



U.S. FISH AND WILDLIFE SERVICE TRANSMITTAL SHEET

PART 223 FW 11	SUBJECT Employment Intergovernmental Personnel Act Mobility Program	RELEASE NUMBER 437
FOR FURTHER INFORMATION CONTACT Division of Human Resources		DATE January 14, 2004

EXPLANATION OF MATERIAL TRANSMITTED:

This chapter provides policy and procedures for implementing the Intergovernmental Personnel Act mobility program within the Fish and Wildlife Service.


DEPUTY DIRECTOR

FILING INSTRUCTIONS:

Remove:

None

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11.1 What is the purpose of this chapter? This chapter provides policy and operational guidance for implementing the Intergovernmental Personnel Act (IPA) mobility program within the Fish and Wildlife Service.

11.2 To whom does this chapter apply?

A. Career or career-conditional employees including career appointees in the Senior Executive Service, individuals under appointments of equivalent tenure in excepted service positions including presidential management interns, or an individual employed for at least 90 days in a career position with a State, local, or Indian tribal government; institution of higher education; or other eligible organization.

B. Non-career employees including excepted service, noncompetitive, time-limited, temporary, or term appointments are excluded from participating in the IPA mobility program.

11.3 What authorities govern the IPA mobility program?

A. 5 U.S.C. 3371 through 3376.

B. 5 CFR 334.

11.4 What is the IPA mobility program? This program allows for the temporary assignment of Service employees to State and local governments, institutions of higher education, Indian tribal governments, and other eligible organizations. The program also allows for the temporary assignment of employees from the aforementioned organizations to the Service. IPA's should not be used to cover assignments to meet personal interests of employees, to circumvent personnel ceilings, or to avoid unpleasant personnel decisions.

11.5 What "other organizations" are eligible to participate? The IPA regulations (5 CFR 334) specify and define what "other organizations" are eligible to participate. In order for these "other organizations" to be eligible to participate in the IPA mobility program, they must be certified by the Department of the Interior.

11.6 How are "other organizations" certified?

A. To obtain certification, the supervisor must submit a written request containing the following information through the servicing human resources IPA coordinator to the Washington Office Division of Human Resources:

(1) Articles of incorporation.

(2) Bylaws.

(3) IRS nonprofit statement.

(4) Any other information describing the organization's activities as they relate to the public management concerns of governments or universities.

B. Federally-funded research and development centers listed on the National Science Foundation's master list are eligible to enter into IPA assignments without further approval. Contact your IPA coordinator in your servicing human resources office to find out which are listed.

11.7 Who is responsible for implementing the IPA mobility program?

A. The Director has overall responsibility for the IPA mobility program within the Service.

B. The Assistant Director - Budget, Planning and Human Resources provides for the effective administration of the IPA mobility program within the Service.

C. The Chief, Division of Human Resources, develops and maintains the Service's IPA mobility program operational guidance, provides guidance to servicing human resources offices and the Headquarters Human Resources Branch, and clarifies new and existing policies and directives. The Chief, Division of Human Resources is also responsible for providing information on IPA assignments for inclusion in the monthly report to Congress.

D. Regional Directors; Manager, California/Nevada Operations Office (CNO); Chief, Law Enforcement; and Assistant Directors ensure the proper management of the IPA mobility program and approve all IPA assignments within their area.

E. Regional Human Resources Officers and Chief, Branch of Headquarters Human Resources provide guidance to supervisors, managers, and employees concerning the proper use of the IPA mobility program, ensure that assignments are appropriately documented, and forward copies of all approved IPA assignments to the Washington Office Division of Human Resources for inclusion in the monthly report to Congress.

11.8 What is the purpose of an IPA assignment? To help facilitate cooperation between the Service and non-Federal organizations. It may be used to strengthen management capabilities, assist in the transfer and use of new technologies and approaches to solve governmental problems, involve State and local officials in developing and implementing Service policies and programs, and provide program and developmental experience that will enhance the assignee's performance in his/her regular job.

