



DoD INSTRUCTION 1205.22

EMPLOYER SUPPORT OF THE GUARD AND RESERVE (ESGR)

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| Approved by: | A. M. Kurta, Performing the Duties of the Under Secretary of Defense for Personnel and Readiness |

Purpose: This issuance, in accordance with the authority in DoD Directive 5124.02, establishes policy, assigns responsibilities, and prescribes procedures for:

- Staffing ESGR.
- Developing programs that promote employer and community support for the operational missions and activities of Reserve Component (RC) members.
- Conducting recurring employer relations training of RC members, in accordance with DoD Instruction (DoDI) 1205.12.

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SECTION 1: GENERAL ISSUANCE INFORMATION

1.1. APPLICABILITY. This issuance applies to OSD, the Military Departments (including the Coast Guard at all times, including when it is a Service in the Department of Homeland Security by agreement with that Department), the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the DoD (referred to collectively in this instruction as the “DoD Components.”)

1.2. POLICY. It is DoD policy that ESGR:

- a. Promotes both public and private understanding of the RCs.
- b. Gains and maintains employer and community support for the RCs.
- c. Implements personnel programs, policies, and practices that encourage employee and citizen participation in the RCs.
- d. Serves as the DoD lead for all matters concerning education about and employer recognition of Chapter 43 of Title 38, United States Code (also known and referred to in this issuance as the “Uniformed Services Employment and Reemployment Rights Act (USERRA) of 1994”).

SECTION 2: RESPONSIBILITIES

2.1. ASSISTANT SECRETARY OF DEFENSE FOR MANPOWER AND RESERVE AFFAIRS (ASD(M&RA)). Under the authority, direction, and control of the Under Secretary of Defense for Personnel and Readiness (USD(P&R)) and in accordance with DoDD 5125.01 and the March 20, 2016, Deputy Secretary of Defense Memorandum, the ASD(M&RA):

- a. Maintains oversight of employer support policies and programs that affect RC members.
- b. Advocates for programs and policies that encourage and build employer support for employee participation in the RC.

2.2. DEPUTY ASSISTANT SECRETARY OF DEFENSE FOR RESERVE INTEGRATION. Under the authority, direction, and control of the ASD(M&RA), the Deputy Assistant Secretary of Defense for Reserve Integration:

- a. Develops policy guidance on and direct oversight of all ESGR programs.
- b. Serves as Chair of the Secretary of Defense (SecDef) Employer Support Freedom Award (FA) National Selection Board, in accordance with Headquarters (HQ) ESGR Instruction 1250.30.
- c. Recommends an appropriate and qualified person, in accordance with the criteria in Section 3.2.a of this issuance, for appointment by SecDef to serve as the ESGR National Chair (NC).
- d. In coordination with the Military Services, their RC Chiefs, and the ESGR Executive Director (ED), determines the size and manning distribution of HQ ESGR military staff members.

2.3. DIRECTOR, DEPARTMENT OF DEFENSE HUMAN RESOURCES ACTIVITY (DODHRA). Under the authority, direction, and control of the USD(P&R), the Director, DoDHRA:

- a. Is responsible for the overall administration and approval of ESGR operations and maintenance budgeting, and the execution of funds pertaining to official reception, representation, and outreach activities and materials provided to Service members and their employers for the purpose of furthering the commitment of employers to employees who serve in an RC.
- b. Allocates resources to develop, manage, and execute the DoD-approved ESGR employer support activities and programs.
- c. Provides guidance and support, program and budget management, and other administrative, facility, and logistical support for ESGR operations.

d. Provides fiscal management and oversight to ensure all ESGR program funds are accounted for in the DoDHRA budget. Exercises authority, direction, and control over ESGR and provides guidance and assistance in the development of ESGR budgetary requirements. In accordance with the Joint Travel Regulations and DoDI 7250.13, regulates ESGR spending of operations and maintenance funds for certain official representation funds (ORF) type or public outreach and education activities and materials.

e. Ensures ESGR executes the ESGR mission and tasking.

2.4. SECRETARIES OF THE MILITARY DEPARTMENTS AND COMMANDANT OF THE U.S. COAST GUARD. The Secretaries of the Military Departments and the Commandant of the U.S. Coast Guard:

a. Establish a central point of contact at each RC HQ or Reserve regional command and each National Guard State HQ that can render assistance to:

(1) RC members about employment and reemployment rights, benefits, and obligations.

(2) Employers of RC members about duty or training requirements arising from a member's uniformed service or service obligation.

b. Inform RC members of ESGR services.

