

May 2016

**TEMPORARY ASSIGNMENT OF EMPLOYEES UNDER THE
INTERGOVERNMENTAL PERSONNEL ACT (IPA)**

1. PURPOSE: To establish policies and procedures to be followed in utilizing persons on a temporary assignment under the Intergovernmental Personnel Act (IPA). IPA assignments are intended to strengthen Federal, State, and local government management capabilities and should involve issues of mutual concern and benefit. The goal of the IPA Mobility Program is best served when employees with unique skills and knowledge participate. In general, the IPA Mobility Program is used to facilitate the movement of employees, for short periods of time, when this movement serves a sound public purpose and furthers the goals and objectives of the participating organizations. Services furnished may be accepted only when there is a properly authorized and signed written agreement between the individual, organization and VAMHCS. The utilization of individuals on an IPA without proper authorization is strictly prohibited.

2. POLICY:

a. It is the policy of the VA Maryland Health Care System (VAMHCS) to cooperate with State and local governments, institutions of higher education, Indian tribal governments, and other outside organizations in carrying out the provisions of the Act. Before a VA or State/local government employee enters into a temporary assignment, a determination must be made that such action will contribute to more effective intergovernmental relations and programs. There must also be assurance that such assignments are filled by highly qualified employees. The temporary assignment of a VA employee must not impair VA services to veterans and their beneficiaries.

b. A non-Federal employee on assignment to a Federal agency, whether by appointment under this Act 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, and the Standards of Ethical Conduct for Federal Employees prohibit certain kinds of activity.

c. Assignments may be made on an intermittent, part-time, or full-time basis. No assignment should be made for more than 2 years initially. Initial assignments may be extended for up to 2 more years if the parties agree. A single assignment may not exceed 4 years.

d. VA may not send or receive an employee (federal or non-federal) on an assignment if the employee has participated in the IPA Program for 4 continuous years without at least a 12-month break in service. VA employees would return to their respective VA position and non-VA employees would return to their non-Federal organization.

e. Successive agreements for two different or distinct assignments without a break of no more than 60 calendar days are regarded as continuous service. Agreements may not be comprised of a 60-day break within one assignment to make two intervals of the same assignment. Consecutive IPA assignments are an inappropriate use of this

authority. Federal employees may not serve more than 6 years on IPA assignments during their career. This limitation does not apply to private sector employees.

f. Within VA, the majority of IPA agreements are approved to support VHA research projects through the use of affiliated university staff. Temporary assignment agreements for employees of State and local governments, institutions of higher education, and other outside organizations, who are detailed or appointed to VA, will be made in accordance with guidance provided in 5 CFR 334.101 et seq. Employees/students in research, graduate, or teaching positions are not eligible to participate in the IPA program, this includes but is not limited to post-doctoral and research fellows. Those residing in the U.S. on a student visa are not permitted to be placed on an IPA. Under no circumstances should IPA agreements be used as a mechanism for hiring clinical staff or as a substitute for scarce medical specialist, sharing, commercial item, or other clinical services contracts. Nor is it appropriate to use IPA agreements for administrative and support positions. In general, IPA agreements should not be used to circumvent restrictions on hiring due to budget constraints, reductions-in-force, freezes on grade levels, or ceiling allocations. Non-VA employees may exercise supervision over VA employees. VA employees or Investigators funded under a VA research project are permitted to supervise IPA's. IPA staff should not be permitted to supervise other IPA's. Non-VA employees must be employed in a permanent position by their organization for at least 90 days to be eligible for an IPA assignment. Details of these employees may be made on a reimbursable, nonreimbursable, or a shared cost basis. VA employees may be detailed or placed in leave without pay status, to a State or local government or institution of higher education. In either case, non-VA and VA employees remain employed by their original organization and retain the rights, benefits, and obligations associated with their original appointment.

