



## NEW JERSEY STATE BAR ASSOCIATION

WILLIAM H. MERGNER JR., PRESIDENT

Leary Bride Mergner & Bongiovanni P.A.

7 Ridgedale Avenue

Cedar Knolls, NJ 07927

973-539-2090

EMAIL: [wmergner@lbmblaw.com](mailto:wmergner@lbmblaw.com)

March 27, 2025

**Via Electronic Mail ([rulescomments@perc.nj.gov](mailto:rulescomments@perc.nj.gov))**

Mary Beth Hennessy-Shotter, Chair  
Public Employment Relations Commission  
Post Office Box 429  
Trenton, New Jersey 08625-0429

Re: Notice of Action on Petition for Rulemaking, Unfair Practice Proceedings, N.J.A.C. 19:14

Dear Chair Hennessy-Shotter:

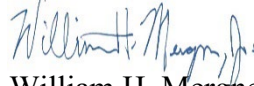
Please accept these comments on behalf of the New Jersey State Bar Association (NJSBA or Association) regarding the New Jersey Public Employment Relations Commission's (PERC) Notice of Action on Petition for Rulemaking regarding Unfair Practice Proceedings, N.J.A.C. 19:14. The NJSBA opposes the proposed rulemaking to impose a timeline on PERC to decide whether to issue unfair practice complaints because it undermines the process of negotiation, which resolves the vast majority of unfair practice charges.

The AFL-CIO petitioned PERC to fix a 60-day complaint issuance deadline to all unfair practices under the New Jersey Employer-Employee Relations Act (EERA), N.J.S.A. 34:13A-5.4(a) and (b). The EERA sets forth seven forms of unfair practices that employers and their agents are prohibited from engaging in and five that public employee unions are prohibited from engaging in. Once charges are filed – either by unions or employers – PERC's Director of Unfair Practices must review the charges and may issue a complaint to the offending party along with a notice of hearing date. Presently, the only charge for which there is a deadline is for discrimination pursuant to N.J.S.A. 34:13A-5.4(a)(3), which must be issued within sixty days of a charge.

Upon review of the issue, the NJSBA notes that imposing such a deadline on all unfair practice complaints could hinder the negotiation process that often leads to a resolution of a majority of unfair practice charges. PERC has the authority, which it typically exercises, to direct parties involved in these charges to negotiate. PERC then monitors the status of these negotiations or exploratory discussions through communication with the parties. This process allows flexibility in matters which may be straightforward or more complex. This flexibility is preferable to a one-size-fits-all approach because such a static approach could hinder negotiations. It is the experience of our member practitioners that PERC's agents strike a good balance between pushing a matter through the dispute resolution process or pacing it more slowly based on the course of discussion or mediation. Our members also note that PERC is adept at facilitating negotiations such that fixed timelines are unnecessary.

For these reasons, the NJSBA opposes the proposed rulemaking to fix a 60-day timeline to issue unfair practice complaints. Thank you for your consideration of our comments and for the opportunity to submit these comments.

Very truly yours,

A handwritten signature in blue ink, appearing to read "William H. Mergner, Jr.", is positioned above the typed name.

William H. Mergner, Jr., Esq.  
President

cc: Christine A. Amalfe, Esq., NJSBA President-Elect  
Angela Scheck, NJSBA Executive Director

New Jersey Law Center • One Constitution Square • New Brunswick, New Jersey 08901-1520  
PHONE: 732-249-5000 • FAX: 732-249-2815 • EMAIL: [president@njsba.com](mailto:president@njsba.com) • [njsba.com](http://njsba.com)