



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

May 5, 2021

PERSONNEL BULLETIN NO: 21-05

SUBJECT: Intergovernmental Personnel Act (IPA) Mobility Program

1. Purpose. This personnel bulletin provides supplemental guidance to Title 5 U.S. Code Sections 3371 through 3375 and 5 Code of Federal Regulations (CFR) Part 334 on the assignment of DOI employees and employees of eligible non-Federal organizations under the Intergovernmental Personnel Act. This policy updates and supersedes previous guidance issued by the Department.

2. Policy. This policy provides guidance and promotes the use of the Intergovernmental Personnel Act (IPA) for temporary assignment of personnel between the Federal Government and state and local governments, colleges and universities, Indian tribal governments, federally funded research and development centers, and other eligible organizations. The assignment must be made for purposes which the bureau head, or their designee, determines of mutual concern and benefit to the Department of the Interior (DOI) and the non-Federal organization. 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 IPA mobility assignment program.

The goal of the IPA mobility program is to facilitate the movement of employees, for short periods of time, when it serves a sound public purpose – 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 their regular job.

3. Authority. Title 5 of the U.S. Code, sections 3371 through 3375 authorizes the temporary assignment of personnel, without loss of employee rights and benefits, between the Federal Government and State or local governments, institutions of higher education, Indian tribal governments, and other eligible organizations. 5 CFR 334 establishes the regulatory requirements to effectively manage IPA assignments.

4. Responsibilities.

A. Bureau Director (or designee). Bureau directors (or their designee) may make an assignment of their employees to and/or receive an employee of an approved organization.

B. Employee. A Federal employee who serves on an IPA mobility assignment to a non-Federal organization must agree as a condition of accepting the assignment, to serve in the civil service upon the completion of the assignment for a period equal to the length of the assignment.

C. Employing Office. The employing office is responsible for preparing the Assignment Agreement (Optional Form 69) and submitting it to the appropriate Bureau Human Resources and Ethics Office for review and concurrence; obtaining the appropriate approvals; providing a copy of the final agreement to the Bureau HR and Ethics Office for their records; initiating appropriate personnel action with their servicing human resource office (SHRO) for processing; and for ensuring that the fiscal obligations outlined in the Assignment Agreement are followed.

D. Servicing Human Resource Office. The Servicing Human Resources Office (SHRO) aids in executing IPA agreements; reviews all agreements for accuracy and compliance with the Act; provides concurrence to the employing office prior to approval of the agreement; and provides information requested by the Department for IPA assignment data calls. Submits information to DOI, Office of Human Capital (OHC) to obtain certification of non-Federal organization's eligibility, if not already certified.

E. Departmental Ethics Office. Federal employees remain subject to all applicable ethics laws and regulations. Non-Federal employees are also subject to certain ethics laws and regulations which regulate employee responsibilities and conduct, including DOI supplemental ethics requirements. The Departmental Ethics Office will provide IPA assignees with required training, assign and review required financial disclosure reports, and provide ethics guidance governing the IPA assignees during their temporary assignment.

F. DOI, Office of Human Capital. Reviews, certifies, and maintains agency list of approved "other" organizations.

5. Approving Official. Approval of all IPA mobility assignments is delegated to Bureau Director and may be re-delegated no lower than the bureau human capital officer. Approval authority for immediate Office of the Secretary IPA assignments and approval of organizations eligibility for participation in the IPA Mobility Program is the DOI, Director of Human Capital.

6. Procedures. Assignments under the IPA are management initiated and must be implemented by a written agreement. All 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 bureau approving Official., Approvals must be received before an assignment may begin.

A. 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.

“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 that 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.

B. Request for Certification of "Other" Organization

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

- Contact the SHRO/IPA Coordinator who will facilitate the process.
- Request the following documents from the organization for which certification is being requested and submit to the Bureau HR Office/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 SHRO/IPA Coordinator will prepare the request and receive the appropriate internal signatures before forwarding to the Department for certification.

- Upon receipt of DOI certification the SHRO/IPA Coordinator will contact the requesting office to inform them that the assignment arrangements may proceed.

C. Participant Eligibility Requirements

(1). Federal employees must meet one of the following criteria 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

(2). 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. The non-Federal organization must verify if the employee has been in a career position for 90 days.

(3). 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.

D. Length of Assignment

(1). Initial assignment can be made for up to 2 years and may be extended for up to 2 additional years by bureau directors (or designee), given the concurrence of the other parties to the agreement. Assignments must be kept to the minimum time period necessary to complete the assignment.

(2). Assignments to Indian tribes or tribal organizations, defined in 5 USC 3371(2)(c), may be extended for any period if it is determined that the assignment will continue to benefit both organizations. Extensions beyond 4 years must be approved by the appropriate Assistant Secretary. The Assistant Secretary, Policy, Management and Budget is the approval authority for immediate Office of the Secretary employees.

