



STATE OF NEW JERSEY
PUBLIC EMPLOYMENT RELATIONS COMMISSION

PO Box 429
TRENTON, NEW JERSEY 08625-0429

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MEMORANDUM

TO: All Interested Parties May 2023
FROM: Ryan M. Ottavio, Director of Representation
RE: 2023/2024 OPEN PERIOD FOR FILING REPRESENTATION PETITIONS

The periods for the filing of timely representation petitions where there is a current agreement in effect are as follows:

1. For employees of the State of New Jersey, or any state agency, authority, commission or board thereof:
Wednesday, October 4, 2023 through Friday, November 3, 2023 (inclusive) if the agreement expires June 30, 2024.
See N.J.A.C. 19:11-2.8(c)(1);
2. For employees of a county or municipality, or any county or municipal agency, authority, commission or board thereof (other than a board of education):
Tuesday, September 5, 2023 through Monday, October 2, 2023 (inclusive), if the agreement expires December 31, 2023;
Monday, March 4, 2024 through Monday, April 1, 2024 (inclusive), if the agreement expires June 30, 2024.
See N.J.A.C. 19:11-2.8(c)(2).
3. For employees of a school district, board of education, or county college:
Friday, September 1, 2023 through Monday, October 16, 2023 (inclusive), if the agreement expires June 30, 2024.
See N.J.A.C. 19:11-2.8(c)(3).

For other agreement expiration dates please consult N.J.A.C. 19:11-2.8(c) and N.J.A.C. 19:10-2.1(a) for calculating normal timely filing dates. An agreement expiration date is the last effective date of the agreement. For the purpose of determining filing dates, an agreement for an indefinite term will be treated as a 1-year agreement and also will not bar a petition filed at any time after the end of the first year of the agreement; an agreement with a term of longer than 3 years will be treated as a 3-year agreement and also will not bar a petition filed any time after the end of the third year of the agreement. N.J.A.C. 19:11-2.8(d).

Expired or un-executed agreements will not operate as a bar to the filing of representation petitions.

Petitions filed with the Commission after the close of business on the final day of the applicable open period will not be considered timely filed. A showing of interest as defined by the Commission's Rules must accompany the petition in order for the petition to be considered effectively filed. N.J.A.C. 19:11-1.2(a)(9), (10); N.J.A.C. 19:10-1.1., -2.1, -2.3; N.J.S.A. 34:13A-63.

Representation forms have been updated this year and are available on the Commission's website. Please use the latest forms.



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MEMORANDUM

TO: All Interested Parties
FROM: Director of Representation
RE: GUIDANCE ON ELECTRONIC SHOWING OF INTEREST

Pursuant to N.J.S.A. 34:13A-63, authorization cards and showings of interest may bear the electronic signature of the employee, provided the petitioner provides verification as to the authenticity of the electronic signature through methods deemed acceptable by the Commission. This memorandum is intended to provide guidance.

Showings of interest, including authorization cards, submitted for the purposes of certifying an employee organization as the exclusive majority representative without an election must be signed from the majority of employees in an appropriate unit and indicate, for each employee signatory: the signature, the signatory's name, date of signature (normally required to be within six months of the filing of the petition), and that the signatory wishes to be represented for purposes of collective negotiations by the exactly named petitioning employee organization. An electronically-signed showing of interest should also indicate the signatory's email address. See N.J.A.C. 19:10-1.1.

For example, the following methods of providing a showing of interest may be accepted by the Commission.

- (1) A facsimile or emailed photocopy of a hand-signed showing of interest, provided the original is retained by the petitioner (not the signatory) and produced upon request of the Commission.
- (2) An electronically signed showing of interest supported with a confirmation email. A confirmation email can be (a) an email from the employee organization to the signatory that shows all information received from the signatory, (b) an email from the signatory attaching the showing of interest, (c) an email from the signatory confirming the authenticity of their signature, or (d) an email with appropriate language from the employee to constitute the showing of interest itself. Any emails provided as or with the showing of interest should be provided as individual attachments (along with the representation petition) in a single email sent to mail@perc.state.nj.us. In advance of filing, petitioners should contact the agency regarding the preferred format for email attachments.

Whether a presumption of validity applies to a showing of interest is determined on a case-by-case basis, including those submitted via electronic signature where the method of verification as to authenticity is deemed acceptable. The Commission, on its own initiative or upon sufficient challenge to the validity of the showing of interest by a valid party in the representation proceeding, may convert the proceeding to an election case without further hearing on the validity of the showing of interest. See N.J.A.C. 19:11-2.6.

For inquiries, technical help, and/or further information, please contact 609-292-6780.