher J. Parvin Mediterranean Shipping Co. USA, Inc.



James Pelliccio Ports America



Jon Poelma APM Terminals North America, Inc.



John A. Walsh SSA Atlantic, LLC



# Master Contract Tonnage & Manhours

## DATA LOOKBACK: 2010 through 2020

2020 was an unprecedented year for tonnage and man hours for all USMX member Ports from Maine to Texas. The pandemic had an immediate impact on volume causing significant reductions in tonnage and man hours from March through June of 2020. By the fourth quarter of Contract Year Ending 2020 tonnage slowly began to rebound. Overall tonnage was down 3% co to Contract Year Ending 2019.

Manhours are inclusive of all MILA-eligible manhours, and thus the impact of the pand was felt through all modes of cargo, not just container. Non-container volume began to at a slower rate, especially the cruise sector resulting in a significant decrease over the contract year. Overall Manhours experience reduction of close to 9% year over year.

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ILA
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prior
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CYE	TONNAGE CR 1 & 3 Tons
2010	109,798,759
2011	116,578,825
2012	120,997,356
2013	121,498,166
2014	126,979,694
2015	134,988,382
2016	142,932,773
2017	147,015,963
2018	157,019,573
2019	162,250,963
2020	157,493,933

CYE	MAN HOURS Minus Metro
2010	29,055,599
2011	30,149,629
2012	30,593,687
2013	31,213,492
2014	34,326,785
2015	37,363,225
2016	35,095,041
2017	36,696,418
2018	39,878,394
2019	42,153,398
2020	38,542,343



# **MASTER CONTRACT TONNAGE & TOTAL MAN HOURS** LOOKBACK: 2010 THROUGH 2020



# **2020 Response to Covid:**

# "COMMUNICATE, EDUCATE,



# MITIGATE, REPEAT"

-David F. Adam, Chairman & CEO



# Labor Relations Year In Review

# **IMPLEMENTATION OF THE 2018-2024** MASTER CONTRACT

During the course of 2020, we continued the implementation of new elements of the Master Contract, which became effective on October 1, 2018 and will run through September 30, 2024. USMX and the ILA (the parties) worked through the execution of several key components of the new contract:

## Money Purchase Plan (MPP)

The new coastwise money purchase plan for qualified employees working hours under the Master Contract, completed its second year successfully bringing on New Orleans and Mobile, in addition to already established ports, Charleston and Tampa. Effective October 1, 2020, the plan's employer contribution increased to \$2 per Master Contract man hour, the final MPP increase of the 2018-2024 Master Contract. Savannah and Wilmington, NC joined the MPP plan as of October 1, 2020, successfully completing the Master Contract goal of ensuring every port had the ability to participate in a Defined Contribution plan.

#### **Data Collection Initiative**

The development of the Maritime Information System (MIS) was completed, and Charleston was selected as the pilot port coinciding with the consolidation to one container stevedoring company, Charleston Stevedoring Company (CSC). The MIS system fully supports the labor component of operations. MIS is comprised of 5 modules: Roster, Labor Order, Dispatch, Timesheet, and Reporting. This structure allows ports to implement the full system or select modules depending on their technology needs. However, due to the pandemic, we experienced delays with the implementation as a result of restrictions around travel and in-person meetings. MIS is set to finalize the CSC rollout in 2021

#### **USMX-ILA RELATIONS**

2020 was poised to begin addressing several IRC topics outlined in the Master Contract. However, due to the onset of the pandemic, all meetings were put on hold and the focus was on keeping employees safe and ports open and working. Several accommodations were made at each port to address COVID concerns and mitigate the spread in the workplace.

Some key adjustments made:

- Additional PPE, ie face masks
- Additional sanitization of all equipment
- Temperature checks and COVID testing
- Altered manning levels
- Changes to dispatching processes

# **MASTER CONTRACT & LOCAL NEGOTIATIONS**

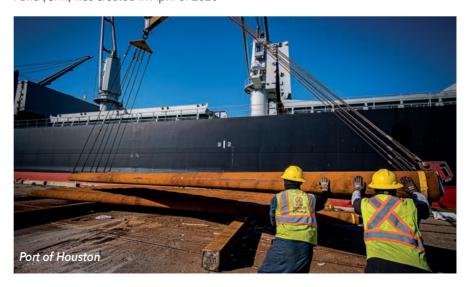
All outstanding local contracts were ratified, including Charleston and Mobile.

