



**STATE OF NEW JERSEY  
PUBLIC EMPLOYMENT RELATIONS COMMISSION**

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**April 17, 2023**

**RULEMAKING: NOTICE TO INTERESTED PARTIES**

The Commission proposes new rules to effectuate the readoption of N.J.A.C. 19:12A, with amendments. Chapter 12A was initially promulgated in 2012 to implement portions of P.L. 2011, c. 78 (Chapter 78), an act concerning public employee pension and health care benefits that created Health Benefit Plan Design and Pension committees charged with reviewing and modifying public employee health and pension plans. Sections 33 and 55 of Chapter 78 require the Commission to randomly select and appoint a super conciliator to resolve any impasses resulting from a health benefit or pension committee's failure to render a decision on a matter before it because it has not received a vote of the majority of the committee members after 60 days have passed following initial consideration of the matter. See N.J.S.A. 43:3C-17 and N.J.S.A. 52:14-17.27b.

The amended rules modify the eligibility requirements for appointments to the Health Benefits Plan Design and Pension Committees Super Conciliation Panel by requiring that applicants for such appointments have experience "mediating or adjudicating issues involving health insurance and/or pensions." See proposed N.J.A.C. 19:12A-1.2(b)(1). The rule previously required super conciliation panel members to have experience and expertise in health insurance and pension matters generally, rather than experience resolving disputes concerning those issues. The modified eligibility requirement ensures that panel members will

have the requisite dispute resolution skills to resolve health benefits plan design and pension committee impasses.

The amended rules also modify the cost of super conciliation so that the super conciliator "shall be paid at their grievance arbitration/mediation rate for each eight-hour session." See proposed N.J.A.C. 19:12A-1.5(b). The rule previously had capped the super conciliator's fee at \$1000 per session, a cap which is not required by the statute. The modified fee section should attract more qualified applicants to the super conciliation panel, thus ensuring that the panel has enough members available for appointment when necessary to resolve a health benefits plan design and pension committee impasse.

The proposal has been published in the New Jersey Register at 55 N.J.R. 657(a) on April 17, 2023. The proposed new rules may also be viewed on the Commission's website at: <https://www.state.nj.us/perc/commission/rulemaking/> and are posted in the Commission's office at 495 West State Street in Trenton. Copies of the proposal may also be obtained by calling the Commission's office at (609) 292-9830.

Interested parties may submit written comments on or before June 16, 2023 to Joel M. Weisblatt, Chair, Public Employment Relations Commission, P.O. Box 429, Trenton, NJ 08625-0429, via e-mail to: [rulecomments@perc.state.nj.us](mailto:rulecomments@perc.state.nj.us) or via facsimile to (609) 777-0089.