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11.9 How long can an individual be on an IPA assignment? An individual can be on a single IPA assignment for up to 2 years, and it may be extended for an additional 2 years at the request of management when the extension will be to the benefit of both organizations. The supervisor may not send or receive an employee who has been on a single IPA assignment for 4 continuous years without at least a 12-month return to the employer of record. Successive assignments without a break of at least 60 calendar days are regarded as continuous service under the mobility authority. There is a 6-year lifetime limitation on IPA assignments for Federal employees. The Office of Personnel Management may waive this provision upon written request of the Secretary.

11.10 Who pays and what costs are reimbursable?

A. Cost-sharing arrangements for IPA assignments are based on the extent to which the participating organizations benefit from the assignment. The organization that benefits the most from the assignment should absorb the larger share of the costs. Costs include basic pay, supplemental pay, fringe benefits, and travel and relocation expenses. We may agree to pay all, some, or none of the costs associated with an assignment.

B. Do not authorize reimbursement of indirect or administrative costs associated with the assignment. Other prohibited costs include tuition credits, office space, furnishings, supplies, staff support, and computer time.

11.11 What travel expenses does the Service pay?

A. An employee, including a non-Federal employee, on an IPA assignment is authorized payment of travel expenses under the Federal Travel Regulations (41 CFR 300-302). We may pay either a per diem allowance or limited relocation expenses at the assignment for the period of the assignment but not both. Consider the cost to the Service and the length of the assignment when determining whether to pay limited relocation expenses or per diem allowances. Once the determination is made, the employee's travel authorization and the IPA Assignment Agreement (OF-69), Part 12, Travel and Transportation Expenses and Allowances, will reflect entitlements.

B. A per diem allowance may only be paid for the individual on the assignment and should not be paid for more than 1 year. Travel and per diem allowances are authorized for official business away from the designated assignment duty station.

C. Limited relocation expenses are for the travel and transportation of the employee's immediate family and not for expenses associated with selling or purchasing a residence

or property management services while the employee is on assignment.

D. The employee must sign a service agreement for 1 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/she fails to complete the service agreement, unless the reasons for failing to complete the agreement are beyond his/her control.

11.12 How is an IPA assignment arranged? The primary considerations in initiating IPA assignments are the benefits to the Service and the non-Federal organization. IPA assignments are management-initiated. The assignment must be voluntary and agreed to by the employee and must be implemented in writing as follows.

A. Complete an OF-69 (Assignment Agreement) and FWS Form 3-2265 (IPA Assignment Summary Sheet). If we are paying more than 50 percent of the total costs of the IPA assignment, you must also complete FWS Form 3-2266 (IPA Profile Sheet).

B. All sections of the OF-69 must be completed in full (e.g., home address, social security number, position title, position description if not attached, signatures of the assignee and authorizing officials, etc.).

C. Information on the OF-69 must only reflect the conditions negotiated for the current assignment. Agreements must not include information about intentions for promotion, step increase, or an extension of the assignment for more than 2 years. Hiring assignees at the end of the assignment violates the intent of the law and the purpose of the program.

D. Extension of an agreement must be indicated by completing a new OF-69 showing the dates of the earlier assignment.

11.13 Who approves the IPA assignment?

A. Regional Directors, CNO Manager, Chief, Law Enforcement, and Assistant Directors approve all IPA assignments within their areas of responsibility. If we are paying more than 50 percent of the cost of the assignment and the employee is a GS-14 or above, or equivalent in terms of salary if a non-Federal employee, the Director must be notified prior to approval of the assignment.

B. The **Deputy Assistant Secretary for Human Resources** must review and approve any agreement that is part of, or the result of, a complaint resolution process, such as an equal employment opportunity complaint, arbitration or other labor relations dispute resolution process, court

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decision or order, and any agreement for SES members or positions.

11.14 How are changes made to the IPA agreement?

Any significant changes in an individual's duties, responsibilities, salary, work assignment location, or supervisory relationships should be 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.

11.15 How is an agreement terminated?

A. An assignment may be terminated at any time at the option of the Service or non-Federal organization. A 30-day notice should be given if the agreement is terminated before the original completion date. This notification will be in writing and should include the reasons for the termination.

B. An IPA agreement must be terminated immediately whenever the employee is no longer employed by his/her original employer.

11.16 What are my rights and benefits while on an IPA assignment to a non-Federal organization?

A. Under the IPA authority, you may be assigned on either a detail or leave without pay basis depending on various factors such as the position and duties assigned to you and our decisions concerning payment and expenses. In either case, you remain an employee of the Service and retain your rights and benefits attached to that status.