# 2020 COVID PANDEMIC RELIEF FUND (CPR)

The USMX-ILA COVID Pandemic Relief Fund (CPR) was created in April of 2020 at the start of the COVID-19 pandemic outbreak. The Fund was set up as a welfare fund to provide payment of supplemental unemployment benefits to certain employees whose ability to work was involuntarily disrupted due to certain effects of the COVID-19 pandemic. The Fund covered the following COVID related absences:

- Employees that tested positive for COVID-19
- Employees that were told to quarantine by their employer or doctor due to close contact with a person that tested positive for COVID-19 or who has symptoms of COVID-19
- Employees that are caring for a person in their household afflicted with COVID-19

The CPR fund involved many people working together, including the International ILA, USMX, Port Associations, Employers, ILA Locals, and Local Fund offices. With the joint efforts from all above, at the end of 2020, the Fund received approximately 700 applications from employees that were affected by COVID-19 and paid out over half a million dollars



# **ILA-USMX Joint Safety Committee**

n 2014, recognizing the need to formalize a collaborative, proactive approach toward occupational safety and health (OSH) issues, the ILA-USMX Joint Safety Committee (JSC) was established in the Joint Resolution on Port Safety & Health. The committee is comprised of ILA members and one (1) ILA-USMX Co-chairman, USMX members and one (1) USMX Co-chairman, and a technical facilitator.

The responsibilities of the JSC include providing guidance and knowledge on OSH issues to the ILA, its local unions, and USMX members. The JSC maintains close collaboration with the National Maritime Safety Association (NMSA), ILA local unions, port associations, and direct employers on safety processes, training, and communicating best practices among them, with the goal of "a safe place for all employees to work".

Thanks to the close collaboration the JSC has achieved since its inception in 2014, they were able to quickly switch to a remote team when COVID hit in 2020. Thanks to the coverage gained through the years, the JSC were able to have members in each division of the East Coast and Gulf that were able to both communicate and respond quickly

to the many changes and questions that affected not only the whole group, but even more specific issues happening in certain regions. We were then able to share these as a group and spread best practices and ideas to all ILA personnel and member ports as per the original mission of the JSC.

The JSC worked tirelessly to ensure the facts were distributed as they became known and that the real data on both guarantined and positive ILA members were tracked and communicated to the industry. This allowed us to see trends and concentrate our efforts with guidance and PPE accordingly. Many questions the JSC were presented with included the proper PPE needed to combat the spread of COVID, ever evolving CDC protocols on distancing, masks and quarantining, protocols for when testing Positive, what to do when considered a close contact, PHMSA & HAZMAT Training, sanitizing equipment/ offices, contact tracing, Maritime Transportation System Emergency Relief Program (MTSERP), and many more subjects/questions. While we couldn't anticipate just how rapidly the pandemic would grow, we were fortunate to have a group in place that were able to respond quickly.

At the onset of the pandemic the JSC was able to use two of its mainstays, OSH Alerts & Circulars, to communicate COVID related guidance to the industry quickly and effectively. The information came from many different sources, and it had to be scrutinized, summerized and then distributed quickly to keep everyone as safe as possible.

In 2020 the JSC produced and distributed multiple OSH Circulars in which the JSC praised the ILA and USMX members for their actions during COVID. The JSC also produced and distributed several Urgent OSH Alerts, circulars and Q&A documents. All the JSC's published alerts and circulars can be found on the USMX website www.USMX.com.

SELECT 2020 ILA-USMX JSC OSH CIRCULARS and ALERTS











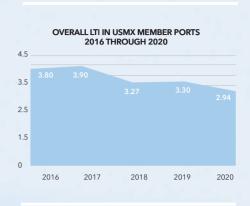


# 2020 JSC Safety Data Initiative

he JSC Safety Data Initiative (JSC-SDI)is another tool used by the group to collect and communicate data and to focus the efforts of the JSC. The data consists of total manhours and incidents. The incident is recorded by craft, type, and location and is collected by the USMX bi-annually (January through June and July through December), uploaded into a database and then disseminated in a useful format to all ILA, ILA Locals, and USMX members. We use the manhours and incidents to calculate the Lost Time Incident Rate (LTIR), which is based upon Occupational Safety and Health Administration (OSHA) recordkeeping. The formula considers the number of lost time incidents and illnesses occurring in a workplace and the hours worked during the time. It is based on a

workplace of 100 workers averaging 2,000 hours per year. The LTIR is calculated by taking the total Lost time injuries & illnesses multiplying that by 200,000 and dividing that by total hours worked. The information can be used to see trends in overall incidents, incidents by port, craft, type, and location. This high-level data can then be used to focus attention locally, help plan safety initiatives, and training, advancing the JSC's goal of making our ports a safe place for all employees to work.

As illustrated in the following charts, the data shows that despite an approximate 4% decrease in manhours between 2019 and 2020 due to COVID, the LTIR still decreased by over 10%. As the LTIR continues to trend downward

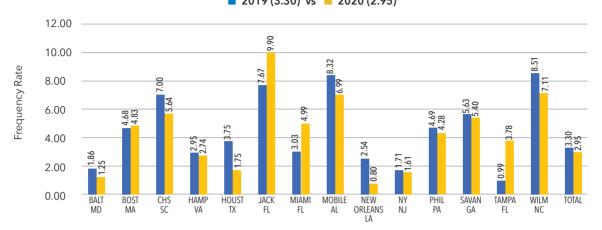


since safety data collection was instituted in 2013, from a high of 4.85 to the current 2.95 in 2020, this positive result continues to illustrate the value of this initiative to our industry and worker safety, which is the single most important undertaking we have at USMX with our partners at the ILA.

