

The Research Foundation for SUNY

Policy

Subject: Interpersonal Agreements (IPA)

Effective Date: May 29, 1997

Issued By: The Office of Research Administration (ORA)

Responsible parties

- PI- Principal Investigator
- Department Administrators
- HR - Human Resources
- GM's- Grant managers

Who should know this process:

- ORA – Sponsored Program Administrators
- DRA's – Department Research Administrators
- Department Personnel
- Deans/Chairs/SVPR

What it is:

An IPA is a funding mechanism for the VA to provide reimbursement for a portion of or all of the salary and fringe benefits of a Downstate faculty or non-faculty person working on a sponsored research award funded by the VA.

Purpose:

To ensure IPAs are established complying with government and institutional policies.

The goal of the Intergovernmental Personnel Act (IPA) mobility program is to facilitate the movement of employees, for short periods of time, when this movement serves a sound public purpose. Mobility assignments may be used to achieve objectives such as:

- strengthening the management capabilities of Federal agencies, State, local and Indian tribal governments, and other eligible organizations;

- assisting the transfer and use of new technologies and approaches to solving governmental problems;
- facilitating an effective means of involving state and local officials in developing and implementing Federal policies and programs; and,
- providing program and developmental experience which will enhance the assignee's performance in his or her regular job.

Background:

Assignments to or from state and local governments, institutions of higher education, Indian tribal governments and other eligible organizations 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. The legal authority for assignments under the Intergovernmental Personnel Act is 5 USC sections 3371 through 3375. The regulations can be found in Code of Federal Regulations (CFR), part 5, chapter 334.

Each assignment should be made for purposes which the Federal agency head, or his or her designee, determines 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.

Policy:

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 Intergovernmental Personnel Act agreement. This individual may be given a temporary appointment or be assigned by detail to a Federal agency. It is the Federal agency's responsibility to inform the employee of the applicable Federal employee laws. Federal conflict-of-interest laws and the Federal tort claims statutes also apply.

When developing an assignment which involves the movement of a non-Federal employee to a Federal agency, the agreement should specify that the employee can return to the non-Federal position occupied prior to the assignment or to one of comparable pay, duties and seniority and that the employee's rights and benefits will be fully protected.

Length of Assignment

Assignment agreements can be made *for up to two years*, and may be intermittent, part-time, or full-time. The Federal 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.

5 CFR part 334 states that an employee who has served for four continuous years on a single assignment may not be sent on another assignment without at least a 12-month return to duty with his or her regular employer. Successive assignments without a break of at least 60 calendar days will be regarded as continuous service under the mobility authority.

The regulations prohibit a Federal agency from sending on assignment an employee who has served on mobility assignments for more than a total of six years. The Office of Personnel Management may waive this provision upon the written request of the agency head.

Reimbursement for Assignment:

Assignments are negotiated between the participating organizations, by establishing an IPA Assignment form. 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, fringe benefits, and travel and relocation expenses.

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 the following limited relocation expenses:

- travel and transportation expenses of the employee to and from the assignment location under FTR part 302-2;
- travel and transportation expenses of the employee's immediate family to and from the assignment location under FTR part 302-2;
- transportation and temporary storage expenses of the employee's household goods and personal effects under FTR part 302-8;
- temporary quarters subsistence expenses under FTR part 302-5 at the time the assignment commences and at the time the assignment is completed;
- a miscellaneous expense allowance under FTR part 302-3; and
- the expenses of non-temporary storage of the employee's household goods and personal effects under FTR part 302-9, when the employee is assigned to an isolated location.

An agency may select between payment of a per diem allowance at the assignment location or the limited relocation expenses but may not pay both. However, an agency may pay per diem for travel away from the assignment location, even if it pays the limited relocation allowances, so long as the employee does not travel to his/her official station. An agency should consider the cost to the Federal Government to be a major factor when determining whether to pay a per diem allowance at the assignment location or limited relocation allowances. An agency should also consider the duration of the assignment. A per diem allowance is meant for shorter assignments. The payment of per diem for an indeterminate period or a period of more than one year is taxable to an employee, so an agency should not pay a per diem allowance for an assignment expected to last more than one year, or for an indefinite period.

If an agency pays a per diem allowance at the assignment location, the per diem allowance may be paid only for the individual on the mobility assignment. If an agency pays relocation, the agency may pay transportation expenses for the immediate family of the employee. An agency, however, cannot pay the expenses of selling or purchasing a residence, nor the expenses of property management services while the employee is on the assignment. An agency may not authorize a temporary change of station under subparts C and D of FTR part 302-1 to transfer an employee to the assignment location.

The employee must sign a service agreement for one year or the length of the assignment, whichever is shorter, to be eligible for payment of per diem at the assignment location or limited relocation expenses. The employee will be responsible for repaying any expenses if he or she fails to complete the service agreement, unless the reasons for failing to complete the agreement are beyond his or her control. In addition, Federal agency officials may waive the requirement to pay back expenses if they feel the waiver is justified. The service agreement does not cover travel expenses paid when the employee travels away from the assignment location.

