

SENATE, No. 3830

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED JUNE 3, 2019

Sponsored by:

Senator VIN GOPAL

District 11 (Monmouth)

Senator KRISTIN M. CORRADO

District 40 (Bergen, Essex, Morris and Passaic)

Co-Sponsored by:

Senators Singleton, Andrzejczak and Brown

SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 11/15/2019)

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 and N.J.S.38A:4-4.
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
13 Army of the United States, United States Naval Reserve, United
14 States Air Force Reserve or United States Marine Corps Reserve, or
15 other organization affiliated therewith, including the National
16 Guard of other states, shall be entitled, in addition to pay received,
17 if any, as a member of a reserve component of the Armed Forces of
18 the United States, to leave of absence from his or her respective
19 duty without loss of pay or time on all work days on which he or
20 she shall be engaged in any period of Federal active duty~~[,] or any~~
21 period of required inactive duty training or other regularly
22 scheduled required training; provided, however, that such leaves of
23 absence shall not exceed 30 work days in any calendar year. Such
24 leave of absence shall be in addition to the regular vacation or other
25 accrued leave allowed such officer or employee. Any leave of
26 absence for such duty in excess of 30 work days shall be without
27 pay but without loss of time.

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

33 (cf: P.L.2001, c.351, s.1)
34

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

36 38A:4-4. a. A permanent or full-time temporary officer or
37 employee of the State or of a board, commission, authority or other
38 instrumentality of the State or of a county, school district or
39 municipality who is a member of the organized militia shall be
40 entitled, in addition to pay received, if any, as a member of the
41 organized militia, to leave of absence from his or her respective
42 duties without loss of pay or time on all days during which he or
43 she shall be engaged in any period of State or Federal active duty or
44 any period of required inactive duty training or other regularly
45 scheduled required training; provided, however, that the leaves of

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 absence for Federal active duty or active duty for training shall not
2 exceed 90 work days in the aggregate in any calendar year. Any
3 leave of absence for such duty in excess of 90 work days shall be
4 without pay but without loss of time.

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

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

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

15
16 3. This act shall take effect immediately.

17 18 19 STATEMENT

20
21 This bill revises the law regarding paid leaves of absence for
22 public officers and employees in the performance of certain service
23 as a member of the organized State militia, which consists of the
24 New Jersey Air and Army National Guard, Naval Militia, and State
25 Guard, or the reserve components of the Armed Forces of the
26 United States, which includes the National Guard of other states.
27 This benefit is commonly known as military leave. The bill permits
28 public officers and employees in the State militia to use paid
29 military leave for any required inactive duty training or other
30 regularly scheduled required training.

31 Currently, an officer or employee of a State agency, county,
32 school district, or municipality who is a member of a reserve
33 component of the Armed Forces of the United States is entitled
34 under N.J.S.A.38:23-1 to 30 work days per calendar year on
35 military leave granted for any period of federal active duty. Under
36 N.J.S.38A:4-4, officers or employees who are members of the
37 National Guard, or other component of the organized militia, of
38 New Jersey are entitled to military leave for State or federal active
39 duty of up to 90 work days per calendar year. While the New Jersey
40 National Guard is also a reserve component of the Armed Forces of
41 the United States, members of the New Jersey National Guard are
42 entitled under N.J.S.A.38A:4-4 to enhanced military leave benefits
43 due to the vital State responsibilities in New Jersey assumed by the
44 New Jersey National Guard in addition to its federal
45 responsibilities.

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