SECTION 3: PROCEDURES

3.1. ORGANIZATION. ESGR is a component of DoDHRA that provides program and administrative support to ESGR State committees (SCs). Section 4 of this issuance defines the ESGR's organizational elements and leadership positions. The ESGR HQ is comprised of DoD civilian employees and military personnel from all of the Military Services.

a. Mission. ESGR is a DoD office that develops and promotes supportive work environments for Service members in the RC through outreach, recognition, and educational opportunities that increase awareness of applicable laws. It also provides assistance in resolving conflicts between the Service members and their employers.

b. ESGR Vision and End State. That all employers support and value the employment of members of the RCs in the United States and its territories, thereby increasing the readiness of the RCs.

c. Volunteers. ESGR SC members are volunteers pursuant to Section 1588(a)(8) of Title 10, U.S.C., who serve to advance the mission of the ESGR program in promoting participation in the RC and resolving conflicts between employers and RC employees. They serve without compensation and must sign a DD Form 2793, "Volunteer Agreement for Appropriated Fund Activities and Non-Appropriated Fund Instrumentalities," located on the DoD Forms Management Program Website at <http://www.dtic.mil/whs/directives/forms/index.htm>. ESGR SC members' actions must reflect favorably on DoD and ESGR, and any adverse or inappropriate behavior will be cause for removal from an SC.

d. Transportation. Travel and related expenses will be in accordance with the Joint Travel Regulations, Appendix O: TDY Travel Allowances, Sections: T4000-T4070 (<http://www.defensetravel.dod.mil/Docs/perdiem/JTR.pdf>).

3.2. ESGR NC. The NC is appointed as an unpaid consultant by the SecDef. HQ ESGR provides administrative support for the NC.

a. Selection Criteria. Candidates for NC will be nationally influential and recognizable business or community leaders. Candidates must be of respectable character, have a strong desire to serve, and have the time and energy to devote to this very demanding position.

b. Tenure. The SecDef will appoint an NC for a term of 3 years, to serve at the discretion of the SecDef. Tenure may be extended for only one additional 3-year term or any portion thereof. The NC may not serve more than two terms in total, whether or not such terms are consecutive. To provide for an orderly transition and installation of the NC, each term of appointment will begin on the first day of the fiscal year immediately following the appointment.

c. The ESGR NC:

(1) Through the ASD(M&RA) and the USD(P&R), advises and assists the SecDef on matters relating to ESGR.

(2) Provides advice regarding current operations and the strategic direction of the ESGR program.

(3) In consultation with the ESGR ED, provides advice to SC Chairs and ESGR subcommittees.

(4) In conjunction with the ESGR ED, participates in the selection process and makes assignment recommendations of SC Chairs to the ASD(M&RA).

(5) Meets with senior officials of the DoD and business community to outline ESGR programs and accomplishments and seek their support and advice.

(6) Recommends priorities for development and execution of employer support programs and activities.

(7) Advises the ESGR ED on organizing the SC and directing its activities.

(8) Serves as a primary focal point for interaction with professional and trade associations, business and industry leaders, military leadership, and the International Council of Employer Support to promote ESGR outreach efforts.

(9) Communicates regularly with influential business and civic leaders at the national level regarding the important role of the RC and its contribution to the Total Force.

(10) Serves as one of two senior ESGR personnel with direct input to the ASD(M&RA), Director, DoDHRA, and the USD(P&R) relative to ESGR activities.

(11) In consultation with the ESGR ED, provides senior oversight of the planning, execution, and evaluation of all volunteer training and development.

(12) Participates in quarterly meetings with HQ ESGR staff and provides advice regarding program and budget assessment, review, and future planning.

3.3. ESGR ED. The ESGR ED will normally be a member of the Senior Executive Service. He or she serves full time to manage and direct ESGR programs and activities. The ED is the principal advisor to the Deputy Assistant Secretary of Defense for Reserve Integration for all issues pertaining to the employment support of the RC, including USERRA education and employer recognition. The ED:

a. Develops ESGR policy and provides guidance and oversight of the daily activities of all ESGR programs and functions, including written guidance and direction to SC Chairs.

b. Identifies, validates, budgets, and accounts for resources necessary to support the ESGR mission and ensure compliance with all applicable regulations, instructions, and guidelines.

- c. Maintains an ORF log of approved events and a gift log for audit purposes. Provides internal reporting requirements, as necessary, to the ASD(M&RA), Deputy Assistant Secretary of Defense for Reserve Integration, and the Director, DoDHRA.
- d. Establishes and provides guidance on SC operations to the ESGR SC Chairs.
- e. In consultation with the NC, approves ESGR's 5-year strategic plan.
- f. Appoints the ESGR SC Chairs based on recommendations from the field and NC.
- g. Maintains a recognition program to award the employers of RC members and their spouses for providing outstanding support of RC members' military service and of their spouses.
- h. Maintain records, as required by DoDI 5015.02 and Administrative Instruction 15. If records include personally identifiable information, ensure personnel are trained to comply with DoD 5400.11-R.

3.4. RC CHIEFS. The RC Chiefs, excluding the U.S. Coast Guard:

- a. Provide the ESGR with appropriate military staff to execute the ESGR mission.
- b. Ensure RC units perform training concerning employer relations in accordance with DoDI 1205.12 and USERRA. Make RC members aware of services provided by ESGR.
- c. Communicate to internal and external audiences the importance of positive employer support.
- d. Direct unit commanders to assign a unit leader to serve as the Unit Employer Support Representative (UESR). As part of this collateral duty assignment, the UESR will ensure that USERRA and employer relations training is provided to unit members. The UESR will serve as the primary point of contact with the local ESGR SC Chair.

