



INTERGOVERNMENTAL PERSONNEL ACT (IPA)

I. Purpose

This Directive establishes policy and responsibilities for the temporary assignment of employees between the Federal Emergency Management Agency (FEMA) and State or local governments, institutions of higher education, or other eligible organizations under the Intergovernmental Personnel Act (IPA) Mobility Program.

II. Scope

The provisions of this Directive are applicable to all permanent full-time FEMA personnel.

III. Policy and Procedures

It is FEMA policy to encourage and support temporary assignments of permanent full-time personnel between the Agency and eligible organizations under the IPA Mobility Program where such assignments directly support work of mutual concern and benefit to both FEMA and the eligible organization. The goal of the IPA Mobility Program is to facilitate the assignment of employees, for short periods of time, where such assignments are in the best interests of the Agency. IPA mobility assignments may be appropriate when designed to achieve objectives such as:

1. Strengthening the management capabilities of Federal agencies; State, local and Indian tribal governments; and other eligible organizations.
 2. Assisting with the transfer and use of new technologies and approaches to solving governmental problems.
 3. Facilitating the involvement of State, local and tribal officials in developing and implementing Federal policies and programs.
 4. Providing program and developmental experience that will enhance the assignee's performance in his or her regular job.
- A. IPA mobility assignments will not be created or arranged to accommodate the personal interests of Federal civilian personnel seeking post-government service employment.
- B. Non-Federal employees assigned to FEMA under the IPA Mobility Program must receive (in person or via videoteleconference) individualized ethics and standards of conduct training from an ethics counselor from the Office of the Chief Counsel. This

training must be completed BEFORE the non-federal employee reports for assignment. This training must also be provided to the assignee's FEMA supervisor of record.

- C. IPA mobility assignments will not be created at the expense of replacing or displacing an FTE position.
- D. Non-Federal employees will not be placed in either a bargaining unit or supervisory position.

IV. Responsibilities

A. FEMA Administrator is responsible for the following:

1. Providing oversight, leadership, and guidance regarding the IPA mobility program.
2. Approving and monitoring compliance to all regulations and OPM/DHS guidance regarding the IPA Mobility program.

B. Deputy Administrator is responsible for:

1. Approving all prospective (proposed) and final IPA mobility assignments.
2. Consulting with the Office of the Component Chief Human Capital Officer (OCCHCO) and the Office of Chief Counsel (OCC) in cases where a prospective participating non-Federal organization is not certified as eligible under the IPA Mobility Program.

C. Executive-Level Managers are responsible for:

1. Identifying, validating, and negotiating appropriate proposed IPA Mobility Assignment Agreements with eligible organizations.
2. Ensuring that participating organizations meet established eligibility criteria (refer to the guidance in paragraph IX, References). Eligibility must also be confirmed by OCC and OCCHCO.
3. Ensuring that all IPA Mobility Assignment Agreements support a bona fide, official interest of the Agency, and that no FEMA employee participates in an IPA Mobility Assignment Agreement where it could be reasonably concluded that the employee may be personally seeking the assignment for post-government service employment.
4. Coordinating all necessary financial arrangements with the Office of the Chief Financial Officer (OCFO).
5. Drafting written IPA Mobility Assignment Agreements using the OPM guidance.
6. Securing the Deputy Administrator's approval of a prospective (proposed) IPA Mobility Assignment prior to developing an IPA Mobility Assignment position description or negotiating an IPA Mobility Assignment Agreement.
7. Ensuring that both OCC and OCCHCO have reviewed and completed all required actions/responsibilities prior to forwarding the final IPA Mobility Assignment Agreement to the Deputy Administrator for final approval.

8. Ensuring that non-Federal employees assigned to their organization under the IPA Mobility Program, and their FEMA supervisor of record, meet with OCC (in person or via videoconference) for individualized ethics and standards of conduct training prior to reporting for assignment.
9. Ensuring that non-Federal employees comply with all pre-assignment program requirements, including, but not limited to financial disclosure, ethics briefing, personnel security, and travel prior to beginning the assignment with FEMA.
10. Forwarding fully and completely coordinated IPA Assignment Agreements to the Deputy Administrator for final approval.

D. Office of the Chief Counsel (OCC) is responsible for:

1. Providing appropriate legal counsel, guidance, and interpretation support for all provisions of the IPA mobility program.
2. Identifying applicable financial disclosure requirements for all IPA mobility assignee positions prior to the solicitation of candidates for the assignment.
3. Reviewing and certifying, prior to the effective date of assignment, the financial disclosure report that all incoming IPA mobility assignees must file.
4. Limiting the impact of potential, but non-fatal conflicts of interest through development of legally sufficient screening agreements or caution letters to IPA mobility assignees.
5. Providing mandatory ethics briefings to incoming IPA assignees (and their designated supervisors of record) prior to commencement of any FEMA IPA mobility assignments.