B. You may receive within-grade increases and promotions, as well as increases in pay due to across-the-board increases and increases in locality pay, and retirement, health, and life insurance benefits while on an assignment. Additionally, you may earn premium pay (such as Title V overtime pay; Fair Labor Standards Act overtime pay; and night, Sunday, and holiday premium pay) for hours worked under an IPA assignment. The Federal rate of pay should include any applicable locality payment, special salary rate, cost-of-living allowance, or post differential associated with the appropriate official duty station.

C. You can not earn less on an IPA assignment than what you would have received in your Federal position, and if you are assigned to a federally funded research and development center, your rate of pay may not exceed the rate of pay you would have received in your Federal position.

11.17 What are my responsibilities prior to entering into an IPA assignment with a non-Federal organization?

You, in coordination with your supervisor and assistant ethics counselor, where appropriate, must review the conflict-of-interest laws and standards of conduct provisions and similar standards maintained by non-Federal organizations. Any possible conflict-of-interest, or appearance thereof, which may be inherent in the assignment should be resolved fully prior to the approval of an assignment.

11.18 What is my obligated service requirement?

As a condition of accepting an assignment to a non-Federal organization, you must agree to return to the Service upon completion of the assignment for a period equal to the length of the IPA assignment. If you fail to carry out this agreement, you must reimburse the Service for its share of the costs of the assignment (exclusive of salary and benefits). The Secretary, or his or her designee, may waive reimbursement for good and sufficient reason.

11.19 What happens after I complete an IPA assignment with a non-Federal organization?

You return to duty in the same position that you occupied when the assignment began or you are reassigned to another position of like pay and grade level. If you were promoted while on the assignment, you should be returned to the new position at the completion of the assignment. If the return to duty is accompanied by a geographic move, your total pay may be reduced because of a lower locality pay. This is not an adverse action because locality pay is not basic pay in determining adverse action procedures.

11.20 What is the status of a non-Federal employee while on an IPA assignment to the Service?

A. This individual may be given an excepted appointment or be assigned by detail. The supervisor must inform the individual of the applicable Federal employee laws, Federal conflict-of-interest laws, and the Federal tort claims statutes.

B. A non-Federal employee who has been assigned to a Federal position either by detail or appointment may exercise supervision over Federal employees.

C. Supervisors should not offer permanent appointments to non-Federal employees on an IPA assignment. The IPA mobility program is not to be used to facilitate career changes.

D. See 224 FW 3-6 for guidance on recognizing a non-Federal employee.

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11.21 What is the status of a non-Federal employee on a detail while on an IPA assignment to the Service?

A. The non-Federal employee remains an employee of his/her permanent organization for most purposes. Detailees are not eligible to enroll in Federal health benefits programs, group life insurance, or the Federal Employees Retirement System. The individual may be assigned to an established, classified position, or may be given a set of ad hoc, unclassified duties, relevant only to the specific assignment.

B. An individual assigned by detail to a classified position is entitled to earn the basic rate of pay including locality payment which the duties of the assignment position would warrant under the applicable classification and pay provisions of the Service. If the individual's non-Federal salary is less than the minimum rate of pay of the assignment position, then the supervisor must supplement the salary to make up the difference. It cannot be paid in advance or in 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.

C. An individual detailed to a set of unclassified duties continues to be paid by the non-Federal organization at a rate of pay based on his/her non-Federal job.

D. Detailees are covered under their permanent employer's leave system. The assignment agreement will specify how the permanent employer will be notified of leave taken and how the use of leave will be approved.

11.22 What is the status of a non-Federal employee receiving an appointment while on an IPA assignment to the Service?

A. A non-Federal employee may be given an excepted appointment for 2 years without regard to the provisions governing appointment in the competitive service. This appointment may be extended for not more than an additional 2 years. Qualification requirements for assignment positions should be established in accordance with 5 CFR 302, which governs employment in the excepted service.

B. The non-Federal employee on assignment is a Federal employee for the duration of the appointment and has all of the rights, benefits, and privileges associated with that appointment.

C. An appointment of an individual to an SES position must be accomplished via an SES limited term appointment.