

(d) Nothing in this section shall be construed to prevent the carrier from presenting additional facts to the administrative law judge (ALJ) for his or her consideration.

(e) Upon receipt of the claim, the designee of the President and CEO shall provide the claimant with an acknowledgement of receipt of the claim and shall perform a review of the submitted claim within 30 days of receipt to ensure that it is complete with respect to the requirements of this section. The purpose of this review is not to pass judgment on the accuracy or completeness of the facts relating to the allegation or on the merits of the claim, but rather to ensure its completeness. If the review determines that the submitted claim is incomplete, the claimant will be notified and provided an opportunity to resubmit the claim.

16:74-2.2 Conferences

(a) Settlement conferences may be held in accordance with the provisions at N.J.A.C. 1:1-4.2.

(b) Settlement discussions and unaccepted proposals of settlement or of adjustment will be privileged and will not be admissible in evidence against either NJ TRANSIT or the carrier.

16:74-2.3 Transmittal to Office of Administrative Law (OAL)

When the carrier has satisfied all of the requirements at N.J.A.C. 16:74-2.1, the matter will be considered a contested case and the President and CEO shall, within 30 days of receipt of the completed claim, refer the complaint to the OAL to be processed in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and 52:14F-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

16:74-2.4 Factors to be considered

(a) The following factors shall be considered in determining whether NJ TRANSIT has engaged in destructive competition:

1. Whether NJ TRANSIT or the carrier was the first to provide the service in question;
2. Whether the action of NJ TRANSIT was a significant factor in causing the alleged adverse impact on the carrier;
3. Whether NJ TRANSIT is complying with all applicable Federal and State laws, its Certificates of Public Convenience and Necessity and applicable tariffs, in providing the service alleged to be destructively competitive;
4. The inherent benefits of the service to the riders, including, but not limited to, destination, door to door travel time, frequency of service, comfort, cost, transfer frequencies, or proximity to the riders' residences;
5. Whether the NJ TRANSIT service alleged to be destructively competitive is in the public interest; and
6. Whether the level of service and fares of NJ TRANSIT are destructively competitive.

(b) For purposes of this section, when considering whether the NJ TRANSIT service alleged to be destructively competitive is in the public interest, implementation and operation of any new mass transit service or any service improvements resulting from any of the projects contained in the "Circle of Mobility" as defined at P.L. 1984, c. 73 (N.J.S.A. 27:1B-3) or amendments thereto shall be deemed to be in the public interest and not a violation of N.J.S.A. 27:25-1 et seq., or this chapter. As defined in that law, "Circle of Mobility" means an essential group of related transit projects that include:

1. The New Jersey Urban Core Project, as defined in section 3031 of the "Intermodal Surface Transportation Efficiency Act of 1991" Pub. L. 102-240, and consisting of the following elements:
 - i. Secaucus Transfer;
 - ii. Kearny Connection, that is, the NJ TRANSIT service known as MidTOWN Direct;
 - iii. Waterfront Connection;
 - iv. Northeast Corridor Signal System;
 - v. Hudson River Waterfront Transportation System, that is, the Hudson Bergen Light Rail System, including advancing extension of Hudson Bergen Light Rail service along Northern Branch in Bergen County;
 - vi. Newark-Newark International Airport Elizabeth Transit Link;
 - vii. A light rail connection between Penn Station Newark and Broad Street Station, Newark; and
 - viii. New York Penn Station concourse;

2. The modification and reconstruction of the West Shore Line in Bergen County connected to Allied Junction/Secaucus Transfer Meadowlands Rail Center; the construction of a rail station and associated components at the Meadowlands Sports Complex; the modification and reconstruction of the Susquehanna and Western Railway, as defined and provided in section 3035(a) of the "Intermodal Surface Transportation Efficiency Act of 1991"; the modification and reconstruction of the Lackawanna Cutoff Commuter Rail Line connecting Morris, Sussex, and Warren Counties to the North Jersey Transportation Rail Centers;

3. Commuter rail service in the central New Jersey region terminating at the proposed Lakewood Transportation Center in Ocean County or another location as determined by NJ TRANSIT; and

4. The equipment or facilities needed to operate revenue service associated with the improvements made by the above projects.

