

shall discharge them, as appropriate, under 10 U.S.C. 271(b). However, reserve officers with a remaining military service obligation at the time of their removal from the Ready Reserve may be transferred only to the Standby Reserve, Active Status (section 1005 of title 10, U.S.C.).

(ii) *Key position designation guidelines.* In determining whether or not a position should be designated as a key position, the following questions should be considered by the Federal agency concerned:

(A) Can the position be filled in a reasonable time after mobilization?

(B) Does the position require technical or managerial skills that are possessed uniquely by the incumbent employee?

(C) Is the position associated directly with defense mobilization?

(D) Does the position include a mobilization or relocation assignment in an agency having emergency functions as designated by E.O. 11490?

(E) Is the position directly associated with industrial or manpower mobilization as designated in E.O. 11490 and E.O. 10480?

(F) Are there other factors related to national defense, health, or safety that would make the incumbent of the position unavailable for mobilization?

(c) *Removal Recommendations.* All employers who determine that a Ready Reservist is a key employee, in accordance with the guidelines contained in this part, promptly should report that determination to the cognizant reserve. The letter format shown in Appendix A should be used for such recommendations and should be mailed to the cognizant reserve personnel center listed in Appendix B. All the information shown in the letter format should be provided so the reserve personnel center can assess properly the matter and take appropriate action.

(d) *Resolution of conflicting manpower needs.* In accordance with 44 CFR part 333, the Federal Emergency Management Agency (FEMA) has the authority to adjudicate, before mobilization, conflicts between the mobilization manpower needs of the civilian sector and the military that the Ready Reserve screening process has identified but has not resolved.

(e) *Individual responsibilities of Ready Reservists.* (1) Each Ready Reservist who is not a member of the Selected Reserve is obligated to notify the Secretary of the Military Department concerned of any change of address, marital status, number of dependents, or civilian employment and any other change that would prevent the member from meeting mobilization standards prescribed by the Military Service concerned (10 U.S.C. 652).

(2) All Ready Reservists shall inform their employers of their Reserve military obligation.

§ 44.6 Responsibilities.

(a) *The Assistant Secretary of Defense (Reserve Affairs) (ASD(RA))* shall manage and control the overall Ready Reserve screening program in accordance with section 271 of title 10, U.S.C., E.O. 11190, and House Appropriations Committee Report 95-451.

(b) *The Secretaries of the Military Departments* shall:

(1) Screen, at least annually, all Ready Reservists under their jurisdiction to ensure their immediate availability for active duty.

(2) Ensure that personnel records systems incorporate information on any factors that limit the mobilization availability of a Ready Reservist.

(3) Ensure that all Ready Reservists have a favorably completed National Agency Check (NAC) or Entrance National Agency Check (ENTNAC) on file.

(4) Ensure that Ready Reservists not on active duty are examined as to physical fitness in accordance with DoD Directive 1205.9.

(5) Process members of the Ready Reserve who do not participate satisfactorily in accordance with parts 100, 101, and 115 of this title.

(6) Transfer Ready Reservists identified as occupying key positions to the Standby Reserve or the Retired Reserve or discharge them, as appropriate.

(7) After making a removal determination in response to a petition for such action, promptly transmit the results of that determination to the Ready Reservist concerned and his or her employer.