NOTE: *A non-VA employee assigned by detail to a CLASSIFIED position in VA is entitled to earn the basic rate of pay, including any locality payment, which the duties of the assignment position would warrant under the applicable classification and pay provisions of VA. If the assignee's non-Federal salary is less than the minimum rate of pay for the VA position, VA must supplement the salary to make up the difference. Supplemental pay may vary because of changes in the rate of pay of the VA position. Supplemental pay cannot be paid in advance or in a lump sum and is not conditional on the completion of the full period of the assignment. Supplemental pay may be paid directly to the employee or reimbursed to the non-Federal organization.*

g. If an agreement involves nonprofit organizations, certification must be obtained before the assignment agreement can be approved. Authority for certification of VA nonprofit research corporations, who are members of the National Association of Veterans' Research and Education Foundations (NAVREF), has been delegated to the Chief Research and Development Officer.

h. Cost-sharing arrangements for mobility assignments are negotiated between participating organizations. Normally, the larger share of the costs should be absorbed by the organization benefiting most from the assignment. Exceptions might occur if an organization's resources do not permit costs to be shared on a relative benefit basis.

i. A VA employee given a temporary assignment of 90 days or less may be placed on leave without pay status or detailed, with the assignment being made on a reimbursable or shared-cost basis. (However, because of the VA Appropriation Act limitations, any detail of VHA employees involved in the examination of other than VA beneficiaries, must be on a reimbursable basis.) For a temporary assignment over 90 days, an employee may be placed on a leave without pay status or he/she may be detailed. Any VA expenditures for assignments over 90 days may be fully reimbursable and credited to the VA appropriation from which payment is made. Exceptions to this policy may be approved by the person having approval authority for filling the position.

j. A non-VA employee may be detailed or appointed on a reimbursable, nonreimbursable, or shared-cost basis. If appointed for more than 1 year on a continuing appointment, the appointee is eligible for within-grade increases. Usually, an IPA-assignee is appointed at the minimum rate of the grade. However, if desired and properly negotiated, an advanced step rate for a position at GS-1 through GS-15 may be conferred, based upon superior qualifications.

k. Non-VA detailees are not eligible to enroll in the Federal Employees Health Benefits program, group life insurance, or the Federal Employee Retirement System. Non-VA appointees are not covered by any Federal retirement system or by the Federal Employees Group Life Insurance Program. They are not eligible for enrollment in the Federal Employees Health Benefits program unless their appointment with VA results in loss of health coverage from their non-Federal health benefits system.

l. Costs associated with an IPA assignment must include pay provisions with specific salary rate(s), any provisions for cost-of-living adjustments (COLA), fringe benefits, travel and relocation expenses, and income derived from certain private consulting work (usually considered as part of the pay of university employees).

m. The work location and hours of duty must be cited, along with any additional requirements for additional work hours anticipated. Non-Federal detailees usually have the same workweek and hours of duty as other employees of the organization assigned. If the detailee is a non-Federal employee, they are eligible to participate in alternative work schedule arrangements. It is important to note which organization will be responsible for maintaining time and attendance records. All deviations from the standard tour of duty must be reported. It is important to maintain accurate timekeeping records for audit and review purposes.

n. Details are covered under the policy of the permanent employer's leave system. The assignment agreement should specify which organization will be responsible for approving and reporting leave. The agreement should also spell out what holidays will be observed by the assignee.

o. Indirect administrative costs associated with preparing and maintaining payroll records, developing reports, negotiating the IPA agreement, office space, furnishings, supplies, staff support, and computer time are prohibited.

p. If a VA employee fails to fulfill an agreement before the expiration of the agreement or fails to complete one year of service under the agreement, whichever is less, applicable travel and transportation expenses are recoverable from the employee unless the assignment is terminated for reasons, which are beyond the employee's control and are acceptable to VA. Recoveries will be returned to the paying office where VA was initially reimbursed for such expenses.

