



(Last Updated 6/7/2017)

## Intergovernmental Personnel Act (IPA) Mobility Program Guidance

**Table of Contents**

	<u>Page #</u>
Purpose of Program.....	2
Legal References.....	2
Arranging an Assignment.....	2
Eligible Organizations.....	2
Request for Certification of “Other” Organization.....	3
Participant Eligibility Requirements.....	3
Length of Assignment.....	4
Obligated Service Requirement.....	4
Work Schedules.....	4
Method of Assignment.....	4
Employee Benefits.....	6
Cost of Assignment.....	6
Leave.....	6
Within-grade Increases.....	7
Performance Appraisals.....	7
Travel and Transportation.....	7
Employee Agreement.....	7
Liability Status.....	7
Supervision of Federal Employees.....	8
Honors and Awards.....	8
Ethics Requirements.....	8
Termination of Agreement.....	9
USGS Process for Establishing an IPA Assignment.....	10
USGS Points of Contact.....	11

## Purpose of the Program

The Intergovernmental Personnel Act (IPA) Mobility Program provides for assignments to or from state and local governments, institutions of higher education, Indian tribal governments and other eligible organizations that are intended to facilitate cooperation between the Federal Government and the non-Federal entity through the temporary assignment of skilled personnel. These assignments allow civilian employees of Federal agencies to serve with eligible non-Federal organizations for a limited period without loss of employee rights and benefits. Employees of State and local governments, Indian tribal governments, institutions of higher education and other eligible organizations may serve in Federal agencies for similar periods.

Each assignment should be made for purposes that are of mutual concern and benefit to the Federal agency and to the non-Federal organization. Each proposed assignment should be carefully examined to ensure that it is for sound public purposes and furthers the goals and objectives of the participating organizations. Assignments arranged to meet the personal interests of employees, to circumvent personnel ceilings, or to avoid unpleasant personnel decisions are contrary to the spirit and intent of the mobility assignment program.

## Legal References

The legal authority for assignments under the Intergovernmental Personnel Act is 5 U.S. Code Sections 3371 through 3375. The regulations can be found in Title 5 Code of Federal Regulations Part 334. Additional guidance on the IPA Mobility Program can be found on the Office of Personnel Management's website at <http://www.opm.gov/programs/ipa/mobility.asp>.

## Arranging an Assignment

Assignments under the IPA are management initiated and must be implemented by a written agreement. All U.S. Geological Survey (USGS) assignments will be documented on an Optional Form 69, Assignment Agreement. The agreement documents the conditions of the assignment such as job duties, fiscal obligations, and employee benefits, rights, and obligations. The agreement must be signed by the assignee, the approving official of the non-Federal organization involved, and the appropriate USGS approving Official, i.e., Office Chiefs reporting to the Director/Deputy Director; and managers/supervisors who report directly to an Associate Director or Regional Executive). Approvals must be received before an assignment may begin.

## Eligible Organizations

Organizations eligible to participate in the IPA Mobility Program include: state and local governments; domestic colleges and universities that are accredited; Indian tribal governments; federally funded research and development centers; and "other" eligible organizations described below. The Office of Personnel Management (OPM) maintains a list of "other" organizations that have been through the certification process and are eligible to participate. This list is updated annually and can be accessed at <http://www.opm.gov/programs/ipa/IPA-OtherOrgList.asp>.

“Other” organization is defined as:

- A national, regional, Statewide, area wide, or metropolitan organization representing member State or local governments;
- An association of State or local public officials;
- A nonprofit organization which offers, as one of its principal functions, professional advisory, research, educational, or development services, or related services, to governments or universities concerned with public management; or
- A federally funded research and development center.

#### Request for Certification of “Other” Organization

If a USGS Office wants to establish an IPA assignment with an entity that falls under the “other” organization description above and is not already on OPM’s list of certified organizations, the following steps must be taken to receive certification from the Department of the Interior (DOI), Office of Human Resources prior to establishing an assignment:

- Contact the USGS IPA Coordinator who will facilitate the process;
- Request the following documents from the organization for which certification is being requested and submit to the USGS IPA Coordinator:
  - a copy of the organization's articles of incorporation;
  - bylaws;
  - Internal Revenue Service letter of nonprofit status; and
  - any other information describing the organization's activities as they relate to the public management concerns of governments or universities.
- The USGS IPA Coordinate will prepare the request and receive the appropriate internal signatures before forwarding to the Department for certification.
- Upon receipt of DOI certification the USGS IPA Coordinator will contact the requesting USGS Office to inform them that the assignment arrangements may proceed.

#### Participant Eligibility Requirements

Federal employees must meet one of the following to be eligible for an IPA assignment:

- individuals serving under a career or career-conditional appointment, including career appointees in the Senior Executive Service;
- individuals under appointments of equivalent tenure in excepted service positions (e.g., such as Presidential Management Fellows, student interns, Veterans Recruitment Appointment, etc).

