

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).

Adopted: September 25, 2025, by the Public Employment Relations Commission, Mary E. Hennessey-Shotter, Chair.
 Filed: September 25, 2025, as R.2025 d.126, **without change**.
 Authority: N.J.S.A. 34:13A-5.4.d, 34:13A-11, and 34:13A-27.
 Effective Date: September 25, 2025.
 Expiration Date: September 25, 2032.

Summary of Public Comment and Agency Response:
No comments were received.

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 Public Employment Relations Commission cannot rely upon a comparable Federal rule or standard to achieve the aims of the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq. The readopted rules were not being adopted in order to implement, comply with, or participate in any program established pursuant to Federal law or State law that incorporates or refers to Federal law, standards, or requirements. Therefore, a Federal standards analysis is not required for the readopted rules.

Full text of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 19:13.

(a)

PUBLIC EMPLOYMENT RELATIONS COMMISSION Unfair Practice Proceedings Complaint with Notice of Hearing

Adopted Amendment: N.J.A.C. 19:14-2.1

Proposed: July 7, 2025, at 57 N.J.R. 1383(a).
 Adopted: September 25, 2025, by the Public Employment Relations Commission, Mary E. Hennessey-Shotter, Chair.
 Filed: September 25, 2025, as R.2025 d.127, **without change**.
 Authority: N.J.S.A. 34:13A-5.4.c and 34:13A-11.
 Effective Date: October 20, 2025.
 Expiration Date: October 28, 2031.

Take notice that the Public Employment Relations Commission (Commission) proposed an amendment at N.J.A.C. 19:14-2.1(a) on July 7, 2025, at 57 N.J.R. 1383(a). The proposed amendment modifies the unfair practice charge procedures to require that the Director of Unfair Practices determine whether to issue a complaint and notice of hearing on an unfair practice charge within 180 days of its filing, such deadline being subject to extension by mutual consent of the parties. A summary of the comment received on the notice of proposed amendment, and the Commission’s response, is provided below. The Commission has determined that no changes are necessary to the proposed amendment.

Summary of Public Comment and Agency Response:

A comment was received from Charles Wowkanec, President, New Jersey State AFL-CIO.

N.J.A.C. 19:14-2.1

COMMENT: The AFL-CIO supports the proposed amendment requiring the Director of Unfair Practices to determine whether to issue a complaint on an unfair practice charge within 180 days of filing, which may be extended by mutual consent of the parties.

RESPONSE: The Commission concurs with the support for this amendment.

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, N.J.S.A. 34:13A-1 et seq. The adopted amendments are not being adopted in order to implement, comply with, or participate in any program established pursuant to Federal law or a

State law that incorporates or refers to Federal law, standards, or requirements. Therefore, a Federal standards analysis is not required for the adopted amendment.

Full text of the adoption follows:

SUBCHAPTER 2. COMPLAINT WITH NOTICE OF HEARING

19:14-2.1 Contents; service

(a) Within 180 days after a charge has been 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 include:

1.-3. (No change.)

(b)

TRANSPORTATION

NEW JERSEY INFRASTRUCTURE BANK

Transportation Infrastructure Financing Program for State-Funded Projects

Adopted New Rules: N.J.A.C. 19:50-5

Proposed: July 7, 2025, at 57 N.J.R. 1388(a).
 Adopted: September 25, 2025, by Francis K. O’Connor, Commissioner, New Jersey Department of Transportation, and Robert A. Briant, Jr., Chairperson, New Jersey Infrastructure Bank.
 Filed: September 25, 2025, as R.2025 d.124, with **non-substantial changes**, not requiring additional public notice and comment (see N.J.A.C. 1:30-6.3).
 Authority: N.J.S.A. 58:11B-1 et seq.
 Effective Date: October 20, 2025.
 Expiration Date: October 20, 2032.

Summary of Public Comment and Agency Response:

The New Jersey Infrastructure Bank (I-Bank) accepted comments on the notice of proposal through September 5, 2025. Ryan Sharpe, Director of Government Affairs and Communications, Utility and Transportation Contractors Association of New Jersey provided timely written and/or oral comments. The comment received and the I-Bank’s response is summarized below.

General Support

1. **COMMENT:** The commenter expressed its unqualified support for the proposed rules highlighting how the Transportation Bank has financed over \$90 million in projects since its inception and the effectiveness in providing financing for local infrastructure projects, which otherwise might have been too costly for municipal government and authorities to undertake.

RESPONSE: The I-Bank thanks the commenter for their support.

Summary of Agency-Initiated Changes Upon Adoption:

The I-Bank is changing N.J.A.C. 19:50-5.32(a)2 to clarify that the preconstruction meeting must be both scheduled and attended by the borrower and/or recipient.

Federal Standards Statement

Executive Order No. 27 (1994) and P.L. 1995, c. 65, requires State agencies that adopt, readopt, or amend State rules that exceed any Federal standards or requirements to include in the rulemaking document a comparison with Federal law. The program is authorized to issue loans and provide other forms of assistance consisting of Federal funds available to the State of New Jersey through the United States Department of Transportation State Infrastructure Bank (SIB) Program provided for