§ 534-j. List of qualified longshore workers for employment as checkers. 1. The commission shall maintain within the longshore workers' register a list of all qualified longshore workers eligible, as provided in this section, for employment as checkers in the port of New York district in this state. No person shall act as a checker within the port of New York district in this state unless at the time such person is included in the longshore workers' register as a checker, and no person shall employ another to work as a checker within the port of New York district in this state unless at the time such other person is included in the longshore workers' register as a checker.

2. Any person applying for inclusion in the longshore workers' register as a checker shall file at any such place and in such manner as the commission shall designate a written statement, signed and verified by such person, setting forth the following:

(a) The full name, residence, place and date of birth and social security number of the applicant;

(b) The present and previous occupations of the applicant, including the places where such person was employed and the names of that person's employers;

(c) Such further facts and evidence as may be required by the commission to ascertain the character, integrity and identity of the applicant.

3. No person shall be included in the longshore workers' register as a checker:

(a) Unless the commission shall be satisfied that the applicant possesses good character and integrity;

(b) If the applicant has, without subsequent pardon, been convicted by a court of the United States or any state or territory thereof, of the commission of, or the attempt or conspiracy to commit, treason, murder, manslaughter or any crime punishable by death or imprisonment for a term exceeding three hundred sixty-four days or any of the following misdemeanors or offenses: illegally using, carrying or possessing a pistol or another dangerous weapon; making or possessing burglar's instruments; buying or receiving stolen property; unlawful entry of a building; aiding an escape from prison; unlawfully possessing,

possessing with intent to distribute, sale or distribution of a controlled dangerous substance (controlled substance) or a controlled dangerous substance analog (controlled substance analog); petty larceny, where the evidence shows the property was stolen from a vessel, pier or other waterfront terminal; and violation of the act. Any such applicant ineligible for inclusion in the longshore workers' register as a checker by reason of any such conviction may submit satisfactory evidence to the commission that the person has for a period of not less than five years, measured as provided in this section, and up to the time of application, so acted in a manner as to warrant inclusion in the longshore workers' register as a checker, in which event the commission may, in its discretion, issue an order removing such ineligibility. The aforesaid period of five years shall be measured either from the date of payment of any fine imposed upon such person or the suspension of sentence or from the date of such person's unrevoked release from custody by parole, commutation or termination of such person's sentence;

(c) If the applicant knowingly or willfully advocates the desirability of overthrowing or destroying the government of the United States by force or violence or shall be a member of a group which advocates such desirability, knowing the purposes of such group include such advocacy.

4. When the application shall have been examined and such further inquiry and investigation made as the commission shall deem proper and when the commission shall be satisfied therefrom that the applicant possesses the qualifications and requirements prescribed by this section, the commission shall include the applicant in the longshore workers' register as a checker. The commission may permit temporary registration as a checker to any applicant under this section pending final action on an application made for such registration, under such terms and conditions as the commission may prescribe, which shall be valid for a period to be fixed by the commission, not in excess of six months.

5. The commission shall have power to reprimand any checker registered under this section or to remove such person from the longshore workers' register as a checker for such period of time as it deems in the public interest for any of the following offenses:

(a) Conviction of a crime or other cause which would permit disqualification of such person from inclusion in the longshore workers' register as a checker upon original application;

(b) Fraud, deceit or misrepresentation in securing inclusion in the longshore workers' register as a checker or in the conduct of the registered activity;

(c) Violation of any of the provisions of this act;

(d) Criminal possession of a controlled substance or criminal sale of a controlled substance;

(e) Inducing or otherwise aiding or abetting any person to violate the terms of this act;

(f) Paying, giving, causing to be paid or given or offering to pay or give to any person any valuable consideration to induce such other person to violate any provision of this act or to induce any public officer, agent or employee to fail to perform the person's duty under this act;

(g) Consorting with known criminals for an unlawful purpose, provided, however, that consorting without unlawful purpose shall be insufficient grounds for reprimand;

(h) Transfer or surrender of possession to any person either temporarily or permanently of any card or other means of identification issued by the commission as evidence of inclusion in the workers' register without satisfactory explanation;

(i) False impersonation of another longshore worker or of another person licensed under this act.

6. The commission shall have the right to recover possession of any card or other means of identification issued as evidence of inclusion in the longshore workers' register as a checker in the event that the holder thereof has been removed from the longshore workers' register as a checker.

7. Any applicant ineligible for inclusion in the longshore workers' register as a checker by reason of the provisions of paragraph (b) of subdivision three of this section may petition for and the commission may issue an order removing the ineligibility. A petition for an order to remove ineligibility may be made to the commission before or after

the hearing required by section five hundred thirty-four-n of this article.

8. Nothing contained in this section shall be construed to limit in any way any rights of labor reserved by section five hundred thirty-four-q of this article.