

negotiations impasses in public fire and police departments and supplement the New Jersey Employer-Employee Relations Act, as amended, N.J.S.A. 34:13A-1 et seq.

The rules describe: procedures for initiating interest arbitration; the required content of petitions and responses; filing fees; appointment of arbitrators; hearing procedures; the required content of an arbitration award; and procedures for appealing awards to the Commission. The rules also include guidelines to be used by the parties and arbitrators in applying the statutory comparability criterion, N.J.S.A. 34:13A-16(g)(2); standards for appointment and reappointment to the special panel of interest arbitrators; and procedures for suspending, disciplining or removing arbitrators from the special panel during an arbitrator’s three-year term.

Proposed amendments to the rules would conform N.J.A.C. 19:16 to requirements imposed by P.L. 2014, c. 11, in particular the modified deadlines for the issuance of interest arbitration awards, the filing of appeals and cross-appeals from such awards with the Commission, and the time within which the Commission must issue its decision resolving the parties’ appeals. Amendments are also proposed to codify a procedure that has been used by the Commission pertaining to expedited scope of negotiations determinations to clarify whether a disputed proposal may be submitted to interest arbitration. Since the effective date of that law, the Commission has modified its administration of interest arbitration cases to conform to the new mandates. The amendments would formally incorporate modifications to meet the changes in the interest arbitration statute mandating that:

- The completion of interest arbitration hearings and the issuance of an interest arbitration award within 90 days after an arbitrator is appointed;
- Any appeal of an interest arbitration award be filed with the Commission within 14 days after the issuance of an award;
- The Commission must issue a written decision within 60 days after it receives an appeal;
- In all cases, an interest arbitration award must be implemented immediately; and
- The Commission adopt a fee schedule for the compensation of interest arbitrators providing for a maximum fee of \$1,000 per day up to a limit of \$10,000 per case.

The amendments would also make non-substantive changes eliminating unnecessary language.

Following is a summary of the specific proposed amendments:

At N.J.A.C. 19:16-1.1, Purpose of procedures, the proposed amendment explains that the rules implement the most recent changes to the statute contained in P.L. 2014, c. 11.

At N.J.A.C. 19:16-4.1, Initiation of fact-finding, paragraphs (a)7 and 8 are proposed for deletion because the language is duplicative of N.J.A.C. 19:16-3.1(a)5 and 6, which already require submission of identical information.

At N.J.A.C. 19:16-5.2, Initiation of compulsory interest arbitration, paragraphs (a)3 and 4 are proposed for deletion as they repeat language that has been a part of the interest arbitration law since the enactment of P.L. 2010, c. 105; therefore, these paragraphs are unnecessary.

At N.J.A.C. 19:16-5.5, Response to the petition requesting the initiation of compulsory interest arbitration, subsection (c) is proposed amendment to incorporate a reference to the expedited scope of negotiations procedure used by the Commission in interest arbitration cases. New paragraphs (c)1 through 8 describe how such cases will be processed and decided, replacing the existing list in subsection (c).

At N.J.A.C. 19:16-5.7, Conduct of the arbitration proceeding, the proposed amendment, replacing subsection (c), would require that the first meeting among the arbitrator and the parties be a mediation session to effect a voluntary resolution of the impasse and that the arbitrator, throughout the proceedings, may mediate or assist the parties in reaching a mutually agreeable settlement.

Proposed new N.J.A.C. 19:16-5.7(g)1 specifies the contents of a pre-hearing notice to be issued by the arbitrator to the parties, which shall contain a deadline for the public employer to provide salary and economic cost information pertinent to the employees in the collective negotiations unit.

(a)

**PUBLIC EMPLOYMENT RELATIONS COMMISSION
Negotiations, Impasse Procedures, and Compulsory
Interest Arbitration of Labor Disputes in Public
Fire and Police Departments**

**Proposed Amendments: N.J.A.C. 19:16-1.1, 4.1, 5.2,
5.5, 5.7, 5.8, 5.9, 5.11, 5.12, 5.14, and 8.1**

Authorized By: Public Employment Relations Commission, P. Kelly Hatfield, Chair.

