

READY RESERVE KEY EMPLOYEE SCREENING EXCEPTION PROCESS

BACKGROUND:

- DoD policy as established in DoD Directive 1200.7 provides for screening members of the Ready Reserve at least annually to meet the provisions of 10 USC 10149 to provide a Ready Reserve force composed of members who are available immediately for active duty during a mobilization or as otherwise required by law.
- This policy further provides that on mobilization, all personnel actions relating to screening shall be held in abeyance, and all members remaining in the Ready Reserve are considered immediately available for active duty service. No deferment, delay or exemption shall be granted because of civilian employment.

DISCUSSION:

- Because of the unique situation created by the events of September 11, 2001, and the Global War on Terrorism, it was recognized that certain individuals, not normally considered “key” employees, may have civilian jobs critical to national security.
- In an exception to policy, dated October 3, 2001, the Secretary of Defense approved consideration of “special case exemptions” and delegated to Under Secretary for Personnel and Readiness the authority to evaluate and adjudicate requests for deferment, delay or exemption, based on key position guidelines.
- Due to the nature of the current emergency, which requires not only mobilization of the Ready Reserve but also maintaining institutions responsible for public safety, public health and the Nation’s economic well-being, requests to delay or exempt members of the Ready Reserve based on the critical nature of their civilian employment are considered on a case-by-case basis.

EXCEPTION PROCESS:

- Using the guidelines set out below, civilian agencies and businesses may identify those positions within their organizations that are filled by members of the Ready Reserve and are deemed critical under the current national emergency. Each agency or business may then submit to the Secretary of Defense a consolidated request that includes the names of those employees who are members of the Ready Reserve and who fill critical positions. The consolidated request must explain why each Reservist should be either delayed or exempted from the mobilization.
- The appropriate Military Service evaluates each request with respect to each individual’s military requirement, to include the nature of the member’s unit of assignment. The Services consider whether alternative, equivalent personnel are available to meet mobilization requirements and whether the requirement necessitates skills that are possessed uniquely by the individual. The Military Service then provides a recommendation to the Assistant Secretary of Defense for Reserve Affairs with regard to whether the request should be granted or denied.
- All requests for delay or exemption are processed through the Assistant Secretary of Defense for Reserve Affairs, under the Under Secretary of Defense for Personnel and Readiness.

- The guidelines established for determining whether an individual should be considered a “key civilian employee” during the current national emergency are similar to those set out in DoDD 1200.7 for annual screening of the Ready Reserve. A “key employee” is any employee occupying a key position, i.e., a position that shall not be vacated during a national emergency or mobilization without SERIOUSLY impairing the capability of the agency or business to function effectively. **However, the exception process during the current national emergency is much more rigorous and stringent than the “key employee” screening process accomplished during peacetime. For this reason, while the Department has fielded thousands of informal requests, only 209 formal requests have been considered with 51 exemptions and 87 delays granted, since the national emergency was declared following the events of September 11, 2001.**
- In determining whether or not a position should be designated as a "key position," the following questions should be considered by the agency or business concerned:
 - Can the position be filled in a reasonable time after mobilization?
 - Does the position require technical or managerial skills that are possessed uniquely by the incumbent employee?
 - Is the position associated directly with defense mobilization?
 - Does the position include a mobilization or relocation assignment in an Agency having emergency functions, as designated by E.O. 12656 (Assignment of Emergency Preparedness Responsibilities)?
 - Is the position directly associated with industrial or manpower mobilization, as designated in E.O.s 12656 and E.O. 12919 (National Defense Industrial Resources Preparedness)?
 - Are there other factors related to the national defense, health, or safety that will make the incumbent of the position unavailable for mobilization?
- Requests for an exemption or delay must be sent to the Secretary of Defense (via the appropriate Military Service?) from the Head of the Agency or Organization and include:
 - General explanation of why the agency/organization is requesting such action.
 - General categories of personnel for whom exemption/delay is being requested
 - Justification of why each category needs to be exempted/delayed.
 - Time period of exemption/delay for each requested category.
 - Name, telephone number, and e-mail address of agency/organization POC.
 - Attachment listing full name, social security number and Reserve component status (Drilling or IRR) of each individual for whom exemption/delay is being requested; grouped by the general categories described in the cover letter; and specifying the time period for the individual exemption or delay if different than that provided in the description of the general category.
- Ready Reservists who are designated as special exemption key employees are either delayed from active duty for a specified period of time, or exempted from the mobilization and transferred to the Standby Reserve or the Retired Reserve, or discharged, as appropriate. The Department only considers exemption or delay requests for Reservists whose mobilization is pending or projected to ensure that members are not removed from the Ready Reserve prematurely.