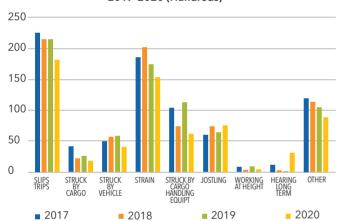


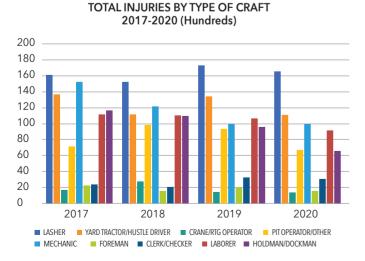
# 2020 JSC Safety Data Initiative

# OVERALL LOST TIME INCIDENT FREQUENCY RATES /USMX MEMBER PORTS ■ 2019 (3.30) vs ■ 2020 (2.95)

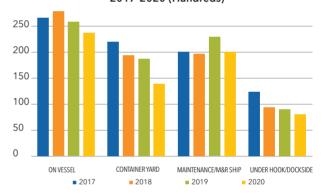


# TOTAL INJURIES BY TYPE OF INCIDENT 2017-2020 (Hundreds)





# TOTAL INJURIES BY LOCATION OF INCIDENT 2017-2020 (Hundreds)



LTI BY CRAFT	2017	2018	2019	2020
Lasher	161	152	173	165
Yard Tractor/Hustle Driver	137	111	134	111
Crane/RTG Operator	16	27	14	13
Pit Operator/Other	71	98	93	67
Mechanic	152	121	100	99
Foreman	22	15	19	15
Clerk/Checker	23	20	32	30
Laborer	111	110	106	91
Holdman/Dockman	116	109	96	65
LTI BY TYPE				
Slips/Trips/Falls	226	215	215	182
Struck By Cargo	42	22	26	18
Struck By Vehicle	51	57	58	41
Strain	186	202	175	153
Struck By Cargo Handling Equipment 104		73	113	62
Jostling	60	74	64	76
Working At Height	8	3	10	4
Hearing:Long Term	12	3	1	31
Other	120	114	105	89
LT1 BY LOCATION				
On Vessel	266	279	260	238
Under Hook- Dock Side	220	194	188	139
Container Yard	200	197	229	200
Maintenance/M&R Ship	123	93	90	79

# Training Program Overview

USMX carriers pay \$0.25 per ton of cargo to support the training, safety and CFS programs, with \$9 million going directly to training in 2020. Just to put those numbers in perspective, over \$43 million was spent in 2019, and \$41 million in 2018, showing just how negatively the pandemic affected our programs.

Like many of our functions, training was greatly disrupted by the pandemic, and even completely halted for months during 2020. The ILA and our member ports had to change the way in which we train, just as we had to change many other processes we had in-place prior to COVID, to ensure we continued working safely. With the combination of outdoor classrooms, proper sanitization of equipment, proper use of PPE, online services, and other changes, we were able to resume training, ensure new workers were ready for the fast-paced environment found on the waterfront, and seasoned workers had the ability to keep certifications current.

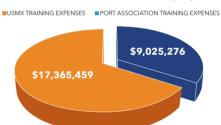
The USMX-ILA Joint Training Committee (JTC), consisting of three ILA representatives and three USMX

representatives, worked closely with the local ILA unions and USMX members to ensure funding for training was available to do what whatever was necessary within the training rules and standards to safely train workers during the ongoing pandemic. New training processes that could be implemented safely at each port was communicated to the industry to see if they could be implemented at other ports. The JTC also worked closely with the JSC for training guidance.

While training expenditures from both the USMX and USMX member ports were substantially reduced due to the pandemic, training began to ramp back up towards the end of 2020. With the 2021 training budget being prepared, and many new hires expected in all crafts and at most facilities, a substantial increase is training is forecasted for 2021.

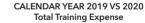


#### 2020 TOTAL TRAINING EXPENSES: \$26,390,735



#### 2020 TOTAL PER MANHOUR TRAINING EXPENSES Based on 38,516,702 mhrs @ \$0.68/MHR









# USMX-II A Trust Funds Overview

# CONTAINER ROYALTY CENTRAL COLLECTION FUND (CRCC)

#### About the Fund

This jointly-managed Fund was tasked with the development of a comprehensive system to automate the intake of carrier shipping reports; track carrier delivery tonnage on incoming/outgoing vessels; invoice carriers on a per-voyage basis; and collect and allocate carrier payments to appropriate funds. The Fund application is an innovative platform that benefits all areas of the Maritime Industry, created to capture actual and accurate movement of all vessel and voyage activity along the U.S. East and Gulf Coasts.

# About the System

The end state is a system that processes files uploaded by USMX carrier members into a standardized electronic format and integrates them into a database; interfaces with reporting mechanisms capable of generating management dashboards from that data and analyzing it in any number of ways; prepares timely and accurate carrier invoices; and tracks and manages the Container Freight Station (CFS) Program by processing station subsidies and carrier credits.