Authority: N.J.S.A. 34:13A-5.4.e, 34:13A-6(b), 34:13A-11 and 34:13A-16.5.

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

Proposal Number: PRN 2017-179.

Submit comments by October 6, 2017, to:

P. Kelly Hatfield, Chair
Public Employment Relations Commission
PO Box 429
Trenton, New Jersey 08625-0429

Comments may also be submitted via facsimile to 609-777-0089 or via e-mail to rulecomments@perc.state.nj.us.

The agency proposal follows:

Summary

The proposed amendments provide for implementation of P.L. 2014, c. 11, which amended and supplemented P.L. 1977, c. 85, P.L. 1995, c. 425, and P.L. 2010, c. 105. The statutes are collectively known as the “Police and Fire Public Interest Arbitration Reform Act.” These laws provide for compulsory interest arbitration to resolve collective

At N.J.A.C. 19:16-5.7(g)2, the proposed amendment increases to 10 days before the hearing, from the previous two days, the deadline for the submission of each party's final offer to the arbitrator.

At N.J.A.C. 19:16-5.7(i), the proposed amendment incorporates a reference to the expedited scope of negotiations determination and specifies how the arbitrator shall proceed where such a determination has been made and also where such a determination is not made.

At N.J.A.C. 19:16-5.7(l) and (m), the proposed amendments would conform the subsections to the changes made by P.L. 2014, c. 11, which expanded the time limit within which an interest arbitration award must be issued from 45 days to 90 days.

At N.J.A.C. 19:16-5.8, Stenographic record, the proposed amendment provides that any delay in receiving the record shall not serve to delay the 90-day time period (changed from 45-day) for issuing an award or the 14-day time limit (changed from seven-day) for appealing an award.

At N.J.A.C. 19:16-5.9, Opinion and award, the proposed amendment to subsection (a) would conform the subsection to the changes made by P.L. 2014, c. 11, which expanded the time limit within which an interest arbitration award must be issued from 45 days to 90 days.

The proposed amendment to N.J.A.C. 19:16-5.9(b) deletes the final sentence as the context of this sentence is already covered by the prior three sentences in this subsection. The proposed deletion contains nothing related to substance or procedure.

Proposed new N.J.A.C. 19:16-5.9(c) would codify the requirement that the arbitrator's award must comply with the two percent average annual cap on increases in base salary items as required by N.J.S.A. 34:13A-16.7, as amended by P.L. 2014, c. 11.

At N.J.A.C. 19:16-5.11, Cost of arbitration, the proposed amendment would, in accordance with P.L. 2014, c.11, raise the ceiling on fees for the arbitrator's services to \$10,000 (or other amount set by statute) from \$7,500.

At N.J.A.C. 19:16-5.12, Fees for filing and processing interest arbitration petitions, the final sentence of subsection (b) is proposed for deletion because delaying the commencement of interest arbitration proceedings until the second party remits its fee would conflict with the mandates contained in P.L. 2014, c. 11 that: (1) an interest arbitrator be assigned by the Commission one business day after a petition is filed; and (2) an award be issued within 90 days thereafter. The removal of the language would prevent a delay in remission of a fee to act as an impediment to the commencement and/or completion of interest arbitration.

At N.J.A.C. 19:16-8.1, Appeals and cross-appeals, the proposed amendment to subsection (a) would reflect that in accordance with P.L. 2014, c. 11, the time to appeal an interest arbitration award with the Commission has been increased from seven to 14 days and to clarify that the 14-day time limit also applies to cross-appeals; as a result of this amendment, existing subsection (b) is proposed for deletion. A proposed amendment to recodified subsection (b) would also reflect the enlargement of the appeal period to 14 days; as a result of this amendment, existing subsection (d) is proposed for deletion. The proposed amendment to recodified subsection (d) would conform the rule to the changes made by P.L. 2014, c. 11, which expanded from 30 days to 60 days, the time limit within which the Commission must issue a decision on an appeal from an interested arbitration award.

