

5 Apr 05

INFORMATION PAPER

Subject: INTERGOVERNMENTAL PERSONNEL ACT

1. Purpose of Program. The Intergovernmental Personnel Act (IPA) of 1970 (Public Law 91-648) provides for the temporary assignment of personnel between the Federal Government and state or local governments, institutions of higher education, Indian tribal governments and other eligible organizations. The assignments 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.

2. Key Points.

➤ Coverage. Individuals excluded from participation in the Intergovernmental Personnel Act mobility program include:

- Federal, State or local government employees serving under noncareer, 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

Subject: INTERGOVERNMENTAL PERSONNEL ACT

- Students employed in research, graduate, or teaching assistant and similar temporary positions.

➤ Certification of "Other Organizations." The Intergovernmental Personnel Act regulations specify that "other organizations" are eligible to participate and define what "other organizations" are (5 U.S.C. § 3371).

➤ Length of Assignment. Assignment agreements can be made for up to two years, and may be intermittent, part-time, or full-time. The agency head, or his or her designee, may extend an assignment for an additional two years when the extension will be to the benefit of both organizations.

➤ Reimbursement for Assignment. Cost-sharing arrangements for mobility assignments are negotiated between the participating organizations. The Federal agency may agree to pay all, some, or none of the costs associated with an assignment. Costs may include basic pay, supplemental pay, and fringe benefits.

Cost-sharing arrangements should be based on the extent to which the participating organizations benefit from the assignment. The larger share of the costs should be absorbed by the organization that benefits most from the assignment. Exceptions might occur when an organization's resources do not permit costs to be shared on a relative benefit basis.

➤ Travel, Relocation, and Per Diem. A Federal agency may pay the travel expenses authorized under the Federal Travel Regulation (FTR) (41 CFR chapters 301-304) chapter 301 of a Federal employee or non-Federal employee on an Intergovernmental Personnel Act assignment. An agency may pay a per diem allowance at the assignment location in accordance with FTR part 301-7, or limited relocation expenses enumerated in OPM's "Provisions of the IPA Mobility Program."

➤ Standards of Conduct and Conflict-of-interest Provisions. A non-Federal employee on assignment to a Federal agency, whether by appointment or on detail, is subject to a number of provisions of law governing the ethical and other conduct of Federal employees.

➤ Arranging an Assignment. Assignments under the Intergovernmental Personnel Act are management-initiated.

Subject: INTERGOVERNMENTAL PERSONNEL ACT

Management should control development of the proposed assignment. The benefits to the Federal agency and the non-Federal organization are the primary considerations in initiating assignments; not the desires or personal needs of an individual employee. The assignment is voluntary and must be agreed to by the employee. Regulations require that an assignment must be implemented by a written agreement.

➤ Termination of an Assignment. An assignment may be terminated at any time at the option of the Federal or non-Federal organization. Where possible, the party terminating the agreement before the original completion date should give a 30-day notice to all parties involved. This notification should be in writing and should include the reasons for the termination. The Office of Personnel Management may terminate an assignment or take other corrective actions when an assignment is found to violate the IPA regulations. A mobility assignment must be terminated immediately whenever the assignee is no longer employed by his or her original employer, regardless of whether the assignment is a detail or an appointment.

➤ Changes to the Assignment Agreement. Any significant changes in an employee's duties, responsibilities, salary, work assignment location or supervisory relationships should be duly recorded as a modification to the original agreement. Minor changes such as salary increases due to annual pay adjustments, changes in benefits due to revised coverage, and very short-term changes in duties do not require a modification to the original agreement. The assignment agreement for each employee must always be accurate, complete, and current.

3. See MCCDCO 12275.1 for local policy and responsibilities.

Drafted by: Office of Counsel
(703)784-3009

