

CHAPTER 11
REPRESENTATION PROCEDURES

Authority

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

Source and Effective Date

R.2005 d.248, effective June 30, 2005.
See: 37 N.J.R. 961(a), 37 N.J.R. 2890(a).

Chapter Expiration Date

Chapter 11, Representation Procedures, expires on June 30, 2010.

Chapter Historical Note

Chapter 11, Representation Procedures, was filed and became effective prior to September 1, 1969.

Pursuant to Executive Order No. 66(1978), Chapter 11, Representation Procedures, was readopted as R.1995 d.488, effective August 8, 1995. See: 27 N.J.R. 2544(b), 27 N.J.R. 3381(a).

Pursuant to Executive Order No. 66(1978), Chapter 11, Representation Procedures, was readopted as R.2000 d.320, effective July 14, 2000. See: 32 N.J.R. 1503(a), 32 N.J.R. 2926(b).

Chapter 11, Representation Procedures, was readopted as R.2005 d.248, effective June 30, 2005. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. REPRESENTATION PETITIONS

19:11-1.1 Petitions

(a) Rules concerning who may file are as follows.

1. A petition for certification of public employee representative (RO) may be filed by any public employee or group of public employees, or by any individual or employee organization claiming to be the exclusive representative of public employees.

2. A petition for certification of public employee representative (RE) may be filed by a public employer alleging

that one or more public employees, group of public employees, individuals or employee organizations have presented to such employer a claim to be recognized or continue to be recognized as the exclusive representative and the public employer has a good faith doubt concerning the majority status of the representative of its employees.

3. A petition for decertification of public employee representative (RD) may be filed by any public employee or group of public employees or any individual acting on their behalf alleging that the certified or currently recognized employee representative is no longer the majority representative of such employees and that the employees no longer desire to be represented by any employee representative. A public employer may not file a petition for decertification of public employee representative.

4. A petition for clarification of unit (CU) may be filed by the exclusive representative or public employer.

5. A petition for amendment of certification (AC) may be filed by an employee organization.

(b) An original and four copies of all petitions shall be filed with the Director of Representation. All petitions shall be in writing. The Director of Representation shall serve a copy of the petition upon the other parties. Forms for filing such petitions will be supplied upon request. Address such requests to: Public Employment Relations Commission, PO Box 429, Trenton, New Jersey 08625-0429. Forms may also be downloaded from the Commission's website: <http://www.state.nj.us/perc>.

Amended by R.1995 d.488, effective September 5, 1995.

See: 27 N.J.R. 2544(b), 27 N.J.R. 3381(a).

Amended by R.2000 d.320, effective August 7, 2000.

See: 32 N.J.R. 1503(a), 32 N.J.R. 2926(b).

Rewrote (b).

Case Notes

Consensual initiation of organizational grievance. Red Bank Regional Education Assn. v. Red Bank Regional High School Bd. of Ed., 78 N.J. 122, 393 A.2d 267 (1978).

Public Employment Relations Commission (PERC) should initially resolve the issue of the identity of the employee representative, and an amendment that gave PERC jurisdiction to hear and decide unfair labor practice charges and issue remedial orders had retroactive effect. Patrolman's Benevolent Ass'n v. Montclair, 70 N.J. 130, 358 A.2d 180, 1976 N.J. LEXIS 187, 92 L.R.R.M. (BNA) 2779 (1976).

Commission has primary jurisdiction to determine employee representative identity. Patrolmen's Benevolent Assn. v. Montclair, 128 N.J. Super. 59, 319 A.2d 77 (Ch.Div.1974) affirmed.

19:11-1.2 Contents of petition for certification

(a) A petition for certification of public employee representative filed by a public employee, a group of public employees, any individual, or an employee organization shall contain:

1. The name, address, and telephone number of the public employer and the name and title of the person to contact, if known;

2. A description of the collective negotiations unit claimed to be appropriate for the purpose of exclusive representation by the petitioner. Such description shall indicate the general classifications of employees sought to be included and those sought to be excluded and the approximate number of employees in the unit claimed to be appropriate;

3. The name, address and telephone number of the recognized or certified exclusive representative, if any, and the date of such certification or recognition and the expiration date of any applicable collective negotiations agreement, if known to the petitioner;

4. The names, addresses and telephone numbers of any other interested employee organizations, if known to the petitioner;

5. Any other relevant facts;

6. The name and affiliation, if any, of the petitioner and its address and telephone number;

7. The name, address, title, and telephone number of the petitioner's representative;

8. This dated and signed certification by the petitioner or its representative: "I declare that I have read the above petition and that the information is true to the best of my knowledge and belief.";

9. A petition for certification of public employee representative shall be accompanied by a showing of interest as defined in N.J.A.C. 19:10-1.1 of not less than 30 percent of the employees in the unit alleged to be appropriate. An alphabetical list of such designations also shall be submitted to the Director of Representation; and

10. A petition for certification of public employee representative shall state whether the petitioner seeks certification on the basis of its having submitted authorization cards signed by a majority of employees in the unit alleged to be appropriate and there being no other employee organization seeking to be the majority representative. The petitioner shall submit the authorization cards upon which it is relying.

Amended by R.1995 d.488, effective September 5, 1995.

See: 27 N.J.R. 2544(b), 27 N.J.R. 3381(a).

Amended by R.2000 d.320, effective August 7, 2000.

See: 32 N.J.R. 1503(a), 32 N.J.R. 2926(b).

In (a)9, deleted a requirement that the list be typewritten in the last sentence.

Amended by R.2005 d.448, effective December 19, 2005.

See: 37 N.J.R. 3273(a), 37 N.J.R. 5053(a).

Added (a)10.

Case Notes

Union's "showing of interest" was not defective regarding the number of city attorneys interested in having the union represent them during collective negotiating; any alleged error was remedied by the election itself, in which attorneys voted overwhelmingly in favor of union representation. In re City of Newark, 346 N.J. Super. 460, 788 A.2d 776.