q. If a non-VA employee terminates an assignment before the entire period or 1 year, whichever is shorter, he/she is liable for paid travel, relocation, and per diem expenses.

r. If an organization, including the VAMHCS, terminates the assignment, a 30-day notice to all parties involved is advised. This notification must be in writing and include the reasons for termination. Mobility assignments must be terminated immediately whenever an assignee is no longer employed by his/her original employer or if funding is no longer available. If an IPA is permitted to continue without funding, the requesting service should follow VA Handbook 7401.7 regarding the unauthorized commitment of governmental funds.

s. IPA assignments of family members will conform to the restrictions governing the employment of relatives as provided in 5 USC 3110, Employment of Relatives; Restrictions.

t. IPA work locations outside of VAMHCS require a written Memorandum of Understanding (MOU) outlining the details of the relationship between organizations, including the responsibilities of each is required by the requesting service. Such an agreement is used to delineate the terms and conditions under which VAMHCS utilizes the affiliate, such as laboratory facilities or research equipment, and the reason for the use thereof.

u. Assignments that involve work in Research Laboratories will follow VHA Handbook 1200.06 regarding security clearance and credentials prior to beginning work in the laboratory. The requesting service will provide proof of credentials and clearance to HRMS.

3. RESPONSIBILITIES:

a. **The VAMHCS Director** is responsible for approving any **extensions and modifications** of IPA assignments for the VAMHCS.

b. **The Chief of Staff** is the approving official for **initial** IPA assignments for the VAMHCS.

c. **The Clinical Center Director/Service Chief** is responsible for completing the OF 69, Assignment Agreement and forwarding to Human Resources Management.

d. **The Chief, Human Resources Management** is designated as the Facility IPA Mobility Program Coordinator and will be the principal point of contact for mobility assignment matters.

4. PROCEDURES:

a. Initial IPA mobility assignments are requested by the facility program official with responsibility for the IPA-related project/program or affected VA employee. The following steps should be followed to secure approvals of IPA assignments.

(1) The requesting Service will review the Summary of Ethics Laws and Regulations Governing Employees Detailed or Assigned to the Federal Government Under the Intergovernmental Personnel Act with the employee to assure that conflict-of interest situations do not inadvertently arise during the assignment and the employee has been notified of laws, rules and regulations, and policies on employee conduct which apply to him/her while on the assignment.

(2) The requesting service will prepare, complete and sign both the VAMHCS HRMS IPA Worksheet (Attachment A) and Optional Form 69, Assignment Agreement, issued by OPM. The OF-69 should be completed by the requesting official and signed by the employee. The form is available at <http://vaww.maryland.va.gov/departments/HR/OF69.pdf>. All information pertinent to the agreement including such issues as special pay conditions, who will administer leave requests and other benefits outside of the standard package, should be included on the form. Cost-sharing arrangements should be negotiated between both involved organizations (lending and receiving). Reimbursement may include salary and income derived from any job-related outside consulting work and should be specified on the form.

(3) The Authorizing Official from the lending organization should sign the form before referring to the facility HR Officer (HRO) for final administrative review. The completed OF-69, IPA Criteria Checklist, and salary information must be submitted to HRMS at least 60 days prior to the start date. In accordance to 5 CFR 334.106, approvals must be received before an assignment may begin. The HRO will review all IPA agreements for administrative accuracy (e.g., do they meet legal requirements such as purpose, timeframes, length of agreement, etc.) and certify same by signing certification sheet (Attachment B). Once the review has been completed, HRMS will forward the IPA per 4.a.(3).

(4) Authority is delegated to the Chief of Staff to approve initial IPA assignments. Approval authority covers the start date of the initial assignment through a period exactly 2 years later (e.g., 01-01-00 through 12-31-02). The Facility Director is the approving authority for any extension beyond 2 years and extensions may be requested for any period of time not to exceed 2 years. No agreement may be modified to avoid the break in service requirement. Agreements will not be approved for more than a total of 4 years in the IPA Program without a one-year break in service.

