

HHS Transmittal 96.4  
Personnel Manual  
Issue Date: 3/7/96

Material Transmitted:

HHS Instruction 334-1, Temporary Assignments of Personnel Under the Intergovernmental Personnel Act of 1970, as Amended

Material Superseded:

HHS Instruction 334-1 (all)

Background:

This Instruction has been substantially streamlined and delegations of authority have increased in accordance with National Performance Review recommendations, and in support of HHS administrative initiatives calling for more streamlined rules and greater delegations of authority.

Any reference to "OPDIV" in this Instruction now includes the PHS agencies, the Office of the Secretary, the Program Support Center, HCFA, ACF, and AOA.

This issuance is effective immediately. Implementation under this issuance must be carried out in accordance with applicable laws, regulations, bargaining agreements, and Departmental policy.

Filing Instructions:

Remove superseded material and file new material. Post receipt of this transmittal to the HHS Check List of Transmittals and file this transmittal in sequential order after the check list.

John J. Callahan  
Assistant Secretary for  
Management and Budget

DISTRIBUTION: MS (PERS): HRFC-001

INSTRUCTION 334-1

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HHS INSTRUCTION 334-1  
TEMPORARY ASSIGNMENTS OF PERSONNEL UNDER  
THE INTERGOVERNMENTAL PERSONNEL ACT

- 334-1-00 Information and Guidance  
    10 Departmental Policy  
    20 Reporting and Record Keeping Requirements

Exhibit 334-1-A Delegations of Authority

334-1-00 INFORMATION AND GUIDANCE

The authorities delegated in paragraphs A.1.a., b., and c.; A.2.a. and b.; and A.3 must be exercised in accordance with Departmental policy cited in this Instruction and the requirements and/or provisions in the following references:

- A. 5 U.S.C. Chapter 33, Subchapter VI, Assignments to and From States.
- B. 5 CFR Part 334, Temporary Assignment of Employees Between Federal Agencies and State, local, and Indian Tribal Governments, Institutions of Higher Education, and Other Eligible Organizations.

Reorganization Plan Number 1 of 1953, Section 6 (which created this Department) restricts the authority to delegate authorities to Department employees. An IPA detailee is not an employee and may not exercise any delegated functions (see 334-1-10A.).

334-1-10 DEPARTMENTAL POLICY

- A. Non-Federal employees on IPA details to HHS may not serve in line management positions. They may serve in an advisory or consultative capacity or in a staff assignment. They may provide day-to-day supervision of employees, provided that the exercise of delegated personnel authorities over the employees is reserved to Department employees. For example, the individual on detail could provide input to an employee's performance rating, but a Department employee would have to issue the rating.
- B. Non-Federal employees who are on IPA appointments to positions in HHS may serve in line management positions.

### 334-1-20 REPORTING AND RECORD KEEPING REQUIREMENTS

- A. One copy of the original assignment agreement or extension of assignment agreement, as well as any modifications, must be sent within 15 days of the date of the agreement or modification to:

Office of Personnel Management  
Office of Merit Systems Oversight and Effectiveness  
IPA Mobility Program  
1900 E Street, NW., Room 7662  
Washington, D.C. 20415

- B. A copy of the IPA assignee's agreement or extension of assignment agreement and other related documents must be maintained in the respective HHS organization.

HHS Instruction 334-1 - Exhibit A

DELEGATIONS OF AUTHORITY

A. AUTHORITY DELEGATED

1. Heads of OPDIVs (including PHS agencies, the Program Support Center, and AOA), the Assistant Secretary for Management and Budget for the Office of the Secretary (OS), and the Inspector General (for OIG) are delegated the authority to:
  - a. approve or disapprove the temporary assignments of personnel under the Intergovernmental Personnel Act (IPA) of 1970, as amended, between HHS components and eligible non-Federal organizations for up to two years;
  - b. approve or disapprove the extension of assignments up to an additional two years; and
  - c. waive repayment of expenses for failure to complete obligated service agreement upon completion of an IPA assignment.
2. The authority to approve, disapprove, and/or extend special purpose IPA-assignments of Indian Health Service (IHS) employees to Indian tribes or tribal organizations is delegated to the Director, IHS, under the following conditions:
  - a. a takeover contract or contract between IHS and an Indian tribe or tribal organization as authorized by Public Law 93-638 provides for such IPA assignments; and
  - b. the assignee is an incumbent of a position in a contracted function at the time of its takeover or is a substitute for such an incumbent as authorized by Public Law 100-472.
3. These authorities may be redelegate with further redelegation authorized.

B. AUTHORITY RETAINED

ASMB retains the authority to approve and disapprove IPA assignments to or from the immediate staffs of elected chief executives of State or local governments.

C. PRIOR DELEGATIONS

This delegation supersedes the February 13, 1991, Delegations of Authority concerning IPA assignments, as amended September 29, 1993, from the Assistant Secretary for Personnel Administration to the Heads of Operating Divisions and Regional Directors. To the extent that previous redelegations of authority to approve or disapprove IPA assignments made to other officials within HHS are consistent with the provisions of this delegation, they may remain in effect until new redelegations are made under the authority of this delegation.

D. EFFECTIVE DATE

This delegation is effective on the date of this transmittal.