

CHAPTER 351

AN ACT concerning military leave for public officers and employees, amending R.S.38:23-1, N.J.S.38A:1-1 and N.J.S.38A:4-4 and repealing P.L.1953, c.350 (C.38:23-1 et seq.).

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

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

Leave of absence for public officers, employees.

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

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

2. N.J.S.38A:1-1 is amended to read as follows:

Definitions.

38A:1-1. The following definitions apply to this Title:

(a) "Militia" means all the military forces of this State, whether organized, or active or inactive.

(b) "National Guard" means the Army National Guard and the Air National Guard.

(c) "Army National Guard" means that part of the organized militia that is a land force, is trained and has its officers appointed under the 16th clause of section 8, Article I of the Constitution of the United States, is organized, armed and equipped wholly or partly at Federal expense, and is Federally recognized.

(d) "Army National Guard of the United States" is the reserve component of the Army of the United States all of whose members are members of the Army National Guard.

(e) "Air National Guard" means that part of the organized militia that is an air force, is trained and has its officers appointed under the 16th clause of section 8, Article I, of the Constitution of the United States, is organized, armed and equipped wholly or partly at Federal expense, and is Federally recognized.

(f) "Air National Guard of the United States" means the reserve component of the Air Force of the United States all of whose members are members of the Air National Guard.

(g) "Armed forces" means the land, air and sea forces established by State or Federal laws, as applicable.

(h) "Military" means any part of or all of the armed forces.

(i) "Active duty" means duty in the active military service.

(j) "Active duty for training" means duty in the active military service for training purposes.

(k) "Inactive duty training" means duty performed by a member of the organized militia other than active duty or active duty for training.

(l) "Officer" means commissioned officer or warrant officer.

(m) "Grade" means a step or degree, in a graduated field of office or military rank, that is established and designated as a grade by law or regulation.

(n) "Rank" means the order of precedence among members of the armed forces.

(o) "Permanent duty status" means full-time employment of a member of the organized militia ordered to active duty by the Governor to serve in the Department of Military and Veterans' Affairs.

- (p) "Shall" is used in an imperative sense.
- (q) "Will" is used in a permissive sense.
- (r) "Regulations" means the rules and regulations on the governing and training of the militia.
- (s) "Federal service" means duty in the active service of the United States.
- (t) "Armory" means any building or training installation utilized by the organized militia.

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

Leave of absence without loss of pay, exceptions.

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

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

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

C.52:13H-2.1 Reimbursement by State for cost incurred for certain military leave.

4. In accordance with the provisions of Article VIII, Section II, paragraph 5 of the New Jersey Constitution, upon application for reimbursement by a county or municipal governing body or a board of education to the State Treasurer for reimbursement and approval of the application by the Director of the Division of Budget and Accounting, reimbursement shall be made by the State for any costs incurred as a result of the provisions of P.L.2001, c.351.

Repealer.

5. P.L.1953, c.350 (C.38:23-1.1 et seq.) is repealed.

6. This act shall take effect immediately.

Approved January 6, 2002.