(5) Once an initial or extension of assignment agreement has been approved, it should be returned to HRMS. HRMS will then provide copies to the facility fiscal office and the office that generated the request.

(6) Modifications to either the original or the extended agreements should be recorded and approved in the same manner as mentioned in subparagraphs a, b, and c. Modifications include significant changes in an employee's duties, responsibilities, salary, project/work assignment location or schedule (e.g., part-time to full-time) or supervisory relationships.

(7) Terminations to any agreement must be made in writing with the reason for the termination appropriately documented. The requesting Service must notify HRMS and Fiscal Services immediately when an IPA is terminated. A completed VAMHCS HRMS IPA Termination Worksheet (Attachment C) must be sent to HRMS with a copy of the official termination notice to the IPA employee. In the event that the lending organization does not provide the termination notification, the requesting Service will be responsible to ensure that HRMS and Fiscal Service are notified immediately. Failure to comply could result in an Unauthorized Commitment.

b. Most research assignments are filled by employees of the National Association of Veterans' Research and Education Foundations. These Foundations have been previously approved by the Chief, Research and Development Officer. Assignment requests involving these approved organizations should be processed as noted in subparagraphs 4a(1)-(3).

c. If an assignment request involves "other" nonprofit organizations (e.g., national, regional, statewide, area-wide, or metropolitan organizations representing State or local governments; or a nonprofit organization whose primary function is to offer professional advisory, research, education, or development services to governments or universities), such organizations must be certified by the Secretary. This certification process **must** be completed before any assignment agreements can be approved.

- 5. REFERENCES:** VA Handbook 5005, Part I, Chapter 3, Section C
VA Directive/Handbook 0710
5 CFR Part 334, Temporary Assignments Under the Intergovernmental Personnel Act
5 U.S. Code 337
Office of Personnel Management Provisions of IPA Mobility Program, <https://www.opm.gov/policy-data-oversight/hiring-information/intergovernment-personnel-act/>, current website.
U.S. Office of Government Ethics DO-06-031L: Intergovernmental Personnel Act (IPA) Summary
VHA Handbook 1200.06, Control of Hazardous Agents in VA Research Laboratories
5 U.S. Code 3110, Employment of Relatives; Restrictions

6. RESPONSIBLE OFFICE: The Chief, Human Resources Management Service, (05/HR) is responsible for the contents of this memorandum.

7. RESCISSION: VAMHCS Policy Memorandum 512-05/HR-030, subject: Temporary Assignment of Employees Under the Intergovernmental Personnel Act (IPA), dated April 2015.

June 2016

VAMHCS POLICY MEMORANDUM 512-05/HR-030

8. RECERTIFICATION: This document is scheduled for recertification on/before the last working day of June 2019.

Adam M. Robinson, Jr., M.D.

ADAM M. ROBINSON, JR., M.D.
Director, VA Maryland Health Care System

ATTACHMENTS: A – VAMHCS HRMS IPA Worksheet
B – VAMHCS HRMS IPA Certification
C – VAMHCS HRMS IPA Termination Worksheet

VAMHCS HRMS IPA WORKSHEET

All IPA agreements must be sent to HRMS for technical and administrative review at least 60 days prior to the start date of this agreement. This form should be routed to HRMS along with the completed OPM form OF-69 IPA Assignment Agreement (*VHA Handbook 5005, Staffing, Part I, Chapter 3, Section C outlines the required information to be included in OPM form OF-69*)

Service Submitting Request:		Service Contact Person:	
Contact Phone Number:		Contact Email Address:	
Name of IPA Employee:			
Nature of IPA Request:			
Start Date of IPA:	End Date of IPA:	Total Salary Requested:	
Full Project Name/Grant IPA will be assigned to:			
Start and End Dates of Project:			
Modification Notes:			