(3). Once an individual has served on an assignment for four (4) continuous years, except as described in (2) of this section, the individual 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.

(4). A Federal employee may not serve on mobility assignments for more than a total of 6 years during their Federal career. This limitation may be waived by the U.S. Office of Personnel Management upon written request of the agency. This time limit does not apply to non-Federal employees.

E. Obligated Service Requirement

(1). 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, the employee 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.

7. Oversight, Recordkeeping and Reporting. Bureau HR Offices are responsible for maintaining internal oversight of IPA assignments within their bureaus and ensuring assignments are appropriately coded within the Federal Payroll and Personnel System (FPPS). Assignment documentation will be retained for three (3) calendar years after termination of assignment.

Bureau policy leads may reach out to the DOI, Office of Human Capital at DOI_Office_of_Human_Resources@ios.doi.gov with any questions.

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Deputy Chief Human Capital Officer

IPA FAQs

Is there a mandatory work schedule for an IPA assignment?

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

What is the process for an eligible Federal employee that would like to participate in a detail at a non-Federal organization?

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 the employee occupied at the time the mobility assignment began or reassign the individual to another position of like pay and grade.

What is the status of a Federal Employee when they are on detail at a non-Federal organization?

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 their 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.

What is the process for a Federal employee being detailed to a non-Federal organization vs a non-Federal employee being detailed to a Federal agency?

A Federal employee on LWOP is paid by the non-Federal organization to which they are 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, the employee occupies with the mobility employer. Thus, it's possible that an assignee may receive a higher rate of pay than their 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 their 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.

How are the detailed opportunities determined and paid?

The individual 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.

Can a non-Federal assignee be granted an extension and pay negotiated?

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.

Are benefits offered for assignees?

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 their share of the premium payments.

Non-Federal Employee: A non-Federal employee is ineligible for health insurance coverage unless their 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.

Is there a cost affiliated with an IPA assignee?

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 must 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 must be submitted for payment.

Is leave accrued while being detailed?

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 must be specified in the assignment agreement. All leave used, as well as hours worked, must 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 they 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.

Who completes the Performance Appraisal for Federal employees on detail?

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.

What are the Travel and Transportation regulations?

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 their 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.

What is an Employee Agreement?

An Employee Agreement is an agreement to serve the entire period of the assignment or 1 year (whichever is shorter) unless the assignment is terminated for reasons beyond their 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.) To be eligible for payment of travel and transportation costs, the assignee must sign the agreement.

What type of Honors and Awards are acceptable while on an IPA Detail?

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.

What are the Ethics Requirements?

Federal Employees: Federal employees remain subject to Federal and Department of the Interior 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. Federal employees will also remain subject to compliance with applicable financial disclosure and training requirements. Ethics officials are available to assist Federal employees in identifying and resolving any issues relating to a potential conflict of interest or ethics compliance.

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 certain conflict-of-interest provisions concerning representational activities, and should obtain advanced guidance from the Department's ethics officials prior to engaging in any representational activities.

Non-Federal Employees: Non-Federal employees on IPA assignments, whether by appointment or detail, are subject to Federal and DOI ethics statutes, regulations, rules, and policies. All non-Federal employees on assignment must receive initial ethics orientation within three months of appointment and annual ethics training each calendar year thereafter.

In addition, certain non-Federal employees will be required to file new entrant financial disclosure reports within 30 days of appointment and annual financial disclosure reports annually thereafter. The Employing Office, in consultation with ethics officials, must determine if the assigned position is a financial disclosure report filing position. The nature of the position's duties, and potentially the compensation associated with the position, factors affecting whether a non-Federal employee is required to submit an OGE Form 450 (Confidential Financial Disclosure Report) or an OGE Form 278e (Public Financial Disclosure Report). Employing Office and Bureau Human Resources Offices are encouraged to contact the Departmental Ethics Office for assistance in determining whether a financial disclosure report is required and, if so, which form must be filed.

Upon request from the Employing Office and Bureau Human Resources Office, ethics officials may assign a non-Federal IPA candidate a new entrant financial disclosure report prior to finalization of the Assignment Agreement to ensure that no conflicts of interest would prevent the candidate from performing the anticipated duties of the position (please note that any financial disclosure must be filed no later than 45 days before the non-Federal employee's assignment start date to ensure full ethics technical and conflicts review).

What are the steps to terminating an assignment?

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 must 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 the employee 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 their position of record and resume the duties of that position or must be reassigned to another position of like pay and grade.

What is the 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: Once concurrence has been received by both the Ethics Office and the Human Resources Office, the RO may proceed with finalizing the agreement and will be sent to the bureau headquarters for approval.

Step 4: The Ethics Office will contact the assignee directly *if* the employee 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: When a Federal employee goes on an IPA assignment, the RO will initiate a detail 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.

What are the requirements for IPA start dates? Do they have to start from Jan - Dec, or is it based on the need of management and the organization?

The start dates are based on the need of management and the organization.

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.