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 Police and Fire Public Interest Arbitration Reform Act, as most recently amended by P.L. 2014, c. 11, provides for conventional interest arbitration as the sole terminal procedure for resolving negotiations impasses involving police officers and firefighters in public police and fire departments. The Legislature has determined that an expeditious, effective, and binding arbitration procedure is necessary to the high morale of police officers and firefighters, the efficient operation of police and fire departments, and the well-being and benefit of the citizens of New Jersey. N.J.S.A. 34:13A-14.a. The Commission believes that the proposed amendments, needed to conform the rules to new substantive and procedural requirements, including modified deadlines

made by P.L. 2014, c. 11, will benefit the public, as well as employers and employees participating in interest arbitration by continuing the framework for conducting the process and by ensuring that it proceeds expeditiously and is not needlessly delayed in accordance with the intent of the Legislature reflected in the provisions of P.L. 2014, c. 11 and the statements accompanying that law.

Economic Impact

The proposed amendments address the procedures and deadlines governing the interest arbitration process involving police officers and firefighters. Included are procedures and deadlines for petitioning for arbitration, submitting final offers, issuing awards, and appealing awards. Also included are the codification of the Commission's procedure for Expedited Scope of Negotiations Determinations. The proposed amendments are intended to make the process less costly to public employers.

Federal Standards Statement

The National Labor Relations Act excludes from its coverage "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 Police and Fire Public Interest Arbitration Reform Act, as amended by P.L. 2014, c. 11. The proposed amendments are, thus, necessary and proper.

Jobs Impact

The proposed amendments should have no direct impact on jobs to be generated or lost as a result of their promulgation.

Agriculture Industry Impact

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

Regulatory Flexibility Statement

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

Housing Affordability Impact Analysis

The proposed amendments will have no impact on the affordability of housing because the rules are designed to resolve collective negotiations impasses between public employers and the representatives of their police officers and fire fighters.

Smart Growth Development Impact Analysis

The proposed amendments will have no impact on housing production in Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan because the rules are designed to resolve collective negotiations impasses between public employers and the representatives of their police officers and fire fighters.

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

SUBCHAPTER 1. PURPOSE OF PROCEDURES

19:16-1.1 Purpose of procedures

(a) The rules of this chapter provide for implementation of the Police and Fire Public Interest Arbitration Reform Act, P.L. 1995, c. 425, as amended by P.L. 2010, c. 105, **and P.L. 2014, c. 11, and codified at N.J.S.A. 34:13A-14 et seq.**, providing for compulsory interest arbitration of labor disputes in public fire and police departments.

(b)-(d) (No change.)

SUBCHAPTER 4. FACT-FINDING

19:16-4.1 Initiation of fact-finding

(a) If the parties fail to resolve the impasse through mediation, the public employer, the employee representative, or the parties jointly may request the Director of Conciliation and Arbitration, in writing, to invoke fact-finding and upon receipt of such request, fact-finding with recommendations for settlement shall be invoked. An original and four

copies of such request shall be filed with the Director of Conciliation and Arbitration, together with proof of service upon the other party. The request shall be signed and dated and shall contain the following information:

- 1.-6. (No change.)
- [7. The termination date of the current agreement, if any;
8. The public employer's required budget submission date;]
- Recodify existing 9.-10. as 7.-8. (No change in text.)
- (b)-(c) (No change.)

SUBCHAPTER 5. COMPULSORY INTEREST ARBITRATION

19:16-5.2 Initiation of compulsory interest arbitration

(a) Compulsory interest arbitration may be initiated through appropriate utilization of any of the following:

- 1.-2. (No change.)

[3. Either party may petition the Commission for compulsory interest arbitration on or after the date on which their collective negotiation agreement expires. The petition shall be filed in a manner and form prescribed by the Commission. The party filing the petition shall notify the other party of its action. The notice shall be given in a manner and form prescribed by the Commission.

4. The non-petitioning party, within five days of receipt of the petition, shall separately notify the Commission in writing of all issues in dispute. The filing of the written response shall not delay, in any manner, the interest arbitration process.]