The current system, now under the 2018-2024 Master Contract, enables the ILA and local port management to more effectively schedule and manage manpower at the ports and to define work associated with container verification on both incoming and outgoing vessels. The system also provides USMX members and affiliated invoice accuracy of carrier reporting with real checks, directly executed by members at the ports.

### 2020 Update

Contract year ending September 30, 2020, marked the close of the fifth full year of operations of the CRCCF system. This was another year focused on optimizing our system performance and infrastructure, improved customer support with updated training materials and a focus on cyber security. Global Cyber Risk was contracted to perform an extensive risk assessment of our environment, processes and recommendations regarding our vulnerabilities. CRCCF continues to roll-out system enhancements to improve the end-user experience and to ensure optimization of the platform.



Charles W. Flynn President



Paul J. McCarthy
Exec. Vice President



Eileen M. Mackell Vice President



# USMX-II A Trust Funds Overview

#### **OVFRVIFW**

Under the 2018-2024 USMX-ILA Master Contract, there are six trust funds that are jointly- managed by Trustees from the ILA and from USMX to ensure proper management of collected assessments. This table describes the major funds, their purpose and the pages where you can find more information about each within the context of this annual report.

# MILA Managed Health Care Trust Fund 2020 Update

The Management-ILA Managed Health Care Trust Fund (MILA) is a collectivelybargained, multiemployer health plan. Its Board of Trustees, with representation from both management and labor, administers the MILA National Health Plan to provide medical, dental, vision and behavioral health coverage, as well as prescription drug benefits for more than 75,000 people (active and retired ILA members, their qualified dependents, and certain other nonbargaining unit employees who pay a premium for their coverage, as established by the MILA Trustees). 2020 was an unprecedented year with

the onset of the pandemic due to COVID-19 spreading throughout our port locations. The various shutdowns by city and state heavily impacted the day-to-day use of the healthcare system. All non-essential visits or operations were put on hold which impacted the overall expenses for 2020. Additionally, MILA worked with its Healthcare providers to ensure all COVID-19 related testing and treatment was available to our covered membership. Throughout 2020 the MILA administrative staff worked tirelessly with our ILA members and ports to help met their COVID-19 needs.



#### **MILA FUNDING**

As part of the 2018-2024 USMX-ILA Master Contract agreement, MILA is funded through a \$5 per manhour assessment on all manhours worked by ILA employees, and through a \$2.50 per ton assessment on all containerized cargo moving through USMX member ports on the U.S. East and Gulf coasts.

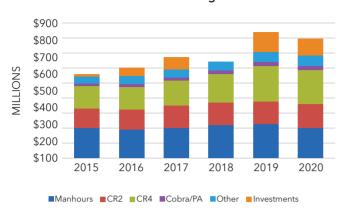


The MILA Administrative Staff:
FRONT, L to R: Angelina Kishore,
Member Support Representative;
Sharleka Millington, Administrative
Assistant and Member Support
Representative; REAR, left to right):
Robin Csabon, Director of Accounting;
Glenn Vanish, Receptionist; and
LaVerne Thompson, Executive Director

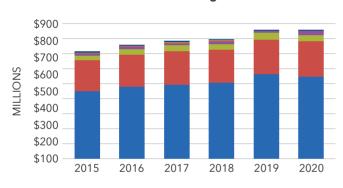
# **USMX-ILA MASTER CONTRACT TRUST FUNDS**

TRUST FUND NAME	TRUST FUND PURPOSE	PAGE NO.
Container Royalty Central Collection (CRCCF)	Centralized Collection of All Master Contract Tonage Assessment	s 13
Management-ILA Managed Health Care (MILA)	Execution and Management of Health Care Benefits	14
Container Freight Station (CFS)	CFS Subsidy and Credit; Distribution of Yearly Training Budget	16
Container Royalty 5 (CR5)	Automatic Payments and Local Welfare Funds Subsidy; Based on Yearly Application Review/Approval	17
USMX-ILA Money Purchase Fund & Savings Plan (MPP)	Centralized Defined Contributon Retirement Plan (MPP) for Ports Without an Existing Plan as of 10/1/18	17