(c) For the purposes of this section, when considering whether the NJ TRANSIT service alleged to be destructively competitive is in the public interest, implementation and operation of any new mass transit service or service improvements resulting from any of the projects contained in a Regional Transportation Plan (RTP) of a Municipal Planning Organizations (MPOs) in this subsection, shall be deemed to be in the public interest and not in violation of N.J.S.A. 27:25-1 et seq. and this chapter. MPOs and RTPs include:

1. Projects covered pursuant to the North Jersey Transportation Planning Authority Regional Transportation Plan;
2. Projects covered pursuant to the South Jersey Transportation Planning Organization Regional Transportation Plan; and
3. Projects covered pursuant to the Delaware Valley Regional Planning Commission Connections Plan for Greater Philadelphia for Major Regional Transit System Expansion Projects.

(d) Nothing in this section should be construed to preclude additional factors from being considered in determining whether NJ TRANSIT has engaged in destructive competition.

16:74-2.5 Remedy and order

(a) The sole remedy that may be considered pursuant to this chapter and N.J.S.A. 27:25-7(b) is to direct NJ TRANSIT to cease and desist in whole or part from using its equipment or facilities in a destructively competitive manner. No monetary damages may be awarded by the administrative law judge (ALJ).

(b) Upon receipt of the initial decision of the ALJ, the President and CEO shall present the matter to the Board and the Board shall adopt an order or final decision accepting, rejecting, or modifying the initial decision by the ALJ or remanding the decision to the OAL for further action, all in accordance with N.J.A.C. 1:1-18.6 and 18.7.

OTHER AGENCIES

(a)

PUBLIC EMPLOYMENT RELATIONS COMMISSION Representation Procedures

Readoption with Amendments: N.J.A.C. 19:11

Proposed: January 21, 2025, at 57 N.J.R. 180(a).

Notice of Substantial Changes Upon Adoption: July 7, 2025, at 57 N.J.R. 1380(a).

Adopted: September 25, 2025, by the Public Employment Relations Commission, Mary E. Hennessy-Shotter, Chair.

Filed: September 25, 2025, as R.2025 d.125, **with substantial changes** to proposal after additional notice and public comment pursuant to N.J.S.A. 52:14B-4.1.

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

Effective Dates: September 25, 2025, Readoption;
October 20, 2025, Amendments.

Expiration Date: September 25, 2032.

Take notice that the Public Employment Relations Commission ("Commission" or "PERC") proposed the readoption of N.J.A.C. 19:11 with amendments on January 21, 2025, at 57 N.J.R. 180(a). The public

comments received on the initial notice of proposed readoption with amendments prompted the Commission to propose several substantial changes to the amendments on July 7, 2025, at 57 N.J.R. 1380(a). A summary of the comments received on the notice of proposed substantial changes upon adoption, and the Commission's responses, are provided below. The Commission has determined that no changes are necessary to the proposed substantial changes.

Summary of Public Comments and Agency Responses:

1. Comments Received Giving Rise to the Notice of Proposed Substantial Changes Upon Adoption

Comments were received from Charles Wowkanech, President, New Jersey State AFL-CIO.

1. COMMENT: The AFL-CIO seeks to add new N.J.A.C. 19:11-1.5(c) that incorporates the statutory language from N.J.S.A. 34:13A-5.15c concerning a public employer's responsibility to provide, every 120 days, an exclusive representative employee organization with certain information (name, job title, worksite location, work email, and work phone number) for all employees not represented by an exclusive representative employee organization. The proposal also seeks to include the requirement from N.J.S.A. 34:13A-5.15.c that a public employer provides an exclusive representative employee organization with a job description for each non-represented employee within 30 days of a request.

RESPONSE: As knowledge of which employees are represented and which employees are unrepresented is pertinent to an exclusive representative's decision to file a clarification of unit petition, the Commission finds that a summary of the disclosure requirements at N.J.S.A. 34:13A-5.15.c (unrepresented employees) and 34:13A-5.13.c (represented employees) within the clarification of unit rules could be helpful for parties navigating the statutory and regulatory requirements related to clarification of unit disputes. However, the AFL-CIO's proposal to include the language from N.J.S.A. 34:13A-5.15.c, without the corresponding limiting language at N.J.S.A. 34:13A-60.1, does not accurately represent the act, as amended by the Responsible Collective Negotiations Act (RCNA), P.L. 2021, c. 11. The RCNA amended the Workplace Democracy Enhancement Act (WDEA), P.L. 2018, c. 15, in part, by adding the non-represented disclosure requirements codified at N.J.S.A. 34:13A-5.15.c. The RCNA also provided, at N.J.S.A. 34:13A-60.1, that amended N.J.S.A. 34:13A-5.15.c "shall not apply" to the following excluded entities: counties and municipalities (and their authorities, commissions, boards, or other instrumentalities); State colleges and universities; county colleges; Rutgers University; and the New Jersey Institute of Technology. Therefore, the Commission's recitation of the statutory disclosure requirements will incorporate the excluded entities as set forth at N.J.S.A. 34:13A-60.1. This change will be placed at the beginning of the clarification of unit rules at N.J.A.C. 19:11-1.5(a).

