

Answers to the most common questions about partial mobilization

October 7, 2022

1 Which categories of citizens are subject to mobilization?

According to Article 17 of Federal Law No. 31-FZ *On Training and Preparation for Mobilization in the Russian Federation* of February 26, 1997, the following citizens are subject to call-up for military service in the event of mobilization:

- Persons in the **reserve**;
- Persons not entitled to **deferment** of military service in the event of mobilization.

According to Article 52 of Federal Law No. 53-FZ *On Military Duty and Military Service* of April 28, 1998, the following categories of citizens form the reserve body of the Armed Forces of the Russian Federation:

- (A) Those who have been **discharged from military service who are enlisted in the reserve** of the Armed Forces of the Russian Federation;
- (B) Those who have successfully **completed training in military higher educational organizations** under military training programs for sergeants and petty officers in the reserve or under military training programs for soldiers and sailors in the reserve and who have graduated from federal state higher educational organizations;
- (C) Those who have successfully **completed training in military training centers** at federal state higher educational institutions subject to military training programs for reserve officers, military training programs for sergeants and petty officers, or military training programs for soldiers and sailors in the reserve and who have graduated from these educational institutions;
- (D) Those who have not completed military service due to **exemption from military service**;
- (E) Those who have not completed military service due to the **granting of deferment** of military service or **annulment by the draft board** of a constituent entity of the Russian Federation of a decision by a lower-level draft board when citizens reach the age of 27;
- (F) **Not eligible** for military service **upon reaching the age of 27**;
- (G) Those who have not completed their military service by conscription, **without legal**

grounds, by conclusion of the draft board, upon reaching the age of 27;

- (H) Those discharged from military service without being enrolled in the military register and who are subsequently enrolled in the military register in the Military Commissariat;
- (I) Those who have completed alternative civilian service;
- (J) Women with a military registration specialty.

2 Who is being called up for military service as a priority?

According to clarifications of the Ministry of Defense, first of all, within the framework of the current partial mobilization, citizens with needed military registration specialties are called up: motorized infantry, tank crew members, gunners, drivers, driver-mechanics.

3 Who is eligible for deferment of military service?

3.1 Persons to whom this right is granted by Article 18 of Federal Law No. 31-FZ *On Training and Preparation for Mobilization in the Russian Federation* of February 26, 1997:

- (A) Reserved in accordance with the procedure determined by the Government of the Russian Federation;
- (B) Citizens temporarily declared unfit for military service for up to six (6) months;
- (C) Citizens engaged in the permanent care of their father, mother, wife, husband, sibling, grandfather, grandmother, or adoptive parent, who require such care on health grounds according to the conclusion of a federal medical and social expert assessment institution, or who have a Group 1 disability, if there are no other persons obligated by law to support these citizens;
- (D) Guardians or custodians of an underage sibling if there are no other persons required by law to support such citizens;
- (E) Citizens who have four or more dependent children under the age of 16, or have at least one dependent and motherless child under the age of 16;
- (F) Mothers who have at least one child under the age of 16;
- (G) Pregnant women at 22 weeks or more;
- (H) Fathers who have three dependent children under the age of 16, provided the wife is 22 or more weeks pregnant;
- (I) Mothers who are raising four or more children under the age of eight without a husband;
- (J) Members of the Federation Council and deputies of the State Duma.

The State Duma is considering a bill aimed at amending the law on training and preparation for mobilization by extending the list of circumstances that give the right to deferment.

The bill aims to establish that the following citizens may obtain deferment:

- (A) Those who have **three or more dependent children under the age of 18** (or children under the age of **23** who are studying full-time in educational organizations);
- (B) Those who have and raise **one or more dependent child under the age of 18** without a mother;
- (C) Mothers with one or more children **under the age of 18**;
- (D) **Those whose wives are at least 22 weeks pregnant** and have **two dependent children under the age of 18** (or children under the age of **23** studying full-time in educational organizations).