[5.] 3. Any mediation or fact-finding [invoked pursuant to (a)2 above or (b)1 below] shall terminate immediately upon the filing of a petition for arbitration.

- (b)-(c) (No change.)

19:16-5.5 Response to the petition requesting the initiation of compulsory interest arbitration

- (a)-(b) (No change.)

(c) Where a dispute exists with regard to whether an unresolved issue is within the required scope of negotiations, the party asserting that an issue is not within the required scope of negotiations shall file with the Commission Chair, a petition for an expedited scope of negotiations determination [pursuant to N.J.A.C. 19:13. This petition must be filed within: five days of the filing of a joint petition; five days of receipt of the Director of Conciliation and Arbitration's notice of filing of the petition requesting the initiation of compulsory interest arbitration; or five days of receipt of the response to the petition requesting the initiation of compulsory interest arbitration. The failure of a party to file a petition for scope of negotiations determination shall be deemed to constitute an agreement to submit all unresolved issues to compulsory interest arbitration]. **The failure to file a request for a scope determination pursuant to N.J.A.C. 19:13 or this chapter shall be deemed a waiver of the negotiability objection.**

1. A request for an expedited scope of negotiations determination shall be accompanied by a scope of negotiations petition in the form published on the Commission's website (<http://www.nj.gov/perc/html/forms.htm>) and shall be filed and served, where the requestor is not the party who petitioned for interest arbitration, within 10 days after receipt of the interest arbitration petition, or where the requestor is the petitioner for interest arbitration, within 10 days after receipt of the response to the interest arbitration petition.

2. The issues for which a negotiability determination is sought must be among those identified as being in dispute in either the interest arbitration petition or the response to the interest arbitration petition. The Commission will not determine the negotiability of any issues that are no longer in dispute during the pending interest arbitration. It shall be the obligation of all parties to immediately advise the Commission Chair and the assigned interest arbitrator that an issue that is the subject of a pending scope of negotiations petition is no longer actively in dispute during interest arbitration.

3. The party filing a request for an expedited scope determination shall file a supporting brief with its request, a copy of which shall be served simultaneously upon the other party. The other party shall file with the Commission Chair a brief in response to the request

within seven business days of receipt of the request and shall serve simultaneously a copy of the brief upon the party who requested the expedited scope determination. All briefs shall conform to the requirements set forth in N.J.A.C. 19:13-3.6(f). No additional briefs or submissions shall be filed.

4. Within 10 days after receipt of an expedited scope of negotiations petition, the Commission Chair will advise the parties whether the petition will be resolved using the expedited procedure. The decision to issue an expedited scope of negotiations ruling during the pendency of a compulsory interest arbitration proceeding shall be within the sole, non-reviewable discretion of the Commission Chair.

5. If the Commission Chair decides to issue an expedited scope of negotiations ruling, the Commission or Commission Chair, pursuant to the authority delegated to the Chair by the full Commission, shall issue a written decision within 21 days after the respondent's brief is due. A copy of the decision shall be simultaneously sent to the assigned interest arbitrator.

6. Any contract language or proposals that are determined in the expedited scope of negotiations ruling to be not mandatorily negotiable shall not be considered by the interest arbitrator. If time permits, and in accordance with N.J.A.C. 19:16-5.7, the interest arbitrator may allow the parties to amend their final offers to take into account the negotiability determination.

7. A decision by the Commission or Commission Chair pursuant to this expedited scope of negotiations process shall be a final agency decision. Any appeal must be made to the Superior Court, Appellate Division.

8. If the Commission Chair decides not to issue an expedited scope of negotiations ruling, then any negotiability issues pending in interest arbitration may be raised to the interest arbitrator and either party may seek a negotiability determination by the Commission as part of an appeal from an interest arbitration award. See N.J.A.C. 19:16-5.7(i).

- (d) (No change.)

19:16-5.7 Conduct of the arbitration proceeding

- (a)-(b) (No change.)

[(c) The appointed arbitrator may mediate or assist the parties in reaching a mutually agreeable settlement at any time throughout formal arbitration proceedings. However, mediation efforts shall not stay or extend the deadlines for issuance of an award or the filing of an appeal.]