2. COMMENT: The AFL-CIO seeks to add new N.J.A.C. 19:11-1.5(d) that incorporates the statutory language from N.J.S.A. 34:13A-5.15.d concerning the inclusion of employees who perform negotiations unit work, but had not been in a negotiations unit due to not meeting the threshold of hours or percent of time worked as set forth in a certification of representative or collective negotiations agreement.

RESPONSE: The Commission finds that adding this one particular statutory provision concerning a subset of negotiations unit employees is unnecessary given the current clarification of unit rules and could cause confusion. N.J.A.C. 19:11-1.5(b)3vi (which will be recodified through this notice as N.J.A.C. 19:11-1.5(c)3vi) already covers clarification of unit petitions concerning the addition of employees "who perform negotiations unit work." This type of petition, therefore, includes employees who perform negotiations unit work as required pursuant to N.J.S.A. 34:13A-5.15.a, defined at N.J.S.A. 34:13A-5.15.b, and as further explicated at N.J.S.A. 34:13A-5.15.d for employees who do not meet certain hour or percent thresholds. By not including the broader statutory requirement for inclusion of employees who perform negotiations unit work and only amending the rules to include statutory language about a subset of those employees, the AFL-CIO's proposal could lead to unnecessary confusion. As existing N.J.A.C. 19:11-1.5(b)3vi sufficiently covers clarification of unit petitions based on the performance of negotiations unit work, the

Commission declines to change the rules to specifically incorporate the language at N.J.S.A. 34:13A-5.15.d.

3. COMMENT: The AFL-CIO seeks to add new N.J.A.C. 19:11-1.5(e) that would create a new obligation on a public employer to provide written notice to the exclusive representative if it "believes that an employee in a non-supervisory negotiations unit is a supervisor within the meaning of the Act ..." Then, the AFL-CIO proposes, if the exclusive representative does not consent within 60 days to exclude the employee as a supervisor, the employer may file a clarification of unit petition and the employee "shall remain in the negotiations unit pending a decision of the Director of Representation." The AFL-CIO's changes would also make it an unfair practice for a public employer to fail to comply with the requirements of this new rule. The AFL-CIO cites a Commission case in support of its proposed amendment, asserting that the amendment would incorporate the holding in that case that supervisors may only be removed from their current unit with the consent of the exclusive representative or pursuant to a Commission order.

RESPONSE: In *Wood-Ridge Boro.*, P.E.R.C. No. 88-68, 14 *NJPER* 130 (¶19051 1988), the Commission held: "[S]upervisors are covered by the Act and may only be removed from their current unit with the consent of the majority representative or pursuant to an order of the Commission." This precedent was recently repeated in *Lawrence Tp.*, D.R. No. 2019-13, 45 *NJPER* 295 (¶76 2019). The Commission finds that the AFL-CIO's suggested rule text essentially codifies this case law, reinforcing the requirement that parties, in the absence of agreement, only change the composition of existing negotiations units through the Commission's clarification of unit procedures. However, the Commission will modify the change to clarify that, following written notice to the majority representative of an assertion that an employee should be excluded from a unit based on supervisory status, the public employer retains its right to file a clarification of unit petition at any time pursuant to recodified N.J.A.C. 19:11-1.5(c)3v (statutory exclusions). The AFL-CIO's proposed 60-day period in which to come to an agreement prior to filing a petition would delay a public employer's ability to seek the Director's determination as expeditiously as possible.

4. COMMENT: The AFL-CIO proposes to add language to existing N.J.A.C. 19:11-1.5(e), providing for an expedited hearing when there is a material factual dispute in a clarification of unit petition based on performance of unit work that is subject to the statutory 60-day deadline.

RESPONSE: N.J.A.C. 19:11-1.5(e) already references the 60-day statutory deadline and the Director of Representation seeks to resolve all such petitions as efficiently as possible within the time constraints. These investigative efforts are subject to the responsiveness and cooperation of the parties. Pursuant to N.J.A.C. 19:11-2.6(f), the Director may order a hearing if he or she determines that substantial and material factual issues exist or that the interests of administrative convenience and efficiency warrant a hearing. An additional rule within the clarification of unit procedures to characterize a hearing as "expedited" for petitions subject to the 60-day deadline is an unnecessary distinction.