3.2 Persons to whom such right is granted according to clarifications of the Ministry of Defense

Citizens with **higher education** in relevant specialties and areas of training who work:

- (A) For accredited organizations involved in **information technology activities** if such citizens are occupied in the design, development, implementation, maintenance and operation of information technology solutions and information infrastructure support;
- (B) For **Russian telecommunications operators** if such citizens are involved in ensuring the stability, security and integrity of the operation of communications facilities, data centers, and public communications facilities and lines in the Russian Federation;
- (C) For **strategic information and communications organizations, as well as their interdependent parties** who are the founders and / or on the editorial board and / or publisher of a registered mass medium and / or broadcaster of a television or radio channel and are involved in the production and / or distribution of media products;
- (D) **In organizations that ensure the stability of the national payment system and infrastructure of the financial markets**, bank liquidity management, and cash circulation.

3.3 Persons to whom such right is granted by Presidential Decree:

- (A) Employees of **defense industry organizations**;

By Government Decree, within the context of the partial mobilization, **managers, specialists and workers** involved in the fulfillment of state defense tasks will not be called up.

The **Ministry of Industry and Trade** will approve the list of enterprises whose employees are entitled to deferment, which will be sent to the Defense Ministry and Military Commissariats in the regions.

The mobilization deferment will be granted to citizens based on the lists of employees sent by employers.

- (B) **Students** studying in accredited institutions and receiving **full-time or part-time** higher education for the first time.

4 How can an employee of an IT company or telecom operator get a deferment?

The Ministry of Digital Development **has launched** a State Service whereby employees of accredited IT companies and telecom operators can apply for the deferment of partial mobilization.

An employee applying for a deferment must independently **fill out and submit an application** through the State Services.

At the same time, **2 files must be attached** to the application: a confirmation form in CSV format - in UTF-8 encoding and an unattached electronic signature file in sig format.

To get them, the employee must contact the personnel department of her / his company.

To qualify for a deferment, an employee **must meet the following requirements**:

- (A) Work for an organization subject to an employment contract with normal working hours or irregular working hours;
- (B) Have the necessary relevant higher education for the performance of her / his duties;
- (C) Be an employee of an IT company or telecom operator accredited by the Ministry of Digital Development.

5 How must the summons be served?

The summons must be issued in the name of a determined citizen and it must be handed over to the citizen **personally and be signed by her / him**.

If the summons is inserted under the door, into a mailbox or handed to relatives, it is considered to be handed over **unlawfully**. Such a summons will have no legal consequences or liability for the citizen.

A summons may be served on a citizen:

- (A) By employees of the Military Commissariat (the law does not specify the place of service of the summons);
- (B) At the place of work or study (managers, other officials (employees) of the employer or educational organization responsible for military registration work).

6 What to do if the employee is summoned, but has grounds for deferment?

Serving a summons does not mean that the person will be called up for mobilization. The summons obliges the person to appear at the Military Commissariat.

The decision on the summons for military service is made by the **draft mobilization commission**. The commission must be provided with documents confirming the right to deferment. If there are indeed grounds for deferment, the citizen **should not** be called up.

If the employee considers the decision of the commission to be erroneous, she / he can **challenge** it in the draft mobilization commission of the Russian Federation entity.

For questions related to partial mobilization, employees can contact the hotline: +122 and the unified information service of the Moscow City Hall: +7 (495) 777-77-77 (ext. 6)

Skakovaya str., 17, bld. 2, 6th fl., Moscow, Russia, 125040
T: +7 495 234 96 92, E: info@alrud.com
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If the employee is a student, she / he can also contact the hotline of the Ministry of Education and Science: 8 (800) 222-55-71 (ext. 1, ext. 2).

7 Is an employer obliged, in the event of receiving a summons from the Military Commissariat, to hand it to the employee? What is the procedure? Does this obligation apply to employees who have been transferred to remote work or to employees who are on vacation?

The company **is obliged** to serve the summons on the conscript, with acknowledgement of receipt, no later than three (3) days prior to the deadline specified in the summons.

The company **cannot serve** the summons on remote employees or to employees on leave. In this case we recommend the following procedure:

If a **full remote work** employment contract is entered into with the employee, the company must send a written notification to the employee that the employer has received a summons (by electronic data interchange, if the company has converted to EDI, or via the email indicated in the employment contract or the addendum thereto).