(c) **The appointed arbitrator shall conduct an initial meeting as a mediation session to effect a voluntary resolution of the impasse. In addition, the appointed arbitrator, throughout formal arbitration proceedings, may mediate or assist the parties in reaching a mutually agreeable settlement.**

- (d)-(e) (No change.)

(f) The procedure to provide finality for the resolution of unsettled issues shall be conventional arbitration. The arbitrator shall separately determine whether the total net annual economic changes for each year of the agreement are reasonable under the statutory criteria set forth in N.J.S.A. 34:13A-16[g].g.

(g) The arbitrator, after appointment, shall communicate with the parties to arrange for a date, time, and place for a hearing. In the absence of an agreement, the arbitrator shall have the authority to set the date, time, and place for a hearing. The arbitrator shall submit a written notice containing arrangements for a hearing within a reasonable time period before hearing.

1. Such notice shall also set forth the dates, both of which shall precede the hearing, by which the public employer shall provide the arbitrator and the employee representative with the following information and the format in which it shall be provided and by which the employee representative shall respond to the information:

i. A list of all unit members during the final year of the expired agreement, their salary guide step(s) during the final year of the expired agreement, and their anniversary date of hire (that is, the date or dates on which unit members advance on the guide);

ii. Costs of increments and the specific date(s) on which they are paid;

iii. Costs of any other base salary items (for example, longevity) and the specific date(s) on which they are paid;

iv. The total cost of all base salary items for the 12 months immediately preceding the first year of the new agreement; and

v. A list of all unit members as of the last day of the year immediately preceding the new agreement, their step, and their rate of salary as of that same day.

2. At least [two] 10 days before the hearing, the parties shall submit to the arbitrator and to each other their final offers on each economic and noneconomic issue in dispute. The parties must also submit written estimates of the financial impact of their respective last offers on the taxpayers as part of their final offer submissions. The arbitrator may accept a revision of such offer at any time before the arbitrator takes testimony or evidence or, if the parties agree to permit revisions and the arbitrator approves such an agreement, before the close of the hearing. Upon taking testimony or evidence, the arbitrator shall notify the parties that their offers shall be deemed final, binding and irreversible unless the arbitrator approves an agreement between the parties to permit revisions before the close of the hearing.

(h) (No change.)

(i) Unless the Commission Chair [directs otherwise] **decides to issue an expedited scope of negotiations determination pursuant to N.J.A.C. 19:16-5.5(e)**, if a party objects to an issue as being outside the scope of mandatorily negotiable subjects, the parties may state their positions to the arbitrator on the record. The arbitrator shall be permitted to take evidence and render a **preliminary** decision on the issue **for purposes of rendering the award**. Any further negotiability argument may be made to the Commission post-award if **the award is** appealed [and provided the negotiability objection has not been waived by a party's failure to file a timely petition for scope of negotiations determination].

(j)-(k) (No change.)

(l) The parties, at the discretion of the arbitrator, may file post-hearing briefs. The arbitrator, after consultation with the parties, shall have the authority to set a time period for the submission of briefs, but that period shall not stay the [45-day] **90-day** time period, or such other period of time that may be set by N.J.S.A. 34:13A-14 et seq., for issuing an award. The parties shall not be permitted to introduce any new factual material in the post-hearing briefs, except upon special permission of the arbitrator.

(m) An arbitrator must issue an award within [45] **90** days from appointment or within such other period of time that may be set by N.J.S.A. 34:13A-14 et seq.

(n) (No change.)

19:16-5.8 Stenographic record

(a)-(c) (No change.)

(d) Any delay in receiving a stenographic record shall not extend:

1. The [45-day] **90-day** time period, or such other period of time that may be set by N.J.S.A. 34:13A-14 et seq., for rendering an award; or

2. The [seven-day] **14-day** time limit, or such other period of time that may be set by N.J.S.A. 34:13A-14 et seq., for submitting an appeal to the Commission.