5. COMMENT: The AFL-CIO seeks to add new N.J.A.C. 19:11-1.5(g), providing that the public employer has the burden of proving an assertion that an employee is statutorily excluded from a negotiations unit based upon being a statutory supervisor, managerial executive, or confidential employee. The AFL-CIO asserts that this proposal would codify what the Commission has clearly stated in recent case law.

RESPONSE: The Commission has held that asserted exclusions to an employee's eligibility for representation are to be strictly construed and that whichever party asserts a statutory exclusion to an employee's placement in a negotiations unit bears the burden of establishing such claim. See, for example, *State of N.J. (CNJSCL, AFT)*, P.E.R.C. No. 2025-25, 51 *NJPER* 235 (¶56 2025); *State of New Jersey*, P.E.R.C. No. 86-18, 11 *NJPER* 507 (¶16179 1985). As the AFL-CIO's suggestion essentially codifies longstanding Commission case law pertaining to statutory exclusions from representation, the Commission will change the clarification of unit rules to reflect this precedent. Additionally, the Commission will add a sentence acknowledging case law establishing that, whether a party seeks to include an employee in or exclude an employee from a negotiations unit, the Director's determination shall be made based upon sufficient, competent evidence in the record as developed from both parties through the investigatory clarification of the

unit process. See, for example, *Rutgers University*, P.E.R.C. No. 2024-1, 50 *NJPER* 119 (¶30 2023); and *State of N.J. (CNJSCL, AFT)*, P.E.R.C. No. 2025-25, *supra*.

2. Comments Received Upon Publication of Notice of Proposed Substantial Changes Upon Adoption

Comments received from Charles Wowkanec, President, New Jersey State AFL-CIO.

N.J.A.C. 19:11-1.5(a), (g), and (h)

6. COMMENT: The AFL-CIO supports the proposed addition of the language from N.J.S.A. 34:13A-60.1 because it will help avoid confusion about the application of the disclosure requirements at N.J.S.A. 34:13A-5.15.c that are incorporated into the amended rule.

7. COMMENT: The AFL-CIO supports the proposed amendment requiring a public employer to provide written notice to a majority representative if it believes an employee in a non-supervisory negotiations unit is a supervisor within the meaning of the meaning of N.J.S.A. 34:13A-5.15 and requiring that the employee remain in the unit until either the majority representative consents to the exclusion or a clarification of unit determination is made. The AFL-CIO accepts the proposed modification that permits the public employer to file a clarification of unit petition following notice to the majority representative of such alleged statutory exclusion.

8. COMMENT: The AFL-CIO supports the proposed amendment stating that a party asserting statutory exclusions from a negotiations unit bears the burden of establishing such a claim, as well as the proposed modification stating that all clarification of unit determinations, whether to include employees in or exclude employees from a negotiations unit, shall be based on sufficient, competent evidence in the record.

RESPONSE TO COMMENTS 6, 7, AND 8: The Commission concurs with the support for this rulemaking.

Comments received from Jean Public

N.J.A.C. 19:11

9. COMMENT: Jean Public does not believe N.J.A.C. 19:11 should be a part of PERC due to the "ballooning pension system."

RESPONSE: The proposed amendments at N.J.A.C. 19:11 concerning representation procedures do not relate to any pension statutes or rules. This comment is beyond the scope of this rulemaking.

Federal Standards Statement

The National Labor Relations Act excludes from its coverage "any State or political subdivision thereof." 29 U.S.C. § 152(2). Thus, no Federal law, rule, or regulation applies to the subject matter of these rules. As there is no comparable Federal rule or standard upon which the Commission can rely to achieve the aim of the New Jersey Employer-Employee Relations Act, the readoption of these rules with amendments was necessary.

Full text of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 19:11.

Full text of the adopted amendments follows (additions to proposal indicated in boldface with asterisks ***thus***; deletions from proposal indicated in brackets with asterisks ***[thus]***):

SUBCHAPTER 1. REPRESENTATION PETITIONS

19:11-1.1 Petitions

(a) (No change.)

(b) An original and one copy 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: <https://nj.gov/perc>.

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 include:

1.-2. (No change.)