E. Office of the Component Chief Human Capital Officer (OCCHCO) is responsible for:

1. Providing advice and guidance to executive-level managers who wish to establish IPA Mobility Assignment Agreements.
2. Coordinating with the Office of the Chief Human Capital Officer, Department of Homeland Security, in cases where a prospective participating non-Federal organization is not certified as eligible under the IPA Mobility Program.
3. Ensuring all applicable labor-management requirements are satisfied with respect to IPA Mobility Assignments.
4. Advising FEMA employees, in writing, of the terms and conditions for outgoing IPA mobility assignments, to include return rights, and continuing service agreements.
5. Ensuring that incoming IPA mobility assignees meet all applicable requirements (e.g., personnel security requirements), and are advised prior to signing the IPA mobility agreement that they are required to file a financial disclosure report.
6. Maintaining appropriate records and providing reports as requested to the DHS Chief Human Capital Officer and Office of Personnel Management.
7. Informing all new IPA mobility assignees of applicable FEMA employee conduct rules, regulations, laws and policies.

8. Ensuring that the administration of IPA mobility assignments within the Agency conforms to all statutory and regulatory requirements and other applicable Office of Personnel Management and Department of Homeland Security guidelines.
9. Coordinating with the Deputy Administrator, and Office of the Chief Counsel (OCC) in cases where a prospective participating non-Federal organization is not certified as eligible under the IPA Mobility Program.

F. Office of the Chief Financial Officer (OCFO) is responsible for:

1. Supporting necessary financial arrangements.
2. Providing information related to travel and transportation entitlements.
3. Ensuring that the parties to IPA Mobility Assignment Agreements uphold the financial terms stated therein.
4. Establishing provisions for cost sharing and reimbursement within the IPA mobility agreement.

G. Managers and Supervisors of IPA Mobility Assignees are responsible for:

1. Ensuring adherence to and compliance with all laws, rules, regulations and policies with respect to all IPA mobility assignments, including applicable ethics rules.
2. Determining, in consultation with OCC, the financial disclosure requirements for incoming IPA mobility assignments and ensuring this information is communicated to candidates.
3. Ensuring that incoming IPA mobility assignees comply with all pre-assignment program requirements, including, but not limited to, financial disclosure, ethics briefing, personnel security, and travel, prior to beginning the assignment.
4. Ensuring that outgoing FEMA IPA mobility assignees comply with all ethics and other requirements (e.g., personnel security). This includes ensuring that FEMA employees attend the required ethics briefing prior to beginning their assignment with a non-Federal organization.
5. Coordinating with appropriate officials in their components to obtain required approvals for all IPA mobility assignments.
6. Ensuring that all assignments are properly documented and reported.
7. Coordinating start dates and exit dates, to include compliance with any requirements associated with those actions.
8. Assuring sound stewardship of all Federal funds associated with IPA mobility assignments.
9. Reviewing and approving all cost reimbursement requests to ensure that they comply with the terms of the relevant IPA agreement and reflect actual, appropriate costs incurred, prior to submitting the requests for payment.

H. FEMA Employees are responsible for:

1. Complying with Federal standards of conduct and conflict of interest statutes and regulations including, but not limited to, Title 18, U.S.C., Sections 203 (compensation

from outside sources); 205 (representation of third parties); 208 (participation in matters with a financial interest); and 209 (non-government compensation and gratuities).

2. Notifying their supervisor if contacted for possible employment by an eligible organization seeking an IPA Mobility Assignment Agreement with FEMA, and then consulting with OCC regarding permissible contacts and actions while negotiating for possible outside employment.
 3. Refraining from participating in the initiation or establishment of an IPA Mobility Assignment Agreement or any of its terms if the employee is personally seeking the IPA mobility assignment to facilitate post-government service employment.
- I. Non-Federal Employees Assigned to FEMA under the IPA Mobility Program are responsible for:
1. Meeting with OCC prior to reporting for assignment.
 2. Complying with Federal standards of conduct and conflict of interest statutes and regulations including, but not limited to, Title 18, U.S.C., Sections 203 (compensation from outside sources); 205 (representation of third parties); 208 (participation in matters with a financial interest); and 209 (non-government compensation and gratuities).

