

## PUBLIC EMPLOYMENT RELATIONS COMMISSION

## CHAPTER 10

## DEFINITIONS, SERVICE, CONSTRUCTION

## Authority

N.J.S.A. 34:13A-5.4(e), 34:13A-6(b) and 34:13A-11.

## Source and Effective Date

R.2009 d.323, effective September 24, 2009.  
See: 41 N.J.R. 2452(a), 41 N.J.R. 3960(a).

## Chapter Expiration Date

Chapter 10, Definitions, Service, Construction, expires on September 24, 2014.

## Chapter Historical Note

Chapter 10, Definitions, was adopted prior to September 1, 1969.

Subchapter 2, Service and Filing of Papers, Subchapter 3, Construction of Rules, Subchapter 4, Delegation of Authority, and Subchapter 5, Description of Organization, were adopted as R.1977 d.272, effective August 2, 1977. See: 9 N.J.R. 298(a), 9 N.J.R. 448(a).

Subchapter 6, Rulemaking Petitions Filed by Interested Persons, was adopted as R.1989 d.461, effective September 5, 1989. See: 21 N.J.R. 1505(a), 21 N.J.R. 2808(b).

Pursuant to Executive Order No. 66(1978), Chapter 10, Definitions, Service, Construction, was readopted as R.1994 d.437, effective July 28, 1994. See: 26 N.J.R. 2205(a), 26 N.J.R. 3745(a).

Pursuant to Executive Order No. 66(1978), Chapter 10, Definitions, Service, Construction, was readopted as R.1999 d.219, effective June 24, 1999. See: 31 N.J.R. 1168(a), 31 N.J.R. 1941(b).

Chapter 10, Definitions, Service, Construction, was readopted as R.2004 d.278, effective June 24, 2004. See: 36 N.J.R. 1686(a), 36 N.J.R. 3417(a).

Chapter 10, Definitions, Service, Construction, was readopted as R.2009 d.323, effective September 24, 2009. See: Source and Effective Date. See, also, section annotations.

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## SUBCHAPTER 1. DEFINITIONS

## 19:10-1.1 Definitions

The following words and terms, when used in this subtitle, shall have the following meanings unless the context clearly indicates otherwise:

“Act” means the New Jersey Employer-Employee Relations Act, as amended, (N.J.S.A. 34:13A-1 et seq.).

“Arbitration panel” means a roster of arbitrators maintained by the commission.

“Arbitrator” means a member of an arbitration panel maintained in accordance with these rules, including the grievance arbitration panel established by N.J.A.C. 19:12-5, the special panel of disciplinary arbitrators established pursuant to N.J.S.A. 40A:14-210c. and N.J.A.C. 19:12-6.2 and the special panel of interest arbitrators established pursuant to N.J.S.A. 34:13A-16e and N.J.A.C. 19:16-5.6(a).

“Authorization card” means a dated card or separate sheet of paper signed by an employee, normally within six months prior to the filing of a petition, that states that the employee wishes to be represented for purposes of collective negotiations by the named employee organization.

“Certification of representative” means the designation by the commission of an employee organization as the exclusive representative of employees in an appropriate unit.

“Certification of results” means the certification by the commission of the results of an election conducted by the commission in which no employee organization received a majority of the valid ballots cast.

“Chairman” means the full-time member of the Public Employment Relations Commission who is its chief executive officer and administrator and is also the chief executive officer and administrator of the Division of Public Employment Relations.

“Commission” means the New Jersey Public Employment Relations Commission.

“Contested transfer proceeding” means a procedure under these rules for determining whether the transfer of an em-

ployee between work sites by an "employer" as defined by N.J.S.A. 34:13A-22 was made for disciplinary reasons.

"Craft employee" means any employee who is engaged with helpers or apprentices in a manual pursuit requiring the exercise of craft skills which are normally acquired through a long and substantial period of training or a formal apprenticeship and which in their exercise call for a high degree of judgment and manual dexterity, one or both, and for ability to work with a minimum of supervision. The term shall also include an apprentice or helper who works under the direction of a journeyman craftsman and is in a direct line of succession in that craft.

"Director of Arbitration" means that officer of the commission designated to act on behalf of the commission with respect to arbitration procedures contained in N.J.A.C. 19:12 and 19:16.

"Director of Conciliation" means that officer of the commission designated to act on behalf of the commission with respect to those matters related to negotiations impasses contained in N.J.A.C. 19:12 and 19:16.

"Director of Representation" means that officer of the commission designated to act on behalf of the commission with respect to those matters relating to representation procedures contained in N.J.A.C. 19:11.

"Director of Unfair Practices" means that officer of the commission designated to act on behalf of the commission with respect to those matters relating to unfair practice proceedings contained in N.J.A.C. 19:14.

"Election agent" means that officer of the commission designated to conduct elections in accordance with the procedures set forth in N.J.A.C. 19:11.

"Fact-finder" means the Commission, any member of the Commission or any officer so designated by the Commission to perform the functions of a fact-finder as set forth in these rules.

"Fact-finding panel" means a roster of fact-finders maintained by the commission.

"Hearing examiner" means an officer of the Commission designated to conduct any unfair practice, scope of negotiations or contested transfer hearings and to issue a recommended report and decision.

"Hearing officer" means an officer of the commission designated to conduct any representation hearing and to issue a report and recommendations.

"Mediation panel" means a roster of mediators maintained by the commission.

"Mediator" means the commission, its members, employees of the commission or any officer so designated by the commission to perform the functions and duties of mediation.

"Officer" means all personnel of the Division of Public Employment Relations or any other individual designated by the commission to act on the commission's behalf. The commission may delegate to such officer all of the powers conferred upon the commission in connection with the discharge of its duty or duties.

"Party" means any person, employee, group of employees, organization or public employer filing a charge, petition, request or application or other document under these rules; any person, organization or public employer named as a party in a charge, complaint, request, application or petition filed under this act; or any person, organization or public employer whose intervention in a proceeding has been permitted or directed by the commission, or any designated officer.

"Payroll deduction determination proceeding" means the procedure to determine if the majority representative of a negotiations unit of employees has satisfied the conditions required by N.J.S.A. 34:13A-5.5 to have the Commission order that the public employer initiate payroll deductions of a representation fee in lieu of dues from all unit employees who are not members of the majority representative.

"Professional employee" means any employee whose work is predominantly intellectual and varied in character, involves the consistent exercise of discretion and judgment, and requires knowledge of an advanced nature in the field of physical, biological, or social sciences, or in the field of learning. The commission will also consider whether the work is of such a character that the output produced or the result accomplished cannot be standardized in relation to a given period of time. The term shall also include any employee who has acquired knowledge of an advanced nature in one of the fields described above, and who is performing related work under the supervision of a professional person to qualify to become a professional employee as defined herein. The term shall include, but not be limited to, attorneys, physicians, nurses, engineers, architects, teachers and the various types of physical, chemical and biological scientists.

"Recognition" means the written acceptance by a public employer of an employee organization as the exclusive representative of employees in an appropriate unit.

"Representation proceeding" means a procedure under these rules for the purpose of determining the exclusive representative of employees, if any, in an appropriate collective negotiations unit or a question or controversy concerning the representation of public employees for the purpose of collective negotiations, including a question concerning the composition of a unit designated for the purpose of collective negotiations.

"Scope of negotiations proceeding" means a procedure under these rules for the purpose of determining whether a matter in dispute is within the scope of collective negotiations.