

NOTICE OF PROPOSED RULE ADOPTION

N.J.A.C. 5A:2 LEAVES OF ABSENCE FOR MILITARY DUTY FOR AND BY MEMBERS OF THE ORGANIZED MILITIA

The New Jersey Department of Military and Veterans Affairs has proposed for readoption with amendments N.J.A.C 5A:11 that establishes paid leaves of absence for members of the State's organized militia, that is the New Jersey Army National Guard, New Jersey Air National Guard, New Jersey Naval Militia, and the New Jersey State Guard pursuant to N.J.S.A. 38A:4-4.

The intent of N.J.A.C. 5A:2 is to clarify the entitlement of New Jersey public employees serving in New Jersey's organized militia to paid leaves of absence for certain types of military duty. The proposed entitlements do not change entitlements as published but rather reduce confusion regarding applicability. The adoption of these amendments is necessary to alleviate confusion among employers who are the State, a board, commission, authority or other instrumentality of the State or a county, school district or municipality of this State.

The Legislature acknowledged the benefits to society gained from the military service of the State's organized militia members and provides paid leaves of absence for military service as an added incentive for public employees to serve.

As the Department has provided a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirements, pursuant to N.J.A.C. 1:30-3.3(a)5.

The proposed rule will be published in the October 6, 2014 edition of the New Jersey Register and can also be found at:

http://www.nj.gov/military/admincode/proposedrules/ProposedRule_NJAC5A-2_Leaves_of_Absence_Military_Duty_6Oct2014.pdf

The deadline for comments is December 5, 2014. Comments may be submitted to:

Mark A. Preston
Chief, Administrative Services Bureau
Attn: IASD-ASB
NJ Department of Military and Veterans Affairs
PO Box 340
Trenton, NJ 08625-0340
Fax: (609) 530-7193
Email: mark.preston@dmava.nj.gov