The company must also send a letter to the Military Commissariat explaining the situation and attaching the original summons, confirmation of notification of the employee (copy of the letter sent to the employee) and confirmation that the employee works remotely and cannot receive the summons with signed acknowledgement of receipt (employment agreement / addendum thereto). The letter to the Military Commissariat must be signed by an authorized representative of the company and sent with the list of attachments and notification of receipt.

If the employee is **in fact a remote employee, but according to available documents an office or occasional remote work has been established for her / him**, the company must also send a notice to the employee that a company has received a summons, and the employee must come into the company office to receive it in person with signed acknowledgement of receipt.

The fact of the employee's failure to come into the office during the days preceding the date of appearance at the Military Commissariat indicated in the summons must be documented by minutes of absence from the workplace (the minutes should record the fact of absence from the workplace during the entire working day and be signed by at least two witnesses).

The company must also send a letter to the Military Commissariat explaining the situation and attaching the original summons, confirmation of the employee's notification (copy of the letter sent to the employee), and minutes of absence from the workplace.

If the person is **on vacation**, the company notifies the employee about the receipt of the summons (via EDI, if the company has switched to it, or by e-mail, as specified in the employment contract or in the addendum to same).

The company must also send a letter to the Military Commissariat explaining the situation and attaching the original summons, confirmation of notification of the employee (copy of the letter sent to the employee) and confirmation that the employee is on vacation at this time (the order granting leave to the employee).

8 What other responsibilities does the company have in connection with mobilization?

The company is obliged to provide citizens with the opportunity to **present themselves in time** for summonses from the Military Commissariat.

In practice, this means that the employer must release the employee from work but preserving her / his average earnings.

Regardless of the announcement of mobilization, organizations with any form of ownership are **obliged to complete the military registration of employees who are called up**.

The following liability is set forth for actions/inactions in the context of military registration:

- (A) **Failure** by the head or other official of the organization responsible for military registration work to **submit the lists of citizens subject to initial military registration** to the Military Commissariat (or other body responsible for military registration) within the prescribed period will incur a fine of 1,000 to 3,000 Rubles;
- (B) **Failure** by the head or other official of the organization responsible for military registration to **inform** the Military Commissariat (or other body responsible for military registration) of citizens hired (studying) or dismissed from work, **who are or should be registered with the military registration office but are not registered**, is punishable by a fine of 1,000 to 5,000 Rubles. (Part 3 of Article 21.4 of the Code of Administrative Offenses of the Russian Federation).

9 What is an employee's liability for failing to appear at the military recruitment office?

Failure by an employee (who is or should be on the military conscription list) to appear or failure to appear within the established period of time when summoned by the Military Commissariat or other body responsible for military registration, without a valid reason, may entail administrative liability in the form of a fine of up to 3,000 Rubles (Article 21.5 of the Code of Administrative Offenses of the Russian Federation).

According to paragraph 2 of the Resolution No. 3 of the Plenum of the Supreme Court of the Russian Federation of April 3, 2008 *On the hearing by the courts of criminal cases about draft evasion and evasion of military or alternative civilian service*, only citizens **between 18 and 27 years old** may be punished for evading military service under Part 1 of Article 328 of the Criminal Code of the Russian Federation.

10 What should a company do if employees of the Military Commissariat arrive with an inspection order?

Since inspections conducted by Military Commissariats are not subject to the Law on the Protection of the Rights of Legal Entities in the Exercise of State / Municipal Control (Monitoring), we do not rule out the fact that a visit by representatives of the Military Commissariat to serve summonses may be associated with **an inspection** of compliance with the legislation on military registration.

As part of the inspection, the Military Commissariat **may request**:

- (A) The company's order to maintain military records;
- (B) Work plan for maintaining military records;

- (C) ID cards of citizens subject to military registration (form No. 10) and files of such cards;
- (D) A log of inspections of the implementation of military registration and record of citizens in the reserve force;
- (E) Record of receipts of documents of military registration from citizens;
- (F) The office records (in a separate file) of the issues of military registration in the organization;
- (G) Background information on military registration, preparation and training for mobilization;
- (H) Certificates of citizens subject to call-up for military service - for conscripts;
- (I) Military ID (temporary certificate issued to replace the military ID) or a certificate to replace the military ID - for persons liable for military service.

