

RECEIVED AMENDMENT NO. 1
 TO THE
 CARRIER-ILA CONTAINER FREIGHT STATION TRUST FUND
AGREEMENT AND DECLARATION OF TRUST

Agreement made this 11th day of ~~January~~ ^{February}, 1991, effective December 1, 1990, by and between the International Longshoremen's Association, AFL-CIO (hereinafter referred to as "ILA" or "Union"), on the one hand, and Carriers Container Council, Inc. (hereinafter referred to as "CCC" or "Management"), on the other hand.

W I T N E S S E T H:

WHEREAS, the ILA and CCC are parties to the Agreement on C.F.S. Stations, dated March 31, 1989, the signatories to which also include New York Shipping Association, Inc. ("NYSA"), Council of North Atlantic Shipping Associations ("CONASA"), South Atlantic Employers Negotiating Committee ("SAENC"), Southeast Florida Employers Port Association ("SEFEPA") and The Boston Shipping Association, Inc. ("BSA"); and

WHEREAS, ILA and CCC established the Carrier - ILA Container Freight Station Trust Fund - Agreement and Declaration of Trust on June 14, 1989, effective as of April 15, 1989 (hereinafter referred to as the "CFS Trust" or "CFS Fund"), which provides in Article III - Purposes of the Fund that the purposes are to promote employment opportunities by the establishment of container freight stations (hereinafter referred to as "CFS") and

to collect assessments from the Carriers to provide funding for the CFS program; and

WHEREAS, Article VI - Amendment of Trust Agreement, provides that only the parties (i.e., CCC and ILA), not the Trustees, may amend the CFS Trust and that no amendment shall divert the CFS Fund as then constituted, or any part thereof, to a purpose other than that set forth in Article III of the CFS Trust; and

WHEREAS, the parties have agreed in the Master Contract dated October 30, 1990 that:

11. CONTAINER ROYALTY FUND

* * *

g) The CCC-ILA CFS Fund shall be continued for the life of this agreement with the carriers contributing \$.30 per weight ton as now provided. The Trust Agreement shall be amended to provide for additional use of such fund including retraining and any and all other fringe benefit purposes other than supplemental cash benefits.

; and

WHEREAS, the parties agree that ILA employment opportunities will be benefitted by apprenticeship, retraining, and any and all other fringe benefit purposes, other than supplemental cash benefits in addition to the promotion of container freight stations; and

WHEREAS, such apprenticeship, retraining, and other fringe benefit purposes other than supplemental cash benefits are consistent with the CFS Trust's original purposes as set forth in Article III thereof and the Agreement on C.F.S. Stations,

NOW, THEREFORE, the parties hereto agree as follows:

1. Article II - Definitions shall be amended to read as follows:

3. "Carrier" means a steamship carrier which is signatory to any agreement requiring it to pay the CFS tonnage assessment.

4. "CCC Member" means a member of CCC which has authorized CCC to represent it in collective bargaining.

(Where the new language is underscored).

2. Article III - Purposes of the Fund shall be amended to read in its entirety as follows:

(a) to promote employment opportunities by (1) establishing Container Freight Stations in such major container ports where it can be shown that such Container Freight Stations are needed to encourage economic development by stuffing and stripping of less-than-container load ("LCL"), less-than-trailer load ("LTL"), full-container load ("FCL"), vendor consolidation and other cargo not presently handled for the account of the carrier at waterfront facilities by deep-sea ILA labor and to create a dedicated ILA work force in each port to productively and efficiently stuff and strip containers and to work as directed by the employer within the craft; (2) developing apprenticeship and training programs in order to teach ILA employees new skills or techniques and/or to prepare such ILA employees for new positions, including providing for periodic retraining or refresher courses, to which CCC and the ILA may agree in collective bargaining; (3) and other fringe benefit purposes, other than supplemental cash benefits; and

(b) to collect all assessments from the Carriers and to distribute the monies collected, less costs of administration, (1)

as reimbursement to the CFS Operators for supplemental income paid for employees and for contributions paid by such Operators to various employee fringe benefit funds, other than pension funds, which have been established in accordance with the provisions of various collective bargaining agreements, or to make contributions directly to such fringe benefit funds, other than pension funds, and/or (2) for such apprenticeship, retraining and/or other fringe benefit purposes other than supplemental cash benefits.

* * *

(Where the new language is underscored.)

3. Article III - Section 4. Distributions shall be amended to read in its entirety as follows:

(a) The Fund may [shall] distribute monies collected, less costs of administration, to authorized and approved CFS Operators as defined in Article II, Section 4, as follows:

Supplemental Income - The Fund may reimburse CFS Operators for supplemental income paid to employees.

Other Employee Fringe Benefits - The Fund may also reimburse such CFS Operator for contributions actually paid by such operator to various fringe benefit funds, other than pension, or may in an appropriate case, make such contributions directly to such fringe benefit funds, other than pension funds.

(b) The Fund may distribute the monies collected, less the costs of administration, for apprenticeship, retraining, and/or other fringe benefit purposes, other than supplemental cash benefits as set forth in Article III, Purposes of the Fund, above.

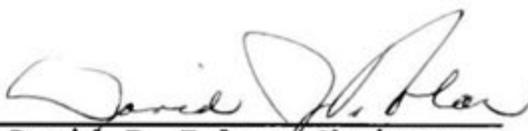
(Where the new language is underscored and deleted language is bracketed.)

IN WITNESS WHEREOF, the undersigned have put their hands and seal on the date above written.

INTERNATIONAL LONGSHOREMEN'S
ASSOCIATION, AFL-CIO

By 
John Bowers, President

CARRIERS CONTAINER
COUNCIL, INC.

By 
David J. Tolan, Chairman

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