**An employee of a non-Federal organization must be employed by that organization for at least 90 days in a career position before entering into an IPA agreement.**

Citizenship requirements do not apply to the **detail** of an employee of a non-Federal organization to a Federal agency; however, citizenship requirements must be followed when the individual is **appointed** to the Federal agency.

Individuals excluded from participating include:

- Federal, State or local government employees serving under non-career, excepted service, noncompetitive, time-limited, temporary or term appointments;
- Elected Federal, State or local government officials;
- Members of the uniformed military services and the Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration; and
- Students employed in research, graduate, or teaching assistant and similar temporary positions.

### Length of Assignment

The initial assignment can be made for up to 2 years and may be extended for up to 2 additional years, given the concurrence of the other parties to the agreement. Assignments should be kept to the minimum time period necessary to complete the assignment. When the assignment agreement is with an Indian tribe or tribal organization, the assignment may be extended for any period of time as long as it's been determined that the assignment will continue to benefit both organizations.

Once an individual has served on an assignment for four continuous years, he/she must return to their home organization for at least 12-months before entering into another agreement. Successive assignments with a break of no more than 60 calendar days will be regarded as continuous service under the mobility authority.

A Federal employee may not serve on mobility assignments for more than a total of 6 years during his/her Federal career. This limitation may be waived by OPM upon written request of the agency. This time limit does not apply to non-Federal employees.

### Obligated Service Requirement

As a condition of accepting an assignment, a Federal employee must agree to serve with the Federal government upon completion of the assignment for a period equal to the length of the assignment. If the employee fails to carry out this agreement, he/she must reimburse the Federal agency for its share of the costs of the assignment.

The Federal employee's signature on the OF-69, Assignment Agreement, serves as the acknowledgment of this obligated service requirement.

### Work Schedules

Assignments may carry any work schedule (intermittent, part-time, or full-time) that is appropriate and agreed upon by all parties.

### Method of Assignment

**Federal Employee:** Eligible Federal employees may be assigned to a non-Federal organization on a detail or may enter into a non-pay status by requesting leave without pay (LWOP). In either case, the assignee remains an employee of the Federal agency and retains the rights and benefits

attached to that status. At the completion of the assignment, the Federal government must return the employee to the same position he/she occupied at the time the mobility assignment began or reassign the individual to another position of like pay and grade.

**Status of a Federal Employee on Detail:**

- Federal employees on detail remain employees of their permanent agency for all purposes except work and supervision, and are subject to agency established performance appraisal criteria and procedures covering detailed employees.
- A Federal employee on detail to a mobility assignment is entitled to his/her Federal rate of pay; however, such an assignee may receive a supplemental salary from a State or local government when the position to which he/she is being assigned has a higher established rate of pay.
- A detailed employee continues to earn leave under the Federal agency's leave system and to have appropriate absence from duty with the non-Federal organization charged against that leave.

**Status of a Federal Employee on LWOP:**

- A Federal employee on LWOP is paid by the non-Federal organization to which he or she is assigned.
- A Federal employee who is placed in a LWOP status while on a mobility assignment and appointed to a State or local government position receives the appropriate rate of pay for the position he/she occupies with the mobility employer. Thus, it's possible that an assignee may receive a higher rate of pay than his/her Federal salary. A supplemental salary payment must be made to the assignee when the rate of pay of the non-Federal organization is less than the rate of pay the assignee would have received in his/her Federal position. This supplemental salary is the responsibility of the Federal agency; however, the assignment agreement may provide for reimbursement to the Federal agency for the cost of the supplemental pay. This is dependent upon what was negotiated and agreed to in advance by both organizations.

**Non-Federal Employee:** A non-Federal employee may be detailed to the Federal government or given a temporary excepted appointment.

**Detail:**

- May be assigned to an established, classified position in the Federal agency, or may be given a set of ad hoc, unclassified duties, relevant only to the specific assignment project.
- If detailed to a classified position, the individual is entitled to earn the pay that the duties of the assignment position warrant under the applicable classification and pay provisions of the Federal agency. If the assignee's non-Federal salary is less than the minimum rate of pay for the Federal position, the agency must supplement the salary to make up the difference. Supplemental pay may be paid directly to the employee or reimbursed to the non-Federal organization.
- If detailed to a set of unclassified duties, the assignee continues to be paid directly by the non-Federal organization at a rate of pay based on the assignee's non-Federal job.

**Temporary Excepted Appointment:**

- A non-Federal mobility assignee may be given a temporary appointment for up to 2 years and may be extended for not more than 2 additional years.
- Normally, a non-Federal employee is appointed at the minimum rate of the grade; however, if an agency wants to pay an advanced step rate for a position at GS-11 through GS-15 based upon superior qualifications of the applicant, it may do so.