3. The name, address, email 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, email addresses, and telephone numbers of any other interested employee organizations, if known to the petitioner;

5. (No change.)

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

7.-10. (No change.)

19:11-1.3 Contents of petition for decertification

(a) A petition for decertification of public employee representative shall include:

1.-2. (No change.)

3. The petition for decertification shall be accompanied by a showing of interest of not less than 30 percent of the employees in the unit in which an exclusive representative has been recognized or certified. A showing of interest shall indicate that the employees no longer desire to be represented for purposes of collective negotiations by the recognized or certified employee representative or by any other employee representative.

19:11-1.5 Petition for clarification of unit

(a) Pursuant to N.J.S.A. 34:13A-5.13.c, public employers shall provide exclusive representatives with the requisite contact information for all unit employees within 10 days of their date of hire and every 120 days. Pursuant to N.J.S.A. 34:13A-5.15.c, public employers shall provide exclusive representatives with the requisite contact information for all non-represented employees every 120 days and, within 30 days of a request by the exclusive representative, shall provide a job description for each non-represented employee. Pursuant to N.J.S.A. 34:13A-60.1, the disclosure requirements pursuant to N.J.S.A. 34:13A-5.15.c shall not apply to the following excluded entities: the several counties and municipalities (and their authorities, commissions, boards, or other instrumentalities); State colleges and universities (including Kean University, Montclair State University, and Rowan University); county colleges; Rutgers, the State University of New Jersey; and the New Jersey Institute of Technology.

Recodify existing (a)-(b) as ***(b)-(c)*** (No change in text.)

[(c)]* *(d) A petition for clarification of unit filed pursuant to ***[(b)3vi]* *(c)3vi*** above shall:

1.-2. (No change.)

[(d)]* *(e) Upon the filing of any petition pursuant to ***[(b)3vi]* *(c)3vi*** above, the Director of Representation shall investigate the petition to determine the facts. The Director shall issue a written request to the employer for relevant information, which shall be supplied to the Director and petitioner within 10 calendar days of receipt of the request.

[(e)]* *(f) The petition filed pursuant to ***[(b)3vi]* *(c)3vi*** above shall be resolved within 60 calendar days after such petition is filed with the Commission.

***(g) If a public employer believes that an employee in a non-supervisory negotiations unit is a supervisor within the meaning of the Act, the public employer shall provide written notice to the majority representative and seek the majority representative's consent to the supervisory exclusion. The public employer may file a clarification of unit petition pursuant to (c)3v above (statutory exclusions) at any time following such written notice. The petitioned-for employee shall remain in the negotiations unit unless and until either the majority representative consents to the exclusion or the Director of Representation makes a clarification of unit determination to exclude them. Failure to comply with this subsection prior to removing an employee from a unit based on alleged supervisory status shall constitute an unfair practice pursuant to N.J.S.A. 34A:13A-5.4.a(7).**

(h) A party asserting that an employee should be excluded or remain excluded from a negotiations unit pursuant to (c)3v above (statutory exclusions) because they are a confidential employee, managerial executive, or supervisor within the meaning of the Act, bears the burden of establishing such claim. All clarification of unit

determinations made by the Director, whether to include employees in or exclude employees from a negotiations unit, shall be based on sufficient, competent evidence in the record.*

19:11-1.6 Petition for amendment of certification

- (a) (No change.)
- (b) A petition for amendment of certification shall include:
 - 1. (No change.)
 - 2. The address, email address, and telephone number of the public employer;
 - 3.-4. (No change.)
 - 5. The name, the affiliation, if any, and the address, email address, and telephone number of the petitioner;
 - 6.-7. (No change.)
 - (c)-(d) (No change.)

SUBCHAPTER 2. PROCESSING OF PETITIONS

19:11-2.3 Withdrawal or dismissal of petition

- (a)-(b) (No change.)
- (c) Within 15 days after the date a petition has been dismissed, a petitioner may file a motion to reopen with the Director of Representation. The petitioner shall file an original and one copy of such motion, together with proof of service of a copy on all other parties. Any party opposing the motion may file an original and one copy of its response within five days of receipt of the motion, together with proof of service of a copy on all other parties. The motion may be granted based on a showing of extraordinary circumstances or to prevent an injustice.

