

“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.

“Showing of interest” means a designated percentage of public employees in an allegedly appropriate negotiations unit, or a negotiations unit determined to be appropriate, who are members of an employee organization or have designated it as their exclusive negotiations representative or have signed a petition requesting an election for decertification of public employee representative. When requesting certification, such designations shall consist of written authorization cards or petitions, signed and dated by employees normally within six months prior to the filing of the petition, authorizing an employee organization to represent such employees for the purpose of collective negotiations; current dues records; an existing or recently expired agreement; or other evidence approved by the director of representation. When requesting decertification, such designations shall consist of written petitions, signed and dated by employees normally within six months prior to the filing of the petition, indicating that the employees no longer desire to be represented for purposes of collective negotiations by the recognized or certified exclusive representative or by any other employee representative.

“Super conciliator” means a member of the Commission, an officer or employee of the Commission, a member of the Commission’s mediation or fact-finding panel, or any other super conciliator approved by the Director of Conciliation to perform the functions and duties of a super conciliator.

“Unfair practice proceeding” means a procedure under these rules for the purpose of determining whether or not anyone has engaged or is engaging in any unfair practice as set forth in N.J.S.A. 34:13A-5.4(a) and (b).

As amended, R.1974 d.56, effective March 7, 1974.
See: 6 N.J.R. 40(b), 6 N.J.R. 159(a).
Amended by R.1994 d.437, effective September 6, 1994.
See: 26 N.J.R. 2205(a), 26 N.J.R. 3745(a).
Public Notice: Receipt of Petition for Rulemaking.
See: 28 N.J.R. 4533(b).
Public Notice: Action on Petition for Rulemaking.
See: 28 N.J.R. 4534(a).
Public Notice: Action on Petition for Rulemaking.
See: 28 N.J.R. 4680(a).
Amended by R.1999 d.219, effective July 19, 1999.
See: 31 N.J.R. 1168(a), 31 N.J.R. 1941(b).
Rewrote “Arbitrator”.
Amended by R.2004 d.278, effective July 19, 2004.
See: 36 N.J.R. 1686(a), 36 N.J.R. 3417(a).
Added “Contested transfer proceeding”, “Payroll deduction determination proceeding”, and “Super conciliator”; amended “Fact-finder” and “Hearing examiner”.

Case Notes

Scope of negotiability issue determination delegated to Chairman. Atlantic Highlands v. Atlantic Highlands PBA Local 242, 192 N.J.Super. 71, 469 A.2d 195 (1984).

PERC has exclusive unfair practice proceedings jurisdiction. Galloway Twp. Bd. of Ed. v. Galloway Twp. Assn. of Educational Secretaries, 78 N.J. 25, 393 A.2d 218 (1978).

Certification of representative; representation proceedings. Galloway Twp. Bd. of Ed. v. Galloway Twp. Assn. of Educational Secretaries, 78 N.J. 1, 393 A.2d 207 (1978).

PERC lacks authority to hear and decide unfair labor practice cases and issue affirmative remedial orders (under former statutory authorization). Burlington County Evergreen Park Mental Hospital v. Cooper, 56 N.J. 579, 267 A.2d 533 (1970).

SUBCHAPTER 2. SERVICE AND FILING OF PAPERS

19:10-2.1 Time for filing papers; Commission address

(a) In computing any period of time prescribed by or allowed by these rules or by order of the commission or officer conducting the proceeding, the day of the act, event, or default after which the designated period of time begins to run shall not be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday or legal holiday, in which event the period shall run until the end of the next day which is neither a Saturday, Sunday or a legal holiday. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays and legal holidays shall be excluded from the computations.

(b) Regarding additional time after service of a Commission document by mail, whenever a party has the right or is required to do some act or take some action within a prescribed period after service of a Commission notice or other paper, and the notice or paper is served by mail, three days shall be added to the prescribed period, provided, however, that three days shall not be added if any extension of such time may have been granted, or if service has been made by facsimile or other electronic means.

(c) Regarding extensions of time, the commission or officer having authority to dispose of the matter, may, for good cause shown, extend any time prescribed in these rules.

(d) When these rules require the filing of any paper, the original of such document must be received by the Commission or the officer or agent designated to receive such matter before the close of business of the last day of the time limit, if any, for such filing or extension of time that may have been granted. Facsimile transmission will not be accepted as a proper or timely filing of any document necessary to initiate any proceeding within the jurisdiction of the Commission or any officer of the Commission.

