CHAPTER 2

LEAVES OF ABSENCE FOR MILITARY DUTY FOR AND BY MEMBERS OF THE ORGANIZED MILITIA

Authority

N.J.S.A. 38A:3–6(*o*) and 38A:4–4.

Source and Effective Date

R.2003 d.22, effective December 13, 2002.
See: 34 N.J.R. 2890(a), 35 N.J.R. 404(a).

Chapter Expiration Date

Chapter 2, Leaves of Absence for Military Duty for and by Members of the Organized Militia, expires on December 13, 2007.

Chapter Historical Note

Chapter 2, Leaves of Absence for Military Duty for and by Members of the National Guard, was originally adopted as R.1985 d.242, effective May 20, 1985. See: 17 N.J.R. 646(a), 17 N.J.R. 1267(a).

Pursuant to Executive Order No. 66(1978), Chapter 2, Leaves of Absence for Military Duty for and by Members of the National Guard, was readopted as R.1990 d.309, effective May 17, 1990. See: 22 N.J.R. 1185(b), 22 N.J.R. 1935(a).

Pursuant to Executive Order No. 66 (1978), Chapter 2, Leaves of Absence for Military Duty for and by Members of the National Guard, expired on May 17, 1995.

Chapter 2, Leaves of Absence for Military Duty for and by Members of the National Guard, was adopted as R.1997 d.288, effective July 21, 1997. See: 29 N.J.R. 969(a), 29 N.J.R. 3250(a).

Chapter 2, Leaves of Absence for Military Duty for and by Members of the Organized Militia, was readopted as R.2003 d.22, effective December 13, 2002. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. GENERAL PROVISIONS

5A:2–1.1 Scope

(a) This chapter is applicable to members of the organized militia of this State which consists of the New Jersey Army and Air National Guard (hereinafter "National Guard"), Naval Militia, and State Guard and their employers so long as the employer is the State, a board, commission, authority or other instrumentality of the State or a county, school district or municipality of this State. This chapter does not apply to Reserve Components of the Armed Forces other than the New Jersey National Guard.

(b) Members of other Reserve Components of the Armed Forces to include the Army, Navy, Air Force, Coast Guard, Marines and National Guard members of other states whose employers are the State of New Jersey, a county, school district, municipality, board, commission, or authority should refer to New Jersey Department of Personnel, Merit System Board rule on military leave for guidance. See N.J.A.C. 4A:6–1.11.

(c) For members of the organized militia, these rules should be read in conjunction with the Merit System Board rule on military leave. See N.J.A.C. 4A:6–1.11.

(d) In addition to the obligations set forth in this chapter, both public and private employers have additional, concurrent obligations under Federal law regarding military leave. See 38 U.S.C. §§ 4301 et seq.

Amended by R.2003 d.22, effective January 21, 2003.
See: 34 N.J.R. 2890(a), 35 N.J.R. 404(a).
Rewrote the section.

5A:2–1.2 Definitions

The following words and terms, when used in this chapter, shall have the following meanings:

"Federal active duty or active duty for training" means duty ordered in accordance with any Federal law, including, but not limited to, Titles 10 and 32 of the United States Code or any Federal regulation.

"State active duty or active duty for training" means active duty ordered in accordance with any law or rule of this State.

New Rule, R.2003 d.22, effective January 21, 2003.
See: 34 N.J.R. 2890(a), 35 N.J.R. 404(a).

SUBCHAPTER 2. MILITARY LEAVE

5A:2–2.1 General policy

(a) Employers that are the State or a board, commission, authority or other instrumentality of the State or a county, school district or municipality of the State are required to grant leaves of absence to members of the organized militia in accordance with N.J.S.A. 38A:4–4, which provides:

1. 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 one calendar year. Any leave of absences for such duty in excess of 90 work days shall be without pay but without loss of time.

2. 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.

3. Notwithstanding (a) above, a full-time temporary officer or employee who has served under such temporary appointment for less than one year shall receive for the service described in (a), (a)1 and (a)2 above leave without pay but without loss of time.

(b) Leaves of absence with pay are not authorized for Inactive Duty Training. Inactive Duty Training (IDT) is defined by Army, Air Force, and National Guard and State Regulation and includes, but is not limited to:

1. Unit Training Assemblies (UTA): This training is commonly known as weekend drill;

2. Rescheduled Unit Training Assemblies (RUTA): This training is a makeup period for a UTA;

3. Split Unit Training Assemblies (SUTA): This training is a makeup period for a UTA;

4. Additional Flight Training Period (AFTP): Additional time authorized for flight training/validation;

5. Readiness Management Assemblies (RMA): Used to plan/prepare training;

6. Additional Training Assemblies (ATA): Used to accomplish administrative actions in support of training;

7. M-COFT AUTA: Authorized additional training time authorized for instruction of operation of M–COFT training device;

8. Proficiency Training (PT); and

9. Training Period Preparation Assembly (TPPA).

(c) Employees are entitled to leaves of absence without pay for inactive duty training as identified in (b) above.

Amended by R.2003 d.22, effective January 21, 2003.
See: 34 N.J.R. 2890(a), 35 N.J.R. 404(a).
Rewrote the section.