

ASSEMBLY, No. 1370

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman DANIEL R. BENSON

District 14 (Mercer and Middlesex)

Assemblyman ANTHONY S. VERRELLI

District 15 (Hunterdon and Mercer)

Assemblyman RAJ MUKHERJI

District 33 (Hudson)

SYNOPSIS

Permits retention of vacation leave benefits by State-employed service members on federal active duty and military spouses upon return to State employment within two years of resignation in good standing.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** permitting certain service members and military spouses
2 employed with the State to retain vacation leave benefits under
3 certain reemployment circumstances, and supplementing Title
4 11A of the New Jersey Statutes.

5

6 **BE IT ENACTED** *by the Senate and General Assembly of the State*
7 *of New Jersey:*

8

9 1. a. Notwithstanding any law or regulation to the contrary, a
10 full-time State employee in the career, senior executive, or
11 unclassified service who resigns in good standing from State
12 employment for the purposes of deployment on federal active duty
13 with the United States Armed Forces, or to accompany the
14 employee's spouse who was a member of the United States Armed
15 Forces and who was assigned to military duties outside of New
16 Jersey, shall be entitled, upon returning to State employment, to
17 receive credit for service prior to the resignation for the purpose of
18 determining annual vacation leave benefits.

19 This section shall only apply to persons who return to State
20 employment within two years from the date of their resignation in
21 good standing.

22 b. The Adjutant General of the Department of Military and
23 Veterans Affairs shall be responsible for determining whether any
24 person meets the criteria for deployment for the purposes of federal
25 active duty, or for being a member of the military for the purposes
26 of the member's spouse receiving the benefits under subsection a.
27 of this section, and shall be responsible for adjudicating an appeal
28 from any person disputing this determination. The determination of
29 the Adjutant General shall be binding.

30 The Adjutant General of the Department of Military and
31 Veterans Affairs shall be responsible for determining acceptable
32 proof of military duties requiring a service member to be deployed
33 and move outside of New Jersey.

34 c. The appropriate appointing authority shall determine
35 acceptable proof of marital status, which may include a copy of a
36 marriage license, or a copy of the tax returns from the most recent
37 taxable year reflecting the status of a married couple filing jointly
38 or a married person filing separately.

39 d. Any person deemed ineligible under this act shall forfeit the
40 vacation leave benefits that the person received under subsection a.
41 of this section, and shall be liable for any other penalties or
42 discipline that may be imposed by the employee's appointing
43 authority, and approved by the commission.

44

45 2. This act shall take effect immediately and shall be
46 retroactive to June 1, 2015.

STATEMENT

Under current law, when a permanent employee who has resigned in good standing from State employment, is later reemployed by the State, that employee is treated as a new employee for the purpose of determining annual accumulation of the vacation leave benefits.

Under the bill, a State employee who leaves State employment because of deployment on federal military active duty, or to accompany the employee's spouse assigned to military duties outside of New Jersey, will be entitled, upon reemployment by the State, to receive the annual vacation leave benefits based on total service_credit, including service prior to the resignation in good standing. This will only apply to persons who return to State employment within two years from the date of resignation in good standing.

This bill will be retroactive to June 1, 2015.