# MILA Contribution Categories Lookback: 2015 Through 2020

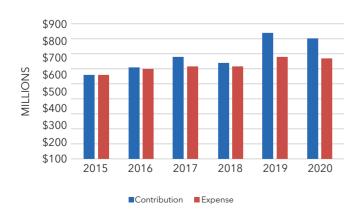


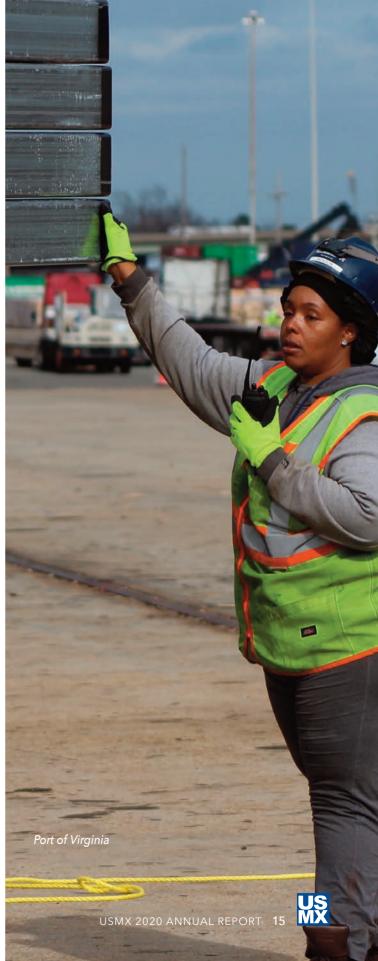
# MILA Expense Categories Lookback: 2015 Through 2020



■Medical Benefits ■Prescription Benefits ■Dental & Vision Benefits
■Behavioral Health Benefits ■Lesser Plans ■Part B Reimbursement ■Admin. Exp.

# MILA Contribution vs. Expense





# USMX-II A Trust Funds Overview

# CONTAINER FREIGHT STATION (CFS) TRUST FUND

The CFS Trust Fund program was implemented in 1989, and guided by the following objectives:

- to promote employment opportunities for ILA members
- to subsidize CFS operators using ILA labor exclusively to compete with CFS operators using non-ILA labor
- to encourage the stuffing and stripping of LCL, LTL, FCL, vendor consolidation and other cargo not presently handled at waterfront facilities by deep-sea labor
- to help open container freight stations in container ports
- to create a dedicated ILA workforce in each port to productively and efficiently stuff and strip containers
- to conduct ongoing reviews and audits, per the CFS Trustees, of all CFS stations to ensure that every CFS operator adheres to the requirements set forth

Though the program is charged with maintaining all stations currently operating in the USMX member ports,

it is always open to new opportunities for expansion.

With a six-year Master Contract currently in place, the CFS subsidy rate will be \$21.00 per hour for most CF stations from October 1, 2018, thru September 30, 2024.

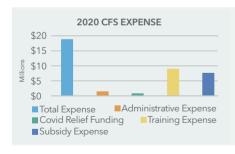
## 2020 CFS Update

During 2020, at 23 CF stations, the ILA worked nearly 368,000 manhours, with \$7.7 million in expenses to the CFS Fund. Nearly 58,000 containers were successfully handled while also main-

taining a safe operation with COVID, social distancing, masking requirements and other restrictions. Assessments collected on each ton of cargo are used to fund these CFS operations. In 2020, the assessment remained (from previous years) at \$0.25 per ton.

Due to COVID, all station audits were conducted remotely for 2020. Even through the pandemic, the CFS Trustees ensured the stations continued to operate within the guidelines of the program.

CFS EXPENSES	2019	2020
Total Expense	\$ 23,405,927	\$18,944,044
Administrative Expense	\$ 1,631,090	\$ 1,630,466
Covid Relief Funding	\$ -	\$ 655,000
Training Expense	\$ 13,266,956	\$ 9,025,276
Subsidy Expense	\$ 8,507,881	\$ 7,633,302
CFS REVENUE	2019	2020
Total Revenue	\$ 39,804,755	\$ 38,451,321
Assessment Revenue	\$ 38,409,613	\$ 38,102,415
Other Revenue	\$ 1,395,142	\$ 348,906
CFS TOTAL REVENUE VS. TOTAL EXPENS	SES	
CALENDAR YEAR AUDITED	2019	2020
Total Revenue	\$ 39,804,755	\$ 38,451,321
Total Expense	\$ 23,405,927	\$ 18,944,044
Net Assets Increase	\$ 16,398,828	\$ 19,507,277













# USMX-II A Trust Funds Overview

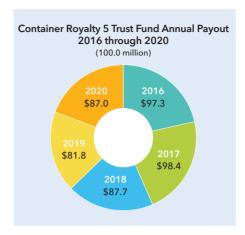
#### **CFS Carrier Credits**

In the Master Contract, all containers that are stripped or stuffed at an authorized CFS station qualify for a Container Royalty credit if they were discharged or loaded from a USMX Carrier vessel. If these criteria are met, the Carrier will get a full credit. During calendar year 2020, USMX Carrier members received Container Royalty credits totaling over \$6 million.

# **CONTAINER ROYALTY 5 (CR5)** TRUST FUND About the CR5 Trust Fund

Effective with the Master Contract extension agreement covering Contract Years 2009 through 2012, the CR5 Trust Fund was instituted to address the economic downturn that dramatically affected the ability of the local ILA benefit funds to meet their obligations under the Master Contract and Local Contract.

