



State
of
New Jersey



Public Employment Relations Commission

WHAT IS PERC ?

- PERC is a seven-member Commission established by the New Jersey Employer-Employee Relations Act as an independent neutral agency to foster harmonious public sector labor relations and to prevent or promptly settle labor disputes.
- Two Commission members represent public employers, two represent public employee organizations, and three represent the public. The Chairman is one of the public members. A staff of experienced labor relations neutrals assists the Commission in carrying out its duties. Panels of experienced labor relations neutrals are also used in mediation, fact-finding, conciliation, super conciliation, interest arbitration and grievance arbitration.
- Public employers covered by the Act are the State, counties, municipalities, local school districts, public colleges and universities, charter schools, and autonomous agencies, authorities, boards and commissions.
- Visit www.state.nj.us/perc for the Act, rules, summaries of PERC decisions, interest arbitration awards, arbitrator resumes, reports, forms and more helpful information.

CONTACTING PERC

MAILING ADDRESS

New Jersey Public Employment Relations
Commission
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STREET ADDRESS

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PHONE, FAX & WEB

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Administrative & Legal Section
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Conciliation & Arbitration Section
609-292-9898

Unfair Practice and Representation Section
609-292-6780

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Web Site
www.state.nj.us/perc

PREVENTION OF LABOR DISPUTES

- PERC will work with labor and management to prevent disputes and take steps to foster harmonious relationships.

REPRESENTATION

- Public employees have the right to form, join or assist employee organizations without fear of penalty or reprisal.
- The majority of the employees in a negotiations unit may select an employee organization to be the exclusive representative of all the employees in the unit.
- PERC has the authority to determine the composition of negotiations units, conduct representation elections, and certify exclusive representatives.

NEGOTIATIONS

- The Act requires parties to negotiate in good faith over mandatorily negotiable terms and conditions of employment, permits negotiations over other matters for police and fire employees, and prohibits negotiations over governmental policies.
- When there is a disagreement over whether a negotiations proposal is mandatorily negotiable, either party may file a scope of negotiations petition with PERC. Unless a term and condition of employment is set by statute or regulation, it is mandatorily negotiable if it affects employee work and welfare and does not significantly interfere with a governmental policy determination.

RESOLVING IMPASSES

- When contract negotiations reach an impasse, PERC may appoint a mediator to help the parties reach an agreement. If the parties still cannot reach an agreement, the mediator may recommend appointment of a fact-finder.

- A fact-finder has the authority to issue non-binding recommendations for settlement. In the event of a continuing impasse, PERC can take other steps to help the parties reach a voluntary agreement.

- In law enforcement and fire negotiations, PERC may also appoint an interest arbitrator to help resolve negotiations disputes. Most interest arbitrations are “conventional,” where the arbitrator may fashion a final award that the arbitrator deems most reasonable given certain statutory criteria and the parties’ evidence and arguments.

UNFAIR PRACTICES

- If a charge is made that an employer or an employee organization has violated provisions of the Act, PERC will assign a staff member to work with the parties to try to resolve the dispute.
- When a dispute cannot voluntarily be resolved, PERC will determine whether a violation has occurred and what remedy is appropriate. Such violations are called unfair practices.
- Unfair practice charges may be filed by a public employee, a public employer or an employee organization.

GRIEVANCE PROCEDURES

- All collective negotiations agreements must contain a grievance procedure.
- PERC maintains a panel of grievance arbitrators whose members are available to arbitrate unresolved grievances.
- If a party believes that the subject of a grievance submitted to binding arbitration is not within the scope of negotiations, that party may file a scope of negotiations petition with PERC seeking a restraint of binding arbitration.