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. Title 18, United States Code, prohibits certain kinds of activity:

- receiving compensation from outside sources for matters affecting the Government (section 203),
- acting as agent or attorney for anyone in matters affecting the Government (section 205),
- acting or participating in any matter in which he or she, the immediate family, partner; or, the organization with which he or she is connected has a financial interest (section 208),
- receiving salaries or contributions from other than Government sources for his or her Government services (section 209),
- soliciting political contributions (sections 602 and 603),
- intimidating to secure political contributions (section 606),
- failing to account for public money (section 643),

- converting property of another (section 654),
- disclosing confidential information (section 1905); and,
- lobbying with appropriated funds (section 1913).

Non-Federal employees are also subject to the Ethics in Government Act of 1978; 5 CFR part 735 which regulates employee responsibilities and conduct; as well as agency standards of conduct regulations. The Intergovernmental Personnel Act does not exempt a Federal employee, whether on detail or on leave without pay, from Federal conflict-of-interest statutes when assigned to a non-Federal organization. The 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. The Federal agency should be particularly alert to any possible conflict-of-interest, or the appearance thereof, which may be inherent in the assignment of one of its employees. Conflict-of-interest rules should be reviewed with the employee to assure that potential conflict-of-interest situations do not inadvertently arise during an assignment.

Non-Federal employees on assignment to the Federal Government are subject to the provisions of 5 USC chapter 73, United States Code (Suitability, Security, and Conduct, including restrictions on political activity), and any applicable non-Federal prohibitions.

Arranging an Assignment:

Assignments under the Intergovernmental Personnel Act are management-initiated by the Federal agency. Development of the proposed assignment should be controlled by management. 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.

When developing an assignment which involves the movement of a non-Federal employee to a Federal agency, the agreement should specify that the employee can return to the non-Federal position occupied prior to the assignment or to one of comparable pay, duties and seniority and that the employee's rights and benefits will be fully protected.

Federal agencies should use their own form for recording the agreement. The specific content of the agreement may vary according to the assignment. Agency forms should provide, at a minimum, the following information:

- name, social security number, current job title, salary, classification, and address of the employee,
- parties to the agreement (both Federal and non-Federal organizations),

- position information, including organizational location of both the original position and the position entered into under the agreement,
- type of assignment (e.g., detail or leave without pay; non-Federal to Federal; Federal to non-Federal), and period covered by the assignment agreement,
- goals of the assignment and a brief statement of how the goals are to be achieved,
- relative benefits accruing to each organization and the cost-sharing arrangement based on these benefits,
- how increased knowledge, skills and abilities gained by the employee during the assignment will be utilized at the completion of the assignment,
- applicability of Federal conflict-of interest laws,
- decisions of the Federal agency and the non-Federal organization concerning the employee's salary, supervision, payment of travel and transportation expenses, supplemental pay, entitlement to leave and holidays, provisions for reimbursement and the method of reimbursement,
- arrangements for maintaining leave records,
- employee benefits that will be retained; and,

Privacy Act Statement:

The agreement should also make clear that if an employee is paid allowable travel, relocation, and per diem expenses, he or she must complete the entire period of the assignment or one year, whichever is shorter, or reimburse the Government for those expenses.

For Federal employees the agreement should assure that the assignee knows of his or her obligation to return to the Federal service for a time equal to the length of the assignment, or be liable for all expenses (exclusive of salary and benefits) associated with the assignment.

The cost-sharing arrangements involved in a mobility assignment are worked out between the participating organizations. The Federal agency may agree to pay all, some, or none of the costs of an assignment. Such costs may include employee pay, fringe benefits, relocation costs, and travel and per diem expenses.

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 Intergovernmental Personnel Act 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. The assignment agreement for each employee must always be accurate, complete, and current. 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.

Oversight:

The Office of Personnel Management will maintain oversight over agencies' use of the Intergovernmental Personnel Act program. It is imperative that agencies maintain accurate records of all Intergovernmental Personnel Act assignments (see Arranging an Assignment) as well as eligibility certifications of "other organizations." In addition, the Office of Personnel Management's Office of Merit Systems Oversight and Effectiveness may conduct, as appropriate, reviews of agencies' administration of the Intergovernmental Personnel Act program.

Exclusions:

5 CFR part 334 provides definitions of organizations and individuals covered by the Intergovernmental Personnel Act provisions of 5 USC section 3372(a)(1).. Individuals excluded from participation in the Intergovernmental Personnel Act mobility program include:

- Federal, State or local government employees serving under time-limited, temporary or term appointment, non-career or limited SES appointments, or Schedule C 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.

Related Policy

<https://www.opm.gov/policy-data-oversight/hiring-information/intergovernment-personnel-act/#url=Provisions>