CR5 allows the Master Contract the ability to direct necessary resources. based on a list of criteria, to those local welfare funds that demonstrate a shortfall. A key criterion of CR5 restricts the application amount to be used for funding Pension funds or an increase in local benefits of any kind. Additionally, the criterion puts a strong focus on the allocation of assessments to ensure proper distribution among local benefit funds. CR5 also replaced the automatic payments that were made to the ports under the previous Master Contract's Container Royalty CAP Program. Jointly administered by Trustees from USMX and the ILA, the CR5 Fund is financed through a \$0.70 per ton assessment paid by USMX's carrier members.



The CR5 Trust Fund is an essential resource for our member ports whose local benefit funds experience a shortfall that renders them unable to meet their Local Contract obligations. The demand for CR5 monies has varied over the years due to increases in Vacation and Holiday benefits driven by wage increases; fluctuations in investment performance of local funds; and, in some areas, stronger revenue due to volume and/or manhour increases.

#### 2020 Update

In the Contract Year that ended on September 30, 2020, the CR5 Trust Fund paid out approximately \$23.6 million dollars in assistance applied for by our member ports, in addition to the automatic payments (approximately \$63.4 million dollars) made as required under the Master Contract. All ports experienced a drop in volume and man hours due to the pandemic beginning in March 2020. Volume began to return in most ports in the 4th quarter, however a few ports were impacted more severely than others causing the rise in CR5 applications. CR5 worked closely with key ports affected to ensure their contractual benefits were met.

# USMX-ILA MONEY PURCHASE FUND & SAVINGS PLAN (MPP)

As part of the 2018-2024 Master Contract, the parties agreed to create a coastwide, centrally-managed defined contribution retirement plan for qualified employees working hours under the Master Contract in ports that do not have local defined contribution plans. Qualification thresholds and disbursements for qualified individuals were agreed upon by USMX and the ILA. The Master Contract MPP contributions shall be made as follows:

- Effective 10-1-18, qualifying employees shall receive a \$1.00 per hour contribution; and
- Effective 10-1-20, qualifying employees shall receive an additional \$1.00 per hour contribution

As of October 1, 2020, six Ports were included in the central USMX/ILA MPP and Savings Plan. Charleston, Tampa, New Orleans, and Mobile began in the plan October 1, 2018. Savannah and Wilmington joined the plan October 1, 2020. In addition to the Master Contract contributions, three of the ports have also negotiated contributions on local cargo.

# MPP CONTRIBUTATIONS BY PORT

Effective 10/1/2020

Port	Master Contract	Break Bulk	Auto	Cruise
Charleston	\$2.00	\$1.50	\$2.30	\$2.00
Tampa	\$2.00	\$1.50	_	\$2.00
New Orlea	ns \$2.00	\$1.50	_	
Mobile	\$2.00			
Savannah	\$1.00		\$0.50	
Wilmingtor	s \$1.00	_	_	_



# Shipping Industry Mutual Assurance Association (SIMAS)

# SIMAS HISTORY and 2020 HIGHLIGHTS

## **Purpose**

The Shipping Industry Mutual Assurance Association Limited (SIMAS) was created in 1981 by special act of the Legislature of Bermuda to provide insurance coverage to the maritime industry that was unavailable in the commercial marketplace. This Financial Injury Coverage indemnifies USMX and its Carrier members for the legal costs incurred as a result of the implementation and enforcement of the USMX-ILA Master Contract or any other labor contract negotiated by USMX.

Financial Injury Coverage is provided in the following instances:

- Court Actions and Adjudicatory Proceedings before maritime or labor-related agencies
- Third-Party Claims against the Insureds
- Arbitrations
- Strikes
- Work Stoppages

Excess Directors' and Officers' (D&O) Coverage is provided by SIMAS to the Directors and Officers of USMX and CCC Service Corporation.

Excess Fiduciary Liability Coverage is provided by SIMAS to the Management Trustees of the Management-ILA (MILA) Managed Health Care Trust Fund.

 A 2005 civil RICO action still pending in the U.S. District Court for the Eastern District of New York is the subject of a claim under this coverage.

### 2020 Legal Matters

During 2020, USMX Carrier members were able to avail themselves of coverage through SIMAS for the following legal matters:

- Throughout 2020 on behalf of its members USMX worked proactively with the International Longshoremen's Association (ILA) and counsel to keep safe and to protect the wages and benefits of longshore workers pursuant to the USMX-ILA Master Contract. USMX established COVID-19 safety standards for marine terminal operators in all Master Contract ports to protect their employees in the workplace.
- A USMX Carrier member was reimbursed for wages paid to longshore workers for days spent in quarantine after being exposed to the crew members of the Carrier's vessel who had tested positive for COVID-19. Such action eliminated the threat of work stoppages by the ILA members and prevented the filing of grievances under the USMX-II A Master Contract.

#### Governance

SIMAS is governed by a Board of Directors that meets annually.

- SIMAS Directors are chosen from among the USMX Board of Directors and USMX Staff.
- SIMAS is administered locally by Marsh Management Services (Bermuda) Limited.
- SIMAS premiums are funded through an assessment paid by USMX's Carrier members and are evaluated annually by its actuary.