SUBCHAPTER 6. HEARINGS

19:11-6.9 Motions

- (a) All written motions shall briefly state the order or relief sought and, if appropriate, shall be supported by affidavits.
 - 1. An original and one copy of a motion and any response to a motion made before the designation of a hearing officer shall be filed with the Director of Representation, together with proof of service of a copy on all other parties.
 - 2. An original and one copy of a motion and any response to a motion made after the designation of a hearing officer and before the issuance of hearing officer's report and recommendations shall be filed with the hearing officer, together with proof of service of a copy on all other parties.
 - 3. An original and one copy of a motion and any response to a motion made after the issuance of hearing officer's report and recommendations shall be filed with the Commission, together with proof of service of a copy on all other parties.
- (b)-(f) (No change.)

19:11-6.12 Filing of brief and oral argument at hearing

- (a)-(d) (No change.)
- (e) Two copies of any brief or proposed findings and conclusions shall be filed with the hearing officer, together with proof of service of a copy on all other parties.

SUBCHAPTER 7. HEARING OFFICER'S REPORT, TRANSFER OF CASE TO THE COMMISSION, AND ACTION BY THE COMMISSION

19:11-7.3 Exceptions; cross-exceptions; briefs; answering briefs

- (a) Within 10 days of service on it of a report and recommendations or such longer period as the Commission may allow, any party may file with the Commission an original and one copy of any exceptions to the report and recommendations or to any other part of the record or proceedings (including rulings upon motions or objections), together with an original and one copy of a brief in support of the exceptions. Any party may, within the same period, file an original and one copy of a brief in support of the report and recommendations. A request for an extension of time to file exceptions or briefs shall be in writing and shall state the other parties' positions with respect to such request. Filings pursuant to this subsection shall be accompanied by proof of service of a copy on all other parties.
- (b)-(e) (No change.)

(f) Within five days of service on it of exceptions, or such longer period as the Commission may allow, a party opposing the exceptions may file an original and one copy of an answering brief, limited to the questions raised in the exceptions and in the brief in support of exceptions, together with proof of service of a copy on all other parties. Filing, service, and proof of service of a request for an extension of time shall conform to (a) above.

(g) Within five days of service on it of exceptions, or such longer period as the Commission may allow, any party that has not previously filed exceptions may file an original and one copy of cross-exceptions to any portion of the hearing officer's report and recommendations, together with a supporting brief, in accordance with (b) above, together with proof of service of a copy on all other parties. Filings, service, and proof of service of a request for an extension of time shall conform to (a) above.

(h) Within five days of service on it of cross-exceptions, or such longer period as the Commission may allow, any other party may file an original and one copy of an answering brief in accordance with the provisions at (f) above, limited to the questions raised in the cross-exceptions, together with proof of service of a copy on all other parties. Filing, service, and proof of service of a request for an extension of time shall conform to (a) above.

(i)-(j) (No change.)

SUBCHAPTER 8. REQUEST FOR COMMISSION REVIEW

19:11-8.1 Filing of request

- (a) (No change.)
- (b) An original and one copy of a request for review shall be filed with the Commission, together with proof of service of a copy on all other parties. The filing of a request for review with the Commission shall not operate, unless otherwise ordered by the Commission, as a stay of any action taken, ordered, or directed by the Director of Representation.

19:11-8.4 Statement in opposition to a request for review; further statements

Within seven days of service on it of a request for review, any party may file with the Commission an original and one copy of a statement in opposition to the request, together with proof of service of a copy on all other parties. No further submissions shall be filed except by leave of the Commission. A request for leave shall be in writing, accompanied by proof of service of a copy on all other parties.

SUBCHAPTER 10. ELECTION PROCEDURES

19:11-10.3 Election procedures

- (a)-(g) (No change.)
- (h) Within five days after the tally of ballots has been furnished, a party may file with the Director of Representation an original and one copy of objections to the conduct of the election or conduct affecting the results of the election, together with proof of service of a copy on all other parties. Such filing must be timely whether or not the challenged ballots are sufficient in number to affect the results of the election. A party filing objections must furnish evidence, such as affidavits or other documentation, that precisely and specifically shows that conduct has occurred which would warrant setting aside the election as a matter of law. The objecting party shall bear the burden of proof regarding all matters alleged in the objections and shall produce the specific evidence supporting its claim of irregularity in the election process. Failure to submit such evidence may result in the immediate dismissal of the objections.

(i)-(l) (No change.)

(a)

PUBLIC EMPLOYMENT RELATIONS COMMISSION
Scope of Negotiations Proceedings
Readoption: N.J.A.C. 19:13

Proposed: July 7, 2025, at 57 N.J.R. 1381(a).