In any event, the information requested cannot be broader than:

- (A) Name, surname and identity number;
- (B) Date of birth;
- (C) Place of residence and / or place of stay, including those not confirmed by registration at the place of residence and / or place of stay;
- (D) Citizenship of a foreign state or a residence permit or other document confirming the right to permanent residence of a citizen in the territory of a foreign state;
- (E) Marital status;
- (F) Education;
- (G) Place of employment (study);
- (H) Fitness for military service due to health reasons;
- (I) Fitness for training in military specialties and for military service in military positions;
- (J) Basic anthropometric data;
- (K) Completion of military or alternative civilian service;
- (L) Completion of military training;
- (M) Proficiency in foreign languages;
- (N) Possession of military and civilian specialties;
- (O) A candidate's possession of a master's degree in sport, a first degree in sports, or a sporting title;
- (P) The initiation or termination of criminal proceedings against the citizen;

- (Q) Criminal record;
- (R) Recognition by conclusion of the draft board of a citizen's failure to complete military service, without legal grounds;
- (S) Registration of a citizen in the reserve body by a public authority, local government body or organization for the period of mobilization and in wartime;
- (T) Stay in the reserve mobilization;
- (U) Exemption or deferment from call-up for military service, specifying the relevant provision of the Federal Law under which it was granted, as well as the date of the meeting of the draft commission at which the decision was taken to grant exemption from call-up for military service or to grant deferment from call-up for military service, and the number of the minutes of that meeting.

The company is not required to submit other documents and information, including employment contracts and additional agreements thereto, financial documents, etc., as part of the inspections.

The company must **request** that the inspectors:

- (A) Provide documents justifying the inspection (orders, decrees, etc. - the law is not specific);
- (B) Provide documents confirming the authority to conduct the inspection (official certificate, power of attorney).

It is advisable to photocopy the documents presented by Military Commissariat officers and in the event of objections, note the details and contents of same.

Actions by the company in the event that the Military Commissariat employees are escorted by representatives of law enforcement agencies

According to public sources, representatives of the Military Commissariat are sometimes accompanied by **police officers**. We believe that escort by employees of other law enforcement agencies is unlikely.

The main actions to be taken when the police and Military Commissariat employees visit the office are as follows:

- (A) Check the identification of police officers (in reference to Art. 5 of the Police Law);
- (B) Do not evade receiving summonses, since in any event the Military Commissariat has the option of sending the summons by mail and evading the summons may unnecessarily escalate a conflict with the Military Commissariat officers;
- (C) In the absence of a general director or an employee authorized by a company to maintain military records, we recommend granting a power of attorney to a company employee to represent the interests of the company before government agencies, Military Commissariats, and the police;
- (D) If police officers violate the law, call the police department specified in the certificate and notify the violations, call a police squad.

11 What happens to a mobilized employee's employment contract?

Employment contracts of mobilized employees **are suspended**.

All employment contracts (fixed-term, indefinite, probationary period, etc.) are subject to suspension. Even if the employee has written a letter of resignation (received a redundancy notice), **but continues to work**, her / his employment contract must be suspended.

To suspend the employment contract, the employee must provide the employer with a copy of the summons from the Military Commissariat. In this case, the employer will issue **an order to suspend the employment contract**. No additional agreement to the employment contract can be entered into with mobilized employees.

The employer must **make all payments** due to the employee, including salary, as well as other payments provided under the employment contract, collective bargaining agreement, agreement of the parties to the social partnership. An employee has the right to apply for compensation for unused vacation days over 28 calendar days.

The period of suspension of the employment contract is taken into account **in the length of service** for both pension and compulsory social insurance. Moreover, during the period of service, the employer will not pay **insurance premiums** for the employee.

Information that the employment contract has been suspended must be submitted to the Pension Fund of the Russian Federation (the employer must reflect changes online in the SZV-TD form, and at the end of the year in the SZV-STAZH form).

The employer must also issue an order whereby it will introduce a symbol for marking the absence of a mobilized employee in the payroll sheet.

Note: Please note that all information was taken from public sources. The author of this material is not responsible for any consequences resulting from decisions made on the basis of this information.

Should you have any questions,
please contact an ALRUD
Experts

Kind regards,
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