# **USMX COUNSEL** THE LAMBOS FIRM, LLP.



The Lambos Firm Attorneys: Front, L to R: Ann Marie Flynn, Esq; Carol Notias Lambos, Esq.; Rear, L to R: Ian A. Weinberger, Esq.; William M. Spelman, Esq.; Donato Caruso, Esq.; Richard J. Ciampi, Jr., Esq.; James R. Campbell, Esq.

At The Lambos Firm, LLP the emphasis is on finding creative solutions to problems that plaque businesses in these competitive times. Our reputation lies in our ability to bring parties together to resolve disputes without unnecessary legal intervention. This is achieved through a proactive approach to our clients' needs by seeking to protect them from potential

exposure by thoughtful strategic planning. However, when litigation is un-avoidable, our clients appreciate The Lambos Firm's reputation for vigorous and tenacious advocacy. The hallmark of the firm is its proven experience in handling clients' legal matters successfully and cost-effectively.

The Firm is a full-service law firm concentrating in the areas of labor and employment, ERISA, administrative, business, and insurance law. Our clients span a broad spectrum of industries and include maritime entities; multi-employer associations; transportation companies; banking and financial services corporations; manufacturing concerns; real estate developers and construction contractors; health care organizations; and social service agencies.

The Firm has an active trial practice, jury and non-jury, in federal and state jurisdictions, and an ex-tensive appellate practice, including successful U.S. Supreme Court advocacy. In addition, our attorneys are also actively engaged in nonjudicial dispute resolution forums, including arbitrations, mediations, and administrative proceedings. The Lambos Firm has close ties to the maritime community that are manifested through active participation in long-standing maritime associations and support of charitable causes important to the industry. The attorneys of the Firm are dedicated and fully committed to serving the interests of the maritime community as well as recognizing the excellence the community brings out in its own.

# MASTER-CONTRACT RELATED ISSUES

## COVID Pandemic Relief Fund (CPRF)

COVID-19 dominated 2020 all over the world, including in the ports where USMX members operate. 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, 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 twothirds 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 benefits to ensure that eligible ILA employees received their benefits promptly.

## Illegal Secondary-Boycott Activities

In 2012, ICTSI Oregon, Inc. sued the International Longshore and Warehouse Union (ILWU) and its Local 8 for damages resulting from work stoppages and slowdowns related to two ILWU jobs that involved the plugging, unplugging, and monitoring of refrigerated containers and which caused ICTSI to leave the Port of Portland.

After seven years of legal proceedings, a two-week jury trial in October 2019 resulted in a \$93.6 million verdict against the ILWU for damages caused by its unfair labor practices. After the ILWU challenged the award as excessive, the



federal district court reduced the award to \$19 million and gave ICTSI two weeks to accept the award. ICTSI refused to accept the reduced \$19 million award. In September 2020, the Court of Appeals for the Ninth Circuit granted the parties' motions for permission to file interlocutory appeals, which were pending at year end.

# 2020 FEDERAL LEGISLATIVE AND REGULATORY ACTIVITY 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). 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.

# 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.

At year end the EEOC updated its COVID-19 guidance again to clarify that employers may implement mandatory vaccination polices 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.

# 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 servicecontract-negotiation period.

Fact finding meetings were held during 2020 in the Ports of Los Angeles and Long Beach, the PONY/NJ, and the Port of New Orleans. Although the Commissioner found that COVID-19 minimally impacted container operations in the PONY/NJ, 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 PONY/NJ advised the Commissioner during her investigation that the CPP had made achieving that goal a top priority in the PONY/NJ.

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.

# **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.

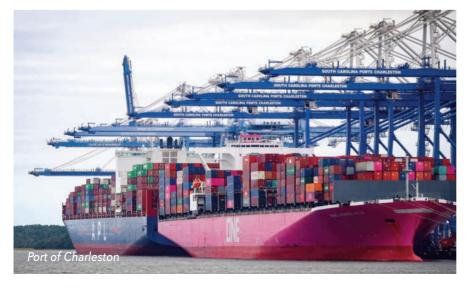
# NATIONAL LABOR RELATIONS BOARD (NLRB)

# 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-19related 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.

# 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. 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 December 2020, there were 6 million TWIC enrollments since inception in October 2007. There were 2.213 million active TWIC cards in use as of December. 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 December 2020, there were 2,369 million OneVisit enrollments (93% 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 Update CCC Service Corporation

CCC Service Corp. (CCCSC) is a division of USMX and is responsible for providing essential services, such as member assessments reporting, service agreements, managed services and information technology services, for USMX and its various Master Contract Trust Funds.

#### MEMBER ASSESSMENTS REPORTING

CCCSC is responsible for the administration of the reporting and payment of Master Contract assessments by USMX's members. CCCSC, in conjunction with the Container Royalty Central Collection Fund (CRCCF), has successfully transitioned all major carriers over to CRCCF's central collection reporting system. Currently, the receivables rate achieved by the centralized collection process stands 41 days, three higher than the 38-day target rate.

