

ASSEMBLY, No. 4553

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED AUGUST 24, 2020

Sponsored by:

Assemblyman ROBERT J. KARABINCHAK

District 18 (Middlesex)

Assemblyman STERLEY S. STANLEY

District 18 (Middlesex)

Assemblywoman AURA K. DUNN

District 25 (Morris and Somerset)

SYNOPSIS

Permits paid leave by public officers and employees for inactive duty military training.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/20/2021)

1 **AN ACT** concerning paid leaves of absence for certain members of
 2 the United States Reserves and National Guard and amending
 3 R.S.38:23-1, N.J.S.38A:4-4, and P.L.2001, c.351.

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

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

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

28 b. Notwithstanding subsection a. of this section, a full-time
 29 temporary officer or employee who has served under such temporary
 30 appointment for less than one year shall receive for the service
 31 hereinabove described leave without pay but without loss of time.
 32 (cf: P.L.2001, c.351, s.1)

33
 34 2. N.J.S.38A:4-4 is amended to read as follows:

35 38A:4-4. a. A permanent or full-time temporary officer or
 36 employee of the State or of a board, commission, authority or other
 37 instrumentality of the State or of a county, school district or
 38 municipality who is a member of the organized militia shall be
 39 entitled, in addition to pay received, if any, as a member of the
 40 organized militia, to leave of absence from his or her respective
 41 duties without loss of pay or time on all days during which he or she
 42 shall be engaged in any period of State or Federal active duty or any
 43 period of required inactive duty training or other regularly scheduled
 44 required training; provided, however, that the leaves of absence for
 45 Federal active duty or active duty for training shall not exceed 90

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 work days in the aggregate in any calendar year Any leave of absence
2 for such duty in excess of 90 work days shall be without pay but
3 without loss of time.

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

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

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

13
14 3. Section 4 of P.L.2001, c.351 (C.52:13H-2.1) is amended to
15 read as follows:

16 4. In accordance with the provisions of Article VIII, Section II,
17 paragraph 5 of the New Jersey Constitution, upon application for
18 reimbursement by a county or municipal governing body or a board
19 of education to the State Treasurer for reimbursement and approval
20 of the application by the Director of the Division of Budget and
21 Accounting, reimbursement shall be made by the State for any costs
22 incurred as a result of the provisions of P.L.2001, c.351
23 or P.L. , c. (pending before the Legislature as this bill).

24 (cf: P.L.2001, c.351, s.4)

25
26 4. This act shall take effect immediately.

27 28 29 STATEMENT

30
31 This bill revises the law regarding paid leaves of absence for
32 public officers and employees in the performance of certain service
33 as a member of the organized State militia, which consists of the New
34 Jersey Air and Army National Guard, Naval Militia, and State Guard,
35 or the reserve components of the Armed Forces of the United States,
36 which includes the National Guard of other states. This benefit is
37 commonly known as military leave. The bill permits public officers
38 and employees in the State militia to use paid military leave for any
39 required inactive duty training or other regularly scheduled required
40 training.

41 Currently, an officer or employee of a State agency, county,
42 school district, or municipality who is a member of a reserve
43 component of the Armed Forces of the United States is entitled under
44 N.J.S.A.38:23-1 to 30 work days per calendar year on military leave
45 granted for any period of federal active duty. Under N.J.S.38A:4-4,
46 officers or employees who are members of the National Guard, or
47 other component of the organized militia, of New Jersey are entitled
48 to military leave for State or federal active duty of up to 90 work days

1 per calendar year. While the New Jersey National Guard is also a
2 reserve component of the Armed Forces of the United States,
3 members of the New Jersey National Guard are entitled under
4 N.J.S.A.38A:4-4 to enhanced military leave benefits due to the vital
5 State responsibilities in New Jersey assumed by the New Jersey
6 National Guard in addition to its federal responsibilities.

7 This bill would entitle public officers and employees to use paid
8 leave within the current limits for any period of required inactive duty
9 training or other regularly scheduled required training.

10 The bill requires the State to reimburse a school district or local
11 government for the additional costs incurred as a result of this bill.