

**OTHER AGENCIES**

**PUBLIC EMPLOYMENT RELATIONS COMMISSION**

**Unfair Practice Proceedings**

**Complaint with Notice of Hearing**

**Proposed Amendment: N.J.A.C. 19:14-2.1**

Authorized By: Public Employment Relations Commission, Mary E. Hennessy-Shotter, Chair.

Authority: N.J.S.A. 34:13A-5.4.c and 34:13A-11.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2025-079.

Submit comments by September 5, 2025, to:

Mary E. Hennessy-Shotter, Chair

Public Employment Relations Commission

PO Box 429

Trenton, New Jersey 08625-0429

Comments may also be submitted through email to [rulecomments@perc.nj.gov](mailto:rulecomments@perc.nj.gov).

The agency proposal follows:

**Summary**

The proposed amendment at N.J.A.C. 19:14-2.1(a) modifies the unfair practice charge procedures to require that the Director of Unfair Practices (Director) make a determination of whether to issue a complaint and notice of hearing on a charge within 180 days of the filing of the charge. Pursuant to N.J.A.C. 1:30-4.2, this rulemaking is being initiated in response to a petition for rulemaking submitted by the New Jersey State AFL-CIO (petitioner) on December 11, 2024. See 57 N.J.R. 212(c). The petitioner initially proposed a 60-day deadline for making a

complaint issuance determination after the filing of an unfair practice charge. During its January 30, 2025 regular public meeting, the Public Employment Relations Commission (Commission) considered the petition and referred it for further deliberations pursuant to N.J.A.C. 1:30-4.2(a)3. See 57 N.J.R. 620(a). During those deliberations, the Commission solicited input from its “interested parties” email list, including representatives from both labor and management. The Commission received comments on the petition from several interested parties, including the petitioner.

During its April 24, 2025 regular public meeting, the Commission engaged in further deliberations on the rulemaking petition and voted to seek the petitioner’s consent to extend further deliberations, so that the Commission could collaborate with its Unfair Practices staff to identify whether there is any timeline for a complaint issuance that will support the agency’s settlement efforts while also navigating operational challenges relating to staffing levels and budget constraints. N.J.A.C. 1:30-4.2(b). On May 7, 2025, the petitioner consented to extend deliberations until June 30, 2025, and modified its rulemaking to provide for a 180-day deadline for a complaint issuance determination following the filing of an unfair practice charge.

At its May 29, 2025 regular public meeting, the Commission engaged in further deliberations over the rulemaking petition, including the petitioner’s modified proposal for a 180-day complaint issuance determination deadline. Following discussion, the Commission determined that the modified proposal was administratively feasible and voted to grant the AFL-CIO’s rulemaking petition. The Commission voted to initiate a rulemaking providing that the Director must make a complaint issuance determination within 180 days of the filing of an unfair practice charge, such deadline being subject to extension by mutual consent of the parties.

As the Commission has provided a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirement, pursuant to N.J.A.C. 1:30-3.3(a)5.

### **Social Impact**

The Commission anticipates that the proposed amendment will have a positive social impact by providing parties with a timeframe for determining whether to issue a complaint on an unfair practice charge, which assures parties of the Commission's commitment to continuing to efficiently carry out its statutory mandate to hear and resolve charges alleging unfair practices proscribed by the New Jersey Employer-Employee Relations Act. Public employers, employees, and the public will benefit from the prompt resolution of such disputes.

### **Economic Impact**

The proposed amendment will promote harmonious labor-management relations and reduce disruption in governmental services. The amendment, if adopted, will have no discernible economic impact on the public because it simply modifies the procedures for resolving charges of unfair practices proscribed by the New Jersey Employer-Employee Relations Act.

### **Federal Standards Statement**

The National Labor Relations Act excludes "any State or political subdivision thereof." See 29 U.S.C. § 152(2). No Federal law or regulation applies and the Commission cannot rely upon a comparable Federal rule or standard to achieve the aims of the New Jersey Employer-Employee Relations Act. The proposed amendment is, thus, necessary and proper.

### **Jobs Impact**

The Commission does not expect that any jobs will be generated or lost as a consequence of the proposed amendment.

### **Agriculture Industry Impact**

The Commission's jurisdiction is limited to employer-employee relations in public employment. The proposed amendment imposes no requirements on the agriculture industry.

### **Regulatory Flexibility Statement**

The Commission's jurisdiction is limited to employer-employee relations in public employment. The proposed amendment imposes no requirements on small businesses, as defined pursuant to the Regulatory Flexibility Act, N.J.S.A. 52:14B-1 et seq.

### **Housing Affordability Impact Analysis**

The proposed amendment would not have an impact on the average costs associated with housing or on the affordability of housing, as this rulemaking concerns employer-employee relations in public employment.

### **Smart Growth Development Impact Analysis**

The proposed amendment would not have an impact on housing production in Planning Areas 1 or 2, or within designated centers, pursuant to the State Development and Redevelopment Plan, as these rules concern employer-employee relations in public employment.

### **Racial and Ethnic Community Criminal Justice and Public Safety Impact**

The proposed amendment will not have an impact on pretrial detention, sentencing, probation, or parole policies concerning adults and juveniles in the State. Accordingly, no further analysis is required.

**Full text** of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

## SUBCHAPTER 2. COMPLAINT WITH NOTICE OF HEARING

### 19:14-2.1 Contents; service

(a) [After] **Within 180 days after** a charge has been [processed] **filed**, if it appears to the Director of Unfair Practices that the allegations of the charge, if true, may constitute unfair practices on the part of the respondent, and that formal proceedings should be instituted in order to afford the parties an opportunity to litigate relevant legal and factual issues, the Director shall issue and serve a formal complaint, including a notice of hearing before a hearing examiner at a stated time and place. **The 180-day period for determining whether to issue a complaint may be extended by mutual consent of the parties.** The complaint with notice of hearing shall [contain] **include:**

1.-3. (No change.)