V. **Definitions**

- A. Employee. An individual serving in a Federal agency under a career or career-conditional appointment, including career appointees in the senior executive service, and individuals under appointments of equivalent tenure in excepted service positions; or an individual employed for at least 90 days in a career position with a State, local, or Native American tribal government; institution of higher education; or other eligible organization.
- B. Eligible Organization. A State or local government, institution of higher education, or other eligible organization within the meaning of Section F below.
- C. Executive Level Managers: Associate Administrators, Regional Administrators, Assistant Administrators, and Program Directors
- D. State. A state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Trust Territory of the Pacific Islands, a territory or possession of the United States, any instrumentality or authority of the foregoing, and any Federal-State authority or instrumentality.
- E. Local Government. A political subdivision, instrumentality, or authority of a State or States; any general or special purpose agency of such a political subdivision, instrumentality, or authority.
- F. Native American tribal government. Any Native American tribe, band, nation, or other organized group or community, including any Alaska Native village, which is recognized as eligible for the special programs and services provided by the United States because of its status as Native American and includes any tribal organization as defined in Section 4 of the Indian Self-Determination and Education Assistance Act.

- G. Institution of Higher Education. A domestic, accredited public or private four-year college or university, or a technical or junior college.
- H. Other Eligible Organization (or Other Organization). A national, regional, statewide or metropolitan organization representing member State or local governments; an association of State or local public officials; or a nonprofit organization that has as one of its principal functions the offering of professional advisory, research, educational, development, or related services to governments or universities concerned with public management. Such an organization is not an eligible organization unless and until it has been certified as such by the Office of the Chief Human Capital Officer, Department of Homeland Security (DHS), or by another Federal agency.

VI. Authorities

- A. Title 5, United States Code (U.S.C.), Sections 3371-3375, *Assignments to and from States*
- B. Title 5, Code of Federal Regulations (CFR) Part 334, *Temporary Assignment under the Intergovernmental Personnel Act*
- C. Department of Homeland Security, Intergovernmental Personnel Act Assignment Program, Interim Guidance

VI. Responsible Office:

Office of the Component Chief Human Capital Officer.

VIII. Supersession

This Directive does not supersede any previous FEMA Directives or Manuals.

IX. References

- A. Office of Personnel Management (OPM), Intergovernmental Personnel Act (IPA) Mobility Program: *Provisions of the IPA Mobility Program*
- B. OPM Intergovernmental Personnel Act (IPA) Mobility Program: *Assignment of a Federal Employee to a Non-Federal Agency*
- C. OPM Intergovernmental Personnel Act (IPA) Mobility Program: *Assignment of a Non-Federal Employee to a Federal Agency*
- D. Office of Government Ethics (OGE), DAEOgram DO-06-031, *Intergovernmental Personnel Act Summary (October 19, 2006)*

X. Electronic Forms Prescribed

- A. Optional Form 69, Assignment Agreement - Title IV, Intergovernmental Personnel Act (this form can be accessed at: <http://www.opm.gov/forms/html/of.asp>)

- B. Standard Form 86 Questionnaire for National Security Positions (this form can be accessed at: <http://www.opm.gov/forms/html/sf.asp>)
- C. DHS Form, Record of Coordination and Approval for Intergovernmental Personnel Act Assignment
- D. DHS Form, DHS Questionnaire for Non-Federal IPA Assignments
- E. Standard Form 278, Public Financial Disclosure Form
- F. Office of Government Ethics Form 450, Confidential Financial Disclosure Form

XI. Questions

Questions regarding this Directive should be addressed to the Office of the Component Chief Human Capital Officer at (202)646-3962.

V. Electronic Attachments

- A. Office of Personnel Management (OPM), Intergovernmental Personnel Act (IPA) Mobility Program: Provisions of the IPA Mobility Program (this can be accessed at: <http://www.opm.gov/programs/ipa/mobility.asp>)
- B. Office of Personnel Management (OPM), Intergovernmental Personnel Act (IPA) Mobility Program: Assignment of a Federal Employee to a Non-Federal Agency (this can be accessed at: <http://www.opm.gov/programs/ipa/AssignN.asp>)
- C. Office of Personnel Management (OPM), Intergovernmental Personnel Act (IPA) Mobility Program: Assignment of a Non-Federal Employee to a Federal Agency (this can be accessed at: <http://www.opm.gov/programs/ipa/assignF.asp>)
- D. Office of Government Ethics (OGE), DAEogram DO-06-031, Intergovernmental Personnel Act Summary (October 19, 2006) (this can be accessed at: http://www.usoge.gov/ethics_guidance/daeograms/dgr_files/2006/do06031.html)

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