Has the Service Chief and/or Clinical Center Director read VHA Handbook 1660.03 regarding Conflict of Interest and submitted the Acknowledgment Form, VA Form 10-21009 (NR) to HRMS to be filed in Official eOPF per handbook guidance?	Yes	No
Has the proposed employee for this IPA Agreement been provided all regulations pertaining to conducting VHA Research, including Conflict of Interest?	Yes	No
Has the proposed IPA been employed by the non-federal organization for at least 90 days?	Yes	No
Organization has been certified as eligible by VA (http://archive.opm.gov/programs/ipa/IPA-OtherOrgList.asp or http://www.navref.org/assets/1/7/2010_IPA_Certification_Letters.pdf)	Yes	No
Is this IPA Agreement a Temporary Assignment?	Yes	No
Confirm that the proposed employee for this IPA Agreement <u>is not</u> on the OIG Exclusionary List. https://exclusions.oig.hhs.gov/ . Please include print out from OIG Website.	Yes	No
Do you confirm the proposed IPA is not a trainee/student/fellow employed in research, graduate, teaching assistant or similar temporary positions?	Yes	No
Do you confirm the proposed employee will not provide clinical services/duties or administrative/support duties?	Yes	No
Does the proposed IPA have relatives who work for the requesting Service, R&D, or Project Investigators? If yes, must provide name, relationship, and service for which the relative works on separate page.	Yes	No
Has the proposed IPA received required clearance by Veterans Service Center (VSC)? If no, call HRMS before proceeding.	Yes	No
Does the individual on the IPA require credentialing?	Yes	No
<i>If yes to above, has the credentialing process been completed?</i>	Yes	No

For work done outside of VAMHCS, do you confirm that a Memorandum of Understanding is in place for each location? If no, call HRMS before proceeding.	N/A	Yes	No
Will the individual be working in or require access to secure areas or laboratory? If yes, list area/laboratory and level (BSL-2 or BSL-3):		Yes	No

IPA Name: _____

Does the IPA Agreement meet <u>one or more</u> of the four objectives stated below:	Yes	No
Strengthening the management capabilities of Federal agencies, State, local and Indian tribal governments, 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.		
Providing program and developmental experience, which will enhance the assignee's performance in his or her regular job.		

Regulatory Time Line Restriction of IPA Background: Assignment agreements can be made for up to two years and may be extended for an additional two years. An employee who has served for four continuous years in the program may not be placed on another assignment without at least a 12 month return-to-duty with his/her regular employer. Successive agreements for two different or distinct assignments without a break of at least 60 calendar days will be regarded as continuous service under the mobility authority.

Is this IPA Agreement for a two year or less timeframe?	Yes	No
If this IPA Agreement is consecutive to a previous IPA Agreement, has the proposed employee been separated for 60 days or less?	Yes	No
Is the proposed IPA Agreement part of consecutive back-to-back two year Agreement to include a less than 60 day break between the first and second agreement?	Yes	No
If this agreement involves an employee who has participated in the IPA program for four years, has the employee met the minimum twelve-month break between assignments?	Yes	No
Does this proposed IPA Agreement involve an employee currently serving on another Agreement?	Yes	No
If proposed employee is a Federal Employee, have they been on an IPA for a total of 6 years in their entire Federal career?	N/A	Yes No

Required Documents Included:

Complete signed and dated OF-69	
VAMHCS IPA Worksheet	
OIG Exclusionary Print Out	
VSC Security Clearance Notification	
VAMHCS Research Scope of Practice (if applicable)	
VAMHCS Appointment Letter (if applicable)	

Submitting Service Chief/Clinical Center Director's name, signature, and date.