Employee Benefits

**Federal Employee:** Regardless of the method of assignment, the assignee remains an employee of the Federal agency and retains the benefits attached to that status, provided the employee that elected to go on LWOP continues to pay his/her share of the premium payments.

**Non-Federal Employee:** A non-Federal employee is ineligible for health insurance coverage unless his/her Federal appointment results in the loss of coverage under the non-Federal health benefits system. Non-Federal employees given appointments are not covered by any retirement system for Federal employees or by the Federal Employees Group Life Insurance Program

Cost of Assignment

The cost sharing financial arrangements involved in a mobility assignment are negotiated between the participating organizations. The Federal government may agree to pay all, some, or none of the costs associated with the assignment. Such costs may include employee pay, supplemental pay, certain fringe benefits, travel, and relocation costs. Cost sharing should be based on the extent to which the participating organizations benefit from the assignment.

When documenting the financial arrangements on the Optional Form 69, Assignment Agreement, be very specific with regard to iteming the associated costs that will be paid as well as the reimbursement details including how often bills will be issued and to whom they should be submitted for payment.

Leave

**Federal Employees:** A detailed employee continues to earn leave under the Federal agency's leave system and to have appropriate absence from duty with the non-Federal organization charged against that leave. The responsibility for documenting leave for detailed employees should be specified in the assignment agreement. All leave used, as well as hours worked, should be certified by the non-Federal organization to the Federal agency. A Federal employee on LWOP is entitled to earn annual and sick leave to the same extent as if he or she had continued in the regular Federal position.

**Non-Federal Employees:** A non-Federal employee given a Federal appointment earns annual and sick leave on the same basis as other Federal employees. A non-Federal employee that is detailed is covered under their permanent employer's leave system.

### Within-Grade Increases

**Federal Employees:** Whether on detail or LWOP, Federal employees continue to receive within-grade increases.

**Non-Federal Employees:** A non-Federal employee given a Federal appointment for more than 1 year with a full-time or part-time work schedule is eligible for consideration of within grade increases.

### Performance Appraisal

Federal employees on detail remain employees of their permanent agencies for all purposes except work and supervision, and are subject to agency established performance appraisal criteria and procedures covering detailed employees.

### Travel and Transportation

A Federal agency may pay the travel expenses authorized under the Federal Travel Regulations of a Federal employee or non-Federal employee on an IPA assignment. Examples include:

- Travel, including a per diem allowance, to and from the assignment location.
- Travel, including a per diem allowance, for official business away from the duty station during the assignment.
- A change of station allowance for travel and transportation of the employee's immediate family, household goods, and personal effects to and from the assignment location; subsistence expenses for the employee and his/her immediate family while occupying temporary quarters at the assignment location and on return to the former post of duty.
- Per diem allowance at the assignment location.
- A mobility assignee may receive either the per diem allowance at the assignment location or the change of station allowance, but not both.
- Pre-assignment house hunting trips and payment of certain real estate costs allowed in connection with permanent moves are not allowed due to the temporary nature of the mobility assignments.

### Employee Agreement

To be eligible for payment of travel and transportation costs, the assignee must sign an agreement to serve the entire period of the assignment or 1 year (whichever is shorter) unless the assignment is terminated for reasons beyond his/her control. If the assignment is not carried out, expenses may be recoverable as a debt to the United States. (The Federal government may waive the right of recovery of a State or local government employee, if in the view of the approving official the waiver is justified.)

### Liability Status

Federal Tort claims statute and any other Federal tort liability statutes apply to the assignee.

## Supervision of Federal Employees

A non-Federal employee who is assigned to a Federal position, either by detail or appointment, may exercise supervision of Federal employees.

## Honors and Awards

**Federal Employees:** Federal employees are eligible to receive awards for contributions and suggestions related to their work on mobility assignments.

If a non-Federal organization wishes to grant a monetary award to a Federal employee on a mobility assignment, the employee's agency must be informed of the award, the reasons for it, and must concur in this action. If concurred with, a copy of the documentation should be retained in the employee's Employee Performance Folder. Such awards may be either cash or honor awards.

**Non-Federal Employees:** Non-Federal employees on assignment to a Federal agency by appointment are Federal employees for the duration of that appointment and have all the rights and privileges associated with that appointment including eligibility for awards.

Non-Federal employees on assignment to a Federal agency by detail can receive recognition through letters of appreciation or commendation but are ineligible for awards.

## Ethics Requirements

All IPA Assignment Agreements must be reviewed by the USGS Ethics Office prior to being finalized.