#### SERVICE AGREEMENTS

CCCSC has established Service Agreements with the following organizations, trust funds and programs:

- Management-ILA Managed Healthcare (MILA) Trust Fund
- Carrier-ILA Container Freight Station (CFS) Trust Fund
- Carrier-ILA Container Royalty (CR4) Trust Fund
- Carrier-ILA Container Royalty 5 (CR5) Trust Fund
- Container Royalty Central Collection Fund (CRCCF)
- Shipping Industry Mutual Assurance Association Limited (SIMAS)
- New York Shipping Association Port of Discovery (NYSA POD) Program
- USMX-ILA Money Purchase Fund & Plan (MPP)
- USMX-ILA COVID Pandemic Relief Fund (CPRF)

#### MANAGED SERVICES PROVIDER

CCCSC provides payroll, general accounting and financial reporting services for itself, USMX, CRCCF, CFS, CR5, CRF, MPP and CPRF along with IT administration for itself, USMX and CRCCF.

In 2020, the IT group upgraded all computers to Windows 10 Pro for added security, performance and feature benefits. Maintained a firm patching schedule for Windows, Linux and Oracle with confirmation of successful patching events.

#### PERSONNEL

In 2020, Nigel Jenkins, Naum Samardin and Emma Roginskaya retired. Rachel Kane was hired as the Application Support Specialist.

#### NOTABLE ACCOMPLISHMENTS

CCCSC has maintained long-term success with regard to headcount productivity and financial management:

- Headcount productivity continues to increase; there has been staff reduction of four over the last eleven years, with tonnage increasing 48% over the same time period
- USMX/CCCSC financial results continue to meet or exceed budget guidelines by nearly 8%, while maintaining the USMX operational assessment at \$.04 per ton since 1/1/16.
- During the Pandemic there was no disruption in services provided by CCCSC
- The annual financial audits were success performed virtually without a hiccup
- Added an additional Service Agreement with the CPRF



Center: Anthony Dalonges, President; L to R: Maria Ouzounis, Manager; Joseph Marino, Controller; Rachel Kane, Application Support Specialist; Kelly Ryan, Executive Assistant; Richard Glogowski, Assistant Controller; Diane Trapp, AP/AR Specialist



# USMX Officers and Staff



David F. Adam Chairman and Chief Executive Officer



F. Paul De Maria Executive Vice President, and COO Labor Relations



Anissa Frucci Executive Vice President, Finances and Administration



Anthony J. Dalonges Corp. Treasurer/ CCCSC President



Thomas P. Sullivan Director, Labor Relations



Joseph A. Weeks Director, Labor Relations South Atlantic/West Gulf



**Beth Monica** Corp. Secretary Director, Communications



Karen Chin Director of Finance



Kim F. Perez **Executive Assistant** 



Roberta L. Beasley Contract Administrator, South Atlantic District



Candace Love Secretary. South Atlantic District



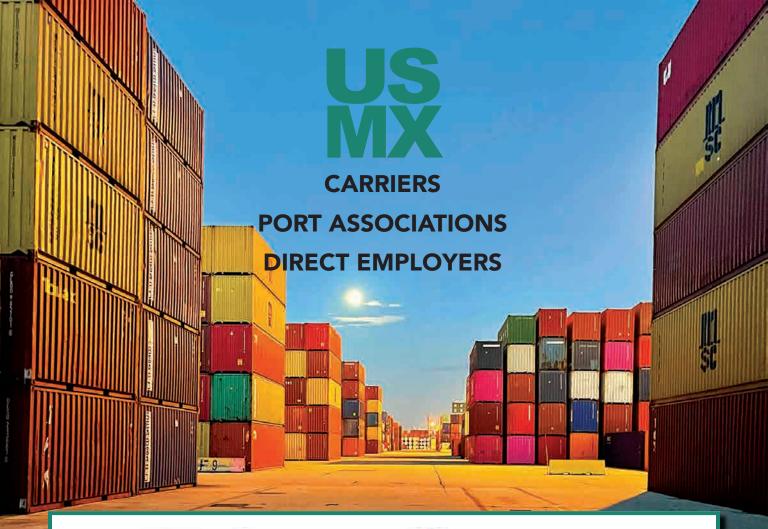
Andrew J. Heo Data Manager

# David F. Adam, Chairman & CEO of USMX, Named 2020 Person of the Year

The New York/New Jersey Foreign Freight Forwarders and Brokers Association named David F. Adam, Chairman and CEO, United States Maritime Alliance (USMX), as its 2020 Person of the Year. Mr. Adam was honored at a gala dinner on February 6, 2020 at the Sheraton New York Times Square Hotel. "An effective maritime labor leader, Mr. Adam is known for his commitment to ensuring continued labor peace in our ports," said William Skinner, NYNJFFFBA President "He has a proven track record of balancing the needs of multiple stakeholders, including USMX members, BCOs, supply chain partners and the ILA." The dinner is one of the largest industry events in the United States and is attended by executives and representatives of the ocean carriers, forwarders, brokers, terminal operators, government and the many ancillary industries.













































































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