3.5. COMMANDERS OF RESERVE PERSONNEL CENTERS. The Commanders of Reserve Personnel Centers for each Military Service will communicate the informational items cited in Section 2.4. of this issuance to members of the RC who are not permanently assigned to a unit.

3.6. ESGR CHAIRS. Under the guidance and direction of the ESGR ED, the ESGR SC Chairs:

- a. Oversee SC organization and membership while recruiting a representative volunteer base, assigning SC positions, and monitoring SC member participation.
- b. Assist the ED in informing all volunteers of the requirement to complete and sign the official DD Form 2793, "Volunteer Agreement for Appropriated Fund Activities and Non Appropriated Fund Instrumentalities," before participating in any ESGR activities.

- c. Develop and establish goals, objectives, priorities, and measurements for the SC that support ESGR's vision and mission, in accordance with ESGR's strategic plan. Ensure all volunteers understand ESGR's purpose and goals, as well as the expectations of the SC leadership.
- d. Execute SC operations in support of HQ and field ESGR mission, goals, objectives, and priorities, as outlined in the ESGR strategic plan located at www.esgr.mil/Volunteers/ResourcesLibrary.
- e. Advance and publicize the mission and purpose of ESGR with employers, RC leadership, and members within their States or territories to promote employer support.
- f. Organize volunteer support to Yellow Ribbon Reintegration Program events to inform RC members and their families of ESGR's mission and member and employer rights and responsibilities pursuant to USERRA.
- g. Are appointed for a 3-year term and may not serve more than two terms in total, whether or not such terms are consecutive.

SECTION 4: ESGR ORGANIZATIONAL ELEMENTS AND LEADERSHIP POSITIONS

4.1. ESGR. ESGR, is organized with an NC and an ED, and HQ staff, and SC volunteers residing in each State, district, and territory. Membership requirements, status, and appropriate duties for volunteers are addressed in DoDI 1100.21.

4.2. HQ ESGR. HQ ESGR, led by the ED, is comprised of military personnel and full-time or permanent part-time civilian employees who administer ESGR programs and initiatives. HQ ESGR provides ombudsman services, conducts national employer and RC member outreach initiatives, and provides direction, training, and support to all ESGR SC.

GLOSSARY

G.1. ACRONYMS.

| | |
|-----------|---|
| ASD(M&RA) | Assistant Secretary of Defense for Manpower and Reserve Affairs |
| DoDHRA | Department of Defense Human Resources Activity |
| DoDI | DoD instruction |
| ED | executive director |
| ESGR | Employer Support of the Guard and Reserve |
| FA | freedom award |
| HQ | headquarters |
| NC | national chair |
| ORF | official representation funds |
| RC | Reserve Component |
| SC | State committee |
| SecDef | Secretary of Defense |
| UESR | Unit Employer Support Representative |
| USD(P&R) | Under Secretary of Defense for Personnel and Readiness |
| USERRA | Uniformed Services Employment and Reemployment Rights Act |

G.2. DEFINITIONS.

ORF. For the purpose of this issuance, official funding that upholds the standing and prestige of the United States by extending official courtesies to certain officials and dignitaries of the United States and foreign countries. ORFs are used for military functions, receptions, lunches, dinners, modest entertainment, and community relations activities.

RC. Defined in the DoD Dictionary of Military and Associated Terms.

REFERENCES

- Administrative Instruction 15, “OSD Records and Information Management Program,” May 3, 2013
- Deputy Secretary Memorandum, “Re-designation of the Positions of Assistant Secretary of Defense for Reserve Affairs and Assistant Secretary of Defense for Readiness and Force Management,” March 20, 2015
- DoD 5400.11-R, “Department of Defense Privacy Program,” May 14, 2007
- DoD Directive 5124.02, “Under Secretary of Defense for Personnel and Readiness (USD(P&R)),” June 23, 2008
- DoD Directive 5125.01, “Assistant Secretary of Defense for Reserve Affairs (ASD(RA)),” December 27, 2006, as amended
- DoD Instruction 1100.21, “Voluntary Services in the Department of Defense,” March 11, 2002, as amended
- DoD Instruction 1205.12, “Civilian Employment and Reemployment Rights for Service Members, Former Service Members, and Applicants of the Uniformed Services,” February 24, 2016, as amended
- DoD Instruction 5015.02, “DoD Records Management Program,” February 24, 2015
- DoD Instruction 7250.13, “Use of Appropriated Funds for Official Representation Purposes,” June 30, 2009
- Employer Support of the Guard and Reserve Instruction 1250.30, “Secretary of Defense Employer Support Freedom Award,” May 7, 2013
- Joint Travel Regulations, “Uniformed Service Members and Department of Defense Civilian Employees,” October 1, 2014
- Office of the Chairman of the Joint Chiefs of Staff, “DoD Dictionary of Military and Associated Terms,” current edition
- United States Code, Title 10, Section 1588
- United States Code, Title 38, Chapter 43 (also known as the “Uniformed Services Employment and Reemployment Rights Act (USERRA) of 1994”)