**Federal Employees:** Federal employees remain subject to Federal, Department of the Interior and U.S. Geological Survey ethics statutes, regulations, rules and policies during and after their assignment and are expected to obey conflict-of-interest laws and standards of conduct provisions applicable to Federal employees. The employee's agency is responsible for resolving fully any issues relating to a potential conflict-of-interest prior to approval of an assignment.

A Federal employee may not act as an agent or attorney on behalf of the non-Federal entity before a Federal agency or a court in connection with any proceeding, application, or other matter in which the Federal Government is a party or has a direct and substantial interest. However, under the terms of the Indian Self-Determination and Educational Assistance Act, Federal employees on assignment to an Indian tribal government are exempt from conflict-of-interest provisions concerning representational activities, provided the employee meets notification requirements. Federal employees may act as agents or attorneys for, or appear on behalf of, such tribes in connection with any matter pending before any department, agency, court, or commission, including any matter in which the United States is a party or has a direct and substantial interest. The Federal assignee must advise, in writing, the head of the department, agency, court, or commission with which he or she is dealing or appearing on behalf of the tribal

government, of any personal and substantial involvement he or she may have had as an officer or employee of the United States in connection with the matter.

**Non-Federal Employees:** Non-Federal employees on IPA assignments, whether by appointment or detail, must comply with all Federal, DOI, and USGS ethics statutes, regulations, rules and policies. All non-Federal employees on assignment must receive initial ethics orientation and annual ethics training and must file new entrant and annual financial disclosure reports. Their new entrant financial disclosure report should be filed prior to finalization of the Assignment Agreement to ensure that no conflicts of interest exist (and it must be filed within 30 days of the non-Federal employee's assignment start date). Whether a non-Federal employee files an OGE Form 450 (Confidential Financial Disclosure Report) or an OGE Form 278 (Public Financial Disclosure Report) depends on the compensation they will receive. Contact the USGS Ethics Office (<http://internal.usgs.gov/ops/hro/ethics/basic-4.html>) to determine which form must be filed. The financial investments of non-Federal employees on assignment are not subject to the restrictions in the U.S. Geological Survey Organic Act or Conflict of Interest Policy (relating to investment in companies with significant coal, oil or gas leases on Federal lands or engaged in mining activities on private land).

#### Termination of Agreement

An assignment may be terminated at any time at the request of the Federal agency or the State, local, Indian tribal government, institution of higher education, or other organization participating in this program. Where possible, the party terminating the assignment prior to the agreed upon date should provide 30-days advance notice along with a statement of reasons, to the other parties to the agreement.

A Federal employee on and IPA assignment continues to encumber the position he/she occupied immediately prior to the start of the assignment and is subject to any personnel actions that might normally occur (e.g., within-grade increases, annual pay adjustment, etc.). At the end of the assignment, the employee will return to his/her position of record and resume the duties of that position or must be reassigned to another position of like pay and grade.

## USGS Process for Establishing an IPA Assignment

**Step 1:** The requesting office (RO) prepares an Optional Form (OF) 69, Assignment Agreement in draft form. Any questions regarding completion of the OF-69 should be referred to the IPA Coordinator.

**Step 2:** The RO submits the draft OF-69 to the appropriate point of contact in the Ethics Office and the Human Resources Office for review and comment. The draft can be sent to both offices simultaneously.

**Step 3:** The Ethics Office and Human Resources Office points of contact will provide their comments to the RO via email and will copy each other so as to keep everyone informed of any concerns that may arise.

**Step 4:** Once concurrence has been received by both the Ethics Office and the Human Resources Office, the RO may proceed with finalizing the agreement. The USGS approval level is with Office Chiefs reporting to the USGS Director /Deputy Director; and managers/supervisors who report directly to an Associate Director or Regional Executive.

**Step 5:** The Ethics Office will contact the assignee directly if he/she is required to complete any necessary ethics forms.

**Step 6:** Once all parties have signed the OF-69, a copy of the agreement must be sent to the appropriate points of contact in the Ethics Office as well as the Human Resources Office.

**Step 7:** As described below, when appropriate the RO will initiate a personnel action in FPPS and forward to the servicing Human Resources Office for processing. The OF-69 Assignment Agreement serves as the supporting documentation regardless of the action taken.

**Federal Employees Going on Assignment:** If a Federal employee goes on **detail** to an outside organization and it's on a full-time basis for an extended period of time, then the RO will initiate an FPPS action. If the assignment is on a part-time or intermittent basis an FPPS action is not required. If a Federal employee goes on **LWOP** to accept the assignment, the RO will initiate an FPPS action.

**Non-Federal Employee On Assignment to Federal Agency:** If a non-federal employee is **detailed** to a Federal agency, no FPPS action is required because the individual is not our employee. If a non-federal employee is **appointed** to a Federal agency, then the RO will initiate an FPPS action and the pre-employment process will be followed.

USGS Points of Contact

**Office of Human Resources**

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