

**CHAPTER 6
RULEMAKING**

Authority

N.J.S.A. 34:1-20, 34:1A-3(e), 52:14B-4(f).

Source and Effective Date

R.2004 d.323, effective August 16, 2004.
See: 36 N.J.R. 2296(a), 36 N.J.R. 3882(a).

Chapter Expiration Date

Chapter 6, Rulemaking, expires on August 16, 2009.

Chapter Historical Note

Chapter 6, Rulemaking, was adopted as R.1988 d.494, effective October 17, 1988. See: 20 N.J.R. 2012(a), 20 N.J.R. 2586(a).

Pursuant to Executive Order No. 66(1978), Chapter 6, Rulemaking, was readopted as R.1993 d.512, effective September 24, 1993. See: 25 N.J.R. 3682(a), 25 N.J.R. 4748(b).

Pursuant to Executive Order No. 66(1978), Chapter 6, Rulemaking, was readopted as R.1998 d.486, effective August 28, 1998. See: 30 N.J.R. 2350(a), 30 N.J.R. 3476(a). Chapter 6, Rulemaking, expired on August 28, 2003.

Chapter 6, Rulemaking, was adopted as new rules by R.2004 d.323, effective August 16, 2004. See: Source and Effective Date.

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SUBCHAPTER 1. PETITIONS FOR RULES

12:6-1.1 Scope

This subchapter shall apply to all petitions made by interested persons for the promulgation, amendment or repeal of any rule by the Department of Labor and Workforce Development, pursuant to N.J.S.A. 52:14B-4(f).

12:6-1.2 Procedure for petitioner

(a) Any person who wishes to petition the Department to promulgate, amend or repeal a rule must submit to the Commissioner, in writing, the following information:

1. Name of the petitioner;
2. The substance or nature of the rulemaking which is requested;
3. The reasons for the request and the petitioner's interest in the request; and

4. References to the authority of the Department to take the requested action.

(b) Petitions shall be sent to the following address:

Commissioner of Labor and Workforce Development
New Jersey Department of Labor and Workforce Development
PO Box 110
Trenton, New Jersey 08625-0110

(c) Any document submitted to the Department of Labor and Workforce Development which is not in substantial compliance with (a) above shall not be deemed to be a petition for a rule requiring further Department action pursuant to N.J.S.A. 52:14B-4(f).

12:6-1.3 Procedure of the Department

(a) Upon receipt of a petition in compliance with N.J.A.C. 12:6-1.2, the Department will file a notice of petition with the Office of Administrative Law for publication in the New Jersey Register (Register). The notice will include:

1. The name of the petitioner;
2. The substance or nature of the rulemaking action which is requested;
3. The problem or purpose which is the subject of the request; and
4. The date the petition was received.

(b) Within 60 days of receiving the petition, the Department will mail to the petitioner, and file with the Office of Administrative Law for publication in the Register, a notice of action on the petition which will include:

1. The name of the petitioner;
2. The Register citation for the notice of petition, if that notice appeared in a previous Register;
3. Certification by the Commissioner that the petition was duly considered pursuant to law;
4. The nature or substance of the Department's action upon the petition; and
5. A brief statement or reasons for the Department's action.

(c) Department action on a petition may include:

1. Denying the petition;
2. Granting the petition and filing a notice of proposed rule or a notice of preproposal for a rule with the Office of Administrative Law within 90 days of the granting of the petition; or
3. Referring the matter for further deliberations, the nature of which will be specified and which will conclude

within 90 days of the date of the referral. The results of these further deliberations will be mailed to the petitioner and submitted to the Office of Administrative Law for publication in the Register.