

ASSEMBLY, No. 646

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman JOHN ARMATO

District 2 (Atlantic)

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District 2 (Atlantic)

SYNOPSIS

Expands military leave benefits for certain public officers and employees subject to proof of service.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning military leave and amending R.S.38:23-1 and
2 N.J.S.38A:4-4.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. R.S.38:23-1 is amended to read as follows:

8 38:23-1. a. A permanent or full-time temporary officer or
9 employee of the State or of a board, commission, authority or other
10 instrumentality of the State, or of a county, school district or
11 municipality, who is a member of the organized reserve of the
12 Army of the United States, United States Naval Reserve, United
13 States Air Force Reserve or United States Marine Corps Reserve, or
14 other organization affiliated therewith, including the National
15 Guard of other states, shall be entitled, in addition to pay received,
16 if any, as a member of a reserve component of the Armed Forces of
17 the United States, to leave of absence from his or her respective
18 duty without loss of pay or time on all work days on which he or
19 she shall be engaged in any period of Federal active duty or inactive
20 duty training, provided, however, that such leaves of absence shall
21 not exceed **【30】** 40 work days in any calendar year. Such leave of
22 absence shall be in addition to the regular vacation or other accrued
23 leave allowed such officer or employee. Any leave of absence for
24 such duty in excess of **【30】** 40 work days shall be without pay but
25 without loss of time.

26 b. Notwithstanding subsection a. of this section, a full-time
27 temporary officer or employee who has served under such
28 temporary appointment for less than one year shall receive for the
29 service hereinabove described leave without pay but without loss of
30 time.

31 c. The public employer shall require an officer or employee to
32 submit to the employer before the leave of absence commences any
33 proof that is available of the purpose for the leave of absence. A
34 public employer shall require an officer or employee to submit to
35 the employer sufficient proof of the actual performance of the
36 Federal active duty or inactive duty training upon return from the
37 leave of absence. Each public employer shall consult with the
38 Department of Military and Veterans' Affairs to determine the type
39 of proof of Federal active duty and inactive duty training that will
40 be deemed sufficient proof of the actual performance of the duty. A
41 leave of absence without loss of pay or loss of time, or both, under
42 this section shall be conditioned on the timely submission to the
43 public employer of the proofs required.

44 (cf: P.L.2001, c.351. s.1)

45

46 2. N.J.S.38A:4-4 is amended to read as follows:

EXPLANATION – Matter enclosed in bold-faced brackets **【thus】** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 38A:4-4. a. A permanent or full-time temporary officer or
2 employee of the State or of a board, commission, authority or other
3 instrumentality of the State or of a county, school district or
4 municipality who is a member of the organized militia shall be
5 entitled, in addition to pay received, if any, as a member of the
6 organized militia, to leave of absence from his or her respective
7 duties without loss of pay or time on all days during which he or
8 she shall be engaged in any period of State or Federal active duty or
9 inactive duty training; provided, however, that the leaves of absence
10 for Federal active duty **【or】** , active duty for training, or inactive
11 duty training shall not exceed 90 work days in the aggregate in any
12 calendar year. Any leave of absence for such duty in excess of 90
13 work days shall be without pay but without loss of time.

14 b. Leave of absence for such military duty shall be in addition
15 to the regular vacation or other accrued leave allowed such officers
16 and employees by the State, county or municipal law, ordinance,
17 resolution, or regulation.

18 c. Notwithstanding subsection a. of this section, a full-time
19 temporary officer or employee who has served under such
20 temporary appointment for less than one year shall receive for the
21 service hereinabove described leave without pay but without loss of
22 time.

23 d. The public employer shall require an officer or employee to
24 submit to the employer before the leave of absence commences any
25 proof that is available of the purpose for the leave of absence. A
26 public employer shall require an officer or employee to submit to
27 the employer sufficient proof of the actual performance of the State
28 or Federal active duty or inactive duty training upon return from the
29 leave of absence. Each public employer shall consult with the
30 Department of Military and Veterans' Affairs to determine the type
31 of proof of State or Federal active duty and inactive duty training
32 that will be deemed sufficient proof of the actual performance of the
33 duty. A leave of absence without loss of pay or loss of time, or
34 both, under this section shall be conditioned on the timely
35 submission to the public employer of the proofs required.

36 (cf: P.L.2001, c.351, s.3)

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38 3. This act shall take effect immediately.
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41 STATEMENT

42
43 This bill expands the military leave benefits for certain public
44 officers and employees.

45 Currently, an officer or employee of the State, an instrumentality
46 of the State, a county, a school district, or a municipality who is a

1 member of a reserve component of the United States Armed Forces
2 or the organized militia of any other state is entitled to receive leave
3 of absence with pay and without loss of time for all work days he or
4 she is engaged in Federal active duty, up to 30 work days in any
5 calendar year.

6 This bill adds inactive duty training to the type of military leave
7 of absence that will be allowed for Reserve or non-New Jersey
8 Guard service and increases the military leave of absence with pay
9 period for that service from up to 30 work days to up to 40 work
10 days in any calendar year.

11 Currently, an officer or employee of the State, an instrumentality
12 of the State, a county, a school district, or a municipality who is a
13 member of the State organized militia is entitled to receive a leave
14 of absence with pay and without loss of time for all work days he or
15 she is engaged in State or Federal active duty, up to 90 work days in
16 any calendar year.

17 This bill adds inactive duty training to the type of military leave
18 of absence that will be allowed for New Jersey Guard service.

19 This bill also conditions a leave of absence without loss of pay or
20 loss of time on the timely submission to the public employer of
21 proof of the purpose of the leave of absence prior to the leave
22 commencing and sufficient proof of the actual performance of the
23 training upon return from the leave.