19:16-5.9 Opinion and award

(a) If the impasse is not otherwise resolved, the arbitrator shall decide the dispute and issue a written opinion and award within [45] **90** days, or within such other period of time that may be set by N.J.S.A. 34:13A-14 et seq., of the Director of Conciliation and Arbitration's assignment of that arbitrator. Any arbitrator who fails to issue an award within [45] **90** days, or within such other period of time that may be prescribed by N.J.S.A. 34:13A-14 et seq., shall be fined \$1,000 per each day late.

(b) Each arbitrator's decision shall be accompanied by a written report explaining how each of the statutory criteria played into the arbitrator's determination of the final award. The opinion and award shall be signed and based on a reasonable determination of the issues, giving due weight to those factors listed in N.J.S.A. 34:13A-[16(g)] which are judged relevant for the resolution of the specific dispute. In the award, the arbitrator shall indicate which of the factors are deemed relevant, satisfactorily explain why the others are not relevant, and

provide an analysis of the evidence on each relevant factor. The opinion and award shall set forth the reasons for the result reached]16.g.

(c) **Where applicable, the arbitrator's economic award must comply with the two percent cap on average annual increases to base salary items pursuant to N.J.S.A. 34:13A-16.7, as amended by P.L. 2014, c. 11. In all awards, whether or not subject to the two percent cap, the arbitrator's decision shall set forth the costs of all "base salary" items for each year of the award, including the salary provided pursuant to a salary guide or table, any amount provided pursuant to a salary increment, any amount provided for longevity or length of service, and any other item agreed to by the parties or that was included as a base salary item in the prior award or as understood by the parties in the prior contract. These cost-out figures for the awarded base salary items are necessary in order for the arbitrator to determine, pursuant to N.J.S.A. 34:13A-16.d, whether the total net annual economic changes for each year of the award are reasonable under the statutory criteria.**

Recodify existing (c)-(e) as (d)-(f) (No change in text.)

19:16-5.11 Cost of arbitration

(a) (No change.)

(b) The fee for services provided by the arbitrator shall not exceed \$1,000 per day, **or such other amount that may be prescribed by N.J.S.A. 34:13A-14 et seq.** The total cost of services provided by an arbitrator shall not exceed [\$7,500] **\$10,000, or such other amount that may be prescribed by N.J.S.A. 34:13A-14 et seq.**

(c) (No change.)

19:16-5.12 Fees for filing and processing interest arbitration petitions

(a) (No change.)

(b) The petition shall not be processed until the petitioning party pays the filing fee of \$175.00. [The processing of the petition shall be deemed suspended until the required fee is received from the non-petitioning party.]

(c) (No change.)

19:16-5.14 Comparability guidelines

(a) N.J.S.A. 34:13A-[16g]16.g identifies the factors that an interest arbitrator must consider in reviewing the parties' proposals. In addition, in every interest arbitration proceeding, the parties shall introduce evidence regarding the factor set forth in N.J.S.A. 34:13A-[16g(6)]16.g(6): the financial impact on the governing unit, its residents, the limitations imposed upon the local unit's property tax levy pursuant to P.L. 2007, c. 62, section 10 (N.J.S.A. 40A:4-45.45), and taxpayers. The arbitrator must indicate which of the factors listed in N.J.S.A. 34:13A-[16g]16.g are deemed relevant; satisfactorily explain why the others are not relevant; and provide an analysis of the evidence on each relevant factor. N.J.S.A. 34:13A-[16g(2)(c)]16.g(2)(c) lists as a factor "public employment in the same or similar comparable jurisdictions. . . ." Subsection a of section 5 of P.L. 1995, c. 425 requires that the Commission promulgate guidelines for determining the comparability of jurisdictions for the purposes of paragraph (2)(c) of subsection g.

(b) The guidelines set forth in (c) and (d) below are intended to assist the parties and the arbitrator in focusing on the types of evidence that may support comparability arguments. The guidelines are intended to be instructive but not exhaustive. The arbitrator shall consider any and all evidence submitted pursuant to the comparability guidelines and shall apply these guidelines in addressing the comparability criterion.

1. (No change.)

