

DR 690-1-334

DEPARTMENT OF THE ARMY
ST. LOUIS DISTRICT, CORPS OF ENGINEERS
1222 SPRUCE STREET
ST. LOUIS, MISSOURI 63103-2833

CELMS-PO

Regulation
No. 690-1-334

15 July 1992

Civilian Personnel
INTERGOVERNMENTAL PERSONNEL ACT

1. PURPOSE. This regulation assigns responsibility and establishes procedures for the initiation and control of appointments made under the Intergovernmental Personnel Act (IPA).

2. APPLICABILITY. Provisions of this regulation are applicable to all IPA appointments made within the St. Louis District, U.S. Army Corps of Engineers, and serviced organizations.

3. REFERENCES:

a. FPM Chapter 334, Temporary Assignments under the Intergovernmental Personnel Act.

b. AR 690-334, Temporary Assignments under the Intergovernmental Personnel Act.

4. POLICY. It is the policy of the St. Louis District that all IPA assignments will be consistent with the requirements of the IPA of 1970 and governing regulatory guidance.

5. GENERAL.

a. Intergovernmental Personnel Act assignments involve the assignment of personnel between the Federal Government and state or local governments, institutions of higher education, Indian tribal governments and other eligible organizations. Assignments are intended to facilitate Federal-state-local cooperation through the temporary assignment of personnel with unique skills.

b. Each assignment must be made for purposes which the Commander determines are of mutual concern and benefit to the Federal agency and to the participating non-Federal organization.

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Each proposed assignment must be for sound public purposes and further the goals and objectives of the participating organizations. Assignments arranged to meet the personal interests of employees, to circumvent personnel ceilings or Federal employment processes or to avoid unpleasant personnel decisions are contrary to the spirit and intent of the assignment program.

c. The goal of the IPA mobility program is to facilitate the movement of employees for short periods of time when this movement can serve a sound public purpose. Mobility assignments can be used to achieve a number of objectives:

(1) strengthen the management capabilities of the District, State, local and Indian tribal governments, and other eligible organizations;

(2) assist in the transfer and use of new technologies and approaches to solving governmental problems;

(3) serve as an effective means of involving state and local officials in developing and implementing Federal policies and programs; and

(4) provide program and developmental experience which will enhance the assignee's performance in his or her regular job.

6. REQUIREMENTS.

a. To be eligible to participate in the IPA mobility program, an employee of a state or local government must be a permanent, career employee of that organization for at least 90 days prior to entering into a mobility assignment agreement with a Federal agency.

b. Positions excluded. University students employed as research assistants, graduate assistants, teaