

CHAPTER 15 SUBPOENAS

Authority

N.J.S.A. 34:13A-5.4c and d, 34:13A-6e and 34:13A-11.

Source and Effective Date

R.2006 d.384, effective September 28, 2006.
See: 38 N.J.R. 2403(a), 38 N.J.R. 4744(a).

Chapter Expiration Date

Chapter 15, Subpoenas, expires on September 28, 2011.

Chapter Historical Note

Chapter 15, Subpoenas, was filed and became effective prior to September 1, 1969.

Chapter 15, Subpoenas, was readopted by R.1977 d.272, effective August 2, 1977. See: 9 N.J.R. 298(a), 9 N.J.R. 448(a).

Chapter 15, Subpoenas, was readopted as R.2006 d.384, effective September 28, 2006. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. GENERAL PROVISIONS

19:15-1.1 Issuance of subpoena

The commission or any designated officer thereof may issue subpoenas to require the attendance of witnesses in the State and the production of books, papers, and other materials at a proceeding held under the provisions of these rules.

Amended by R.2006 d.384, effective November 6, 2006.
See: 38 N.J.R. 2403(a), 38 N.J.R. 4744(a).

Deleted "and" preceding "papers" and inserted "; and other materials".

19:15-1.2 Application for subpoena

(a) A party may file a written application for subpoena with the commission or any designated officer thereof.

(b) The application for subpoena need not name the witness or the books, papers, and other materials sought.

(c) Notice of an application for subpoena need not be communicated to the parties.

(d) The commission or any designated officer shall furnish all subpoenas requested.

(e) The party requesting the subpoena shall be responsible for service in accordance with the provisions of N.J.A.C. 19:10-2.3 (Service of pleading and other process; proof of service).

Amended by R.2006 d.384, effective November 6, 2006.
See: 38 N.J.R. 2403(a), 38 N.J.R. 4744(a).

In (b), deleted "and" preceding "papers" and inserted "; and other materials".

19:15-1.3 Failure to comply with subpoena

(a) No person served with a subpoena issued in accordance with this provision of this chapter shall refuse or neglect to appear or testify or to produce books, papers, and other materials relevant to such investigation, inquiry or hearings as commanded in such subpoena without the timely filing of a petition to quash a subpoena, with the commission or designated officer.

(b) Failure to comply with, or neglect of a subpoena issued by the commission or an officer thereof pursuant to N.J.A.C. 19:15-1.1 (Issuance of subpoena) may be certified by the commission to a court of competent jurisdiction for an order of compliance. An application to enforce the subpoena may be made by the Commission or the party that has requested the subpoena, in accordance with court rules.

Amended by R.2006 d.384, effective November 6, 2006.
See: 38 N.J.R. 2403(a), 38 N.J.R. 4744(a).

In (a), deleted "and" preceding "papers" and inserted "; and other materials"; and in (b), inserted the last sentence.

19:15-1.4 Fees

(a) The fees for witnesses for attendance and travel shall be paid from appropriations made to the Division of Public Employment Relations to those witnesses subpoenaed by the commission or any officer thereof.

(b) The fees for witnesses for attendance and travel shall be paid by the party requesting the subpoena.

SUBCHAPTER 2. PETITION TO QUASH

19:15-2.1 Petition to quash

(a) A petition to quash a subpoena may be filed with the commission or designated officer not later than five days from the date of service of the subpoena.

(b) The commission or designated officer shall give notice of the filing of a petition to quash to the applicant for

subpoena. Any party may file a response within five days after receiving notice of the petition to quash. Neither the petitioner nor any other party shall file any further reply or response without leave of the Commission or the designated officer.

Amended by R.2006 d.384, effective November 6, 2006.
See: 38 N.J.R. 2403(a), 38 N.J.R. 4744(a).
In (b), inserted the last two sentences.

19:15-2.2 Ruling on petition to quash

(a) The commission or designated officer may quash a subpoena on the ground that the subpoena does not reasonably relate to any matter under investigation, inquiry or hearing, or the subpoena does not describe with sufficient particularity the evidence sought, or that the evidence sought from the witness is privileged under the law or these rules.

(b) The commission or designated officer shall make a statement as to the basis for the ruling.

19:15-2.3 Timeliness of petition to quash

A failure to file a timely petition to quash shall bar the filing of a subsequent petition to quash a subpoena.

19:15-2.4 Inclusion in the record

An aggrieved party may request that the petition to quash a subpoena, the answer thereto and the commission's or designated officer's statement of the basis for the ruling, as the case may be, be made a part of the record.