Name: _____ Signature: _____ Date: _____

**VAMHCS POLICY MEMORANDUM 512-05/HR-030
ATTACHMENT B**

June 2016

IPA Name: _____

VAMHCS HRMS IPA Certification

Does the Reason for the Mobility Assignment stated in Part 6 Block 21 of the OF-69 clearly list the project information, explain the primary purpose of the research assignment, the individual's role in the research assignment, how the employee will be utilized at the completion of the assignment, and how the position will benefit the VAMHCS?	Yes	No
Does the IPA Agreement meet <u>one or more</u> of the four objectives stated below:		
Does the IPA Assignment strengthen management capabilities of the VAMHCS?	Yes	No
Does the IPA Assignment assist the transfer and use of new technology and approaches to solving VAMHCS problems?	Yes	No
Does the IPA Assignment serve as a means of involving non-Federal officials in developing and implementing VAMHCS programs and/or new initiatives?	Yes	No
Does the IPA Assignment provide developmental experience to enhance the job performance of the IPA assignee (e.g. opportunity to work on projects and/or new initiatives)?	Yes	No
Does the Position Description stated in Part 7, Block #22 of the OF-69 describe the major duties and responsibilities of the mobility assignment as follows:		
Are the major duties stated clearly enough as to be able to determine what the necessary qualifications would be to perform the work?	Yes	No
Does the work described indicate the level of responsibility involved in performing the work?	Yes	No
The primary responsibility for the work described in Part 6 & 7 of the OF-69 <u>is not</u> for Administrative and/or Support purposes only?	Yes	No
The primary purpose of the work <u>does not</u> require the provision of clinical services or duties?	Yes	No
Is the IPA Agreement for Technical or Scientific Support?	Yes	No
Confirm that the proposed employee for this IPA Agreement <u>is not</u> on the OIG Exclusionary List	Yes	No
If this proposed Agreement involves an employee currently serving on another Agreement, do the combined Agreements exceed the initial two-year assignment or combined four year Agreement?	N/A	Yes No
If proposed employee has been on IPA, was the required break in service (60 days for different/distinct assignments and/or 12 months for 4 years in program) taken?	N/A	Yes No

Certification of the HRMS Reviewer:

I endorse all terms provided in this agreement. I certify that this assignee's skills are not available among present employees of the VA Maryland Health Care System or among former employees on the Reemployment Priority List and that this agreement is being entered into for a sound, mutually beneficial, public purpose and not solely for the employee's benefit.

Name: _____ Signature: _____ Date: _____

Certification of the Chief, Human Resources Management Service, VA Maryland Health Care System:

In signing this agreement, I certify that I have reviewed this agreement and find that it meets all legal and regulatory policies and procedures governing the IPA Mobility Program.

Name: _____ Signature: _____ Date: _____

VAMHCS HRMS IPA WORKSHEET - TERMINATION

All IPA terminations must be documented in writing and forwarded to HRMS with this worksheet.

Service Submitting Request:		Service Contact Person:	
Contact Phone Number:		Contact Email Address:	
Name of IPA Employee:			
Start Date of IPA:	Final End Date of IPA:	Final Salary Requested:	
VA Obligation Number(s):			
Full Project Name/Grant IPA Was Assigned To:			
Reason For Termination:			

Has the Service notified the IPA Employee of the Termination? Include copy of notification.	Yes	No
Has the Service notified Fiscal Services of the Termination? Include copy of notification.	Yes	No
Will the IPA Employee continue work on another VA funded project? If yes, list project(s):	Yes	No

Final Salary Information:

	Annual Salary	Percent Effort	Salary Requested	Fringe Rate	Fringe Requested	Total
Year 1						
Year 2						

Submitting Service Chief/Clinical Center Director's name, signature, and date.

I certify that the IPA Agreement will end as indicated above and all services have been notified.

Name: _____ Signature: _____ Date: _____

Certification of the HRMS Reviewer:

I certify the IPA Agreement will end as noted and all parties have been notified of termination:

Name: _____ Signature: _____ Date: _____

Certification of the Chief, Human Resources Management Service, VA Maryland Health Care System:

I certify the IPA Agreement has been terminated according to VA Handbook 5005/32:

Name: _____ Signature: _____ Date: _____