2. The Commission further recognizes that it is the arbitrator's responsibility to consider all the evidence submitted and to determine the weight of any evidence submitted based upon the guidelines in (c) and (d) below and to determine the relevance or lack of relevance of comparability in relationship to all of the factors set forth in N.J.S.A. 34:13A-[16g]16.g. Promulgation of these guidelines is not intended to require that any party submit evidence on all or any of the elements set forth in (c) and (d) below or assert that the comparability factor should or should not be deemed relevant or accorded any particular weight in any arbitration proceeding. Nothing in this section shall preclude the arbitrator from supplementing the factual record by issuing subpoenas to require the attendance of witnesses and the production of documents.

Nor does anything in this section prevent the arbitrator from requesting the parties to supplement their presentations in connection with this factor or any other factor set forth in the law.

(c) (No change.)

(d) The following are comparability considerations for similar comparable jurisdictions:

1.-3. (No change.)

4. Compensation and other conditions of employment:

i.-viii. (No change.)

ix. Workload:

(1) [umber] **Number** of calls or runs per officer; and

(2) (No change.)

x. (No change.)

5. (No change.)

SUBCHAPTER 8. APPEALS

19:16-8.1 Appeals and cross-appeals

(a) Within [seven] **14** calendar days, or within such other period of time that may be set by N.J.S.A. 34:13A-14 et seq., after receiving an award forwarded by the Director of Conciliation and Arbitration, an aggrieved party may file an original and nine copies of an appeal brief with the Commission, together with the \$200.00 fee required under N.J.A.C. 19:16-5.13. **Any cross-appeal must also be filed within this same 14-day period and comply with the fee, briefing, and service requirements of this section.**

1. The brief shall specify each alleged failure of the arbitrator to apply the criteria specified in N.J.S.A. 34:13A-[16g]**16.g** and each alleged violation of the standards set forth in N.J.S.A. 2A:24-8 or 2A:24-9.

2.-5. (No change.)

[(b) Within seven days after the service of an appeal, the respondent may file a cross-appeal brief with the Commission, together with the \$200.00 fee required under N.J.A.C. 19:16-5.13.

1. The brief shall specify each alleged failure of the arbitrator to apply the criteria specified in N.J.S.A. 34:13A-16g and each alleged violation of the standards set forth in N.J.S.A. 2A:24-8 or 2A:24-9.

2. Filings shall be accompanied by proof of service of a copy on the other party.

3. The cross-appellant shall also file a copy of the brief on the arbitrator.

4. The cross-appellant shall simultaneously file an original and nine copies of the brief in support of the cross-appeal and in response to the appeal, together with proof of service of a copy on the other party. The respondent/cross-appellant may also file an original and nine copies of an appendix containing those parts of the record not included in the appellant's appendix that the respondent/cross-appellant considers necessary to the proper consideration of the issues.]

[(c) **(b)** [Where no cross-appeal is being filed, within seven] **Within 14** days after the service of a brief in support of [the] **an appeal or cross-appeal**, the **respective** respondents shall file an original and nine copies of an answering brief limited to the issues raised in the appeal [and the brief in support of the appeal] **or cross-appeal**. The **respective** respondents may also file an original and nine copies of an appendix containing those parts of the record not included in the appellant's **or cross-appellant's** appendix that the respondent considers necessary to the proper consideration of the issues. Filings shall be accompanied by proof of service of a copy on the other party.

[(d) Where a cross-appeal has been filed, within three days after the service of the brief in support of the cross-appeal, the appellant/cross-respondent may file an original and nine copies of an answering brief limited to the issues raised in the cross-appeal and the brief in support of the cross-appeal. The appellant/cross-respondent may also file an appendix containing those parts of the record not included in any earlier appendix that the appellant/cross-respondent considers necessary to the proper consideration of the issues raised in the cross-appeal. Filing shall be accompanied by the proof of service of a copy on the other party.]

[(e) **(c)** (No change in text.)

[(f) **(d)** The Commission shall render a decision within [30] **60** days, or within such other period of time that may be set by N.J.S.A. 34:13A-14 et seq., from receipt of the appeal.

[(g) **(e)** (No change in text.)