

Helpful Hints – Organized Militias

The Superior Court is empowered to grant relief. This class of cases must be moved to the front of the calendar and the \$175 filing fee is waived. In some cases, the organized militia member's case may be prosecuted by the Attorney General on the member's behalf.

What happens if an organized militia member is insured while performing State service?

If the injury is determined to have occurred in the line of duty, the member is entitled to workers' compensation law protections (see NJSA 38A:13-1 et. Seq.)

Is an organized militia member entitled to receive any pay from the employer while performing military service?

Members of the organized militia who are employees of the state or of any board or commission of the State or of any county, school district, or municipality are entitled to paid leaves of absence for up to 90 days per calendar year while performing state active duty (see NJSA 38A:4-4)

Does the law provide for any other protections?

Yes, there are specific provisions providing for stays of pending litigation, potentially allowing for the termination of leases, giving some protection against eviction, but the law does not allow an organized militia member to stop paying their debts.

Must an employer release an employee who has been ordered to State Active Duty?

Yes, pursuant to NJSA 38A:204, 404, 3-6.1, 16-1(a), 17-1, and 18-1 et seq. There are also criminal penalties for depriving organized militia members of employment or obstructing them from performing their military duties (see NJSA 38A: 14-4)