(e) Any filings or other correspondence sent to the Commission by mail should be addressed to:

Public Employment Relations Commission
PO Box 429
Trenton, New Jersey 08625-0429

(f) Any filings or other correspondence sent to the Commission by courier or in person should be delivered to:

Public Employment Relations Commission
495 West State Street
Trenton, New Jersey 08618

(g) Any filings or other correspondence sent to the Commission by facsimile shall be transmitted to: (609) 777-0089.

Amended by R.1994 d.437, effective September 6, 1994.

See: 26 N.J.R. 2205(a), 26 N.J.R. 3745(a).

Amended by R.1999 d.219, effective July 19, 1999.

See: 31 N.J.R. 1168(a), 31 N.J.R. 1941(b).

In (d), added "of any document necessary to initiate any proceeding within the jurisdiction of the Commission or any officer of the Commission" at the end; and in (f), changed the zip code.

Amended by R.2004 d.278, effective July 19, 2004.

See: 36 N.J.R. 1686(a), 36 N.J.R. 3417(a).

Rewrote (b); added (g).

19:10-2.2 Form of documents

(a) Documents other than correspondence shall clearly show the title of the proceeding and the docket number, if any.

(b) The original of each document filed shall be signed by an attorney or representative of record for the party, or by the party, or by an officer of the party and shall contain the address and telephone number of the person signing it.

(c) Except as otherwise provided in these rules, any documents or papers shall be filed with four copies in addition to the original. All matters filed with the Commission shall be printed, typed or otherwise legibly duplicated on letter size paper (8½ inch by 11 inch); copies will be accepted only if they are clearly legible.

Amended by R.1994 d.437, effective September 6, 1994.

See: 26 N.J.R. 2205(a), 26 N.J.R. 3745(a).

Amended by R.2004 d.278, effective July 19, 2004.

See: 36 N.J.R. 1686(a), 36 N.J.R. 3417(a).

Deleted former (b), recodified former (c) as (b), and added a new (c).

19:10-2.3 Filing by original, facsimile transmission and email

(a) Originals of the following must be timely filed in person or via mail or courier service:

1. Showings of interest in certification and decertification cases;
2. Petitions to Initiate Compulsory Interest Arbitration, Appeals of Interest Arbitration Awards, and Requests for Special Permission to Appeal Interest Arbitration Rulings, accompanied by the filing fee; and

3. Briefs and appendices in Appeals of Interest Arbitration Awards.

(b) Facsimile transmissions will be accepted in lieu of originals for all submissions except those listed in (a) above.

(c) When filing by facsimile transmission, any requirement under N.J.A.C. 19:11, 19:12, 19:13, 19:14, 19:18 and 19:19 that an original and multiple copies of submissions be filed is waived. However, all original filings and submissions shall be retained by a filing party in its file. Such originals shall be produced upon request.

(d) Except as noted below, all correspondence and submissions, such as briefs and motions, may be sent to mail@perc.state.nj.us as an attachment to an email describing the attachment and identifying the proceeding or matter to which it pertains. Email may not be used for:

1. Initial case filings;
2. Briefs and appendices in Appeals of Interest Arbitration Awards;
3. Answers; and
4. Certifications and affidavits.

Amended by R.1994 d.437, effective September 6, 1994.

See: 26 N.J.R. 2205(a), 26 N.J.R. 3745(a).

Repeal and New Rule, R.2004 d.278, effective July 19, 2004.

See: 36 N.J.R. 1686(a), 36 N.J.R. 3417(a).

Section was "Service of pleading and other process; proof of service".

19:10-2.4 Service of pleading and proof of service

(a) Service of papers by a party on other parties may be made personally, or by registered mail, certified mail, regular mail, or by private delivery service, or by facsimile transmission.

(b) Service upon an attorney or representative of record for the party shall constitute service upon the party.

New Rule, R.2003 d.62, effective February 3, 2003.

See: 34 N.J.R. 3171(a), 35 N.J.R. 630(a).

Repeal and New Rule, R.2004 d.278, effective July 19, 2004.

See: 36 N.J.R. 1686(a), 36 N.J.R. 3417(a).

Section was "Electronic filing program".

19:10-2.5 Electronic filing program

The Chairman of the Commission shall have authority to initiate via an announcement on the Commission's website www.state.nj.us/perc an electronic filing program affecting the filing of certain documents.

New Rule, R.2004 d.278, effective July 19, 2004.

See: 36 N.J.R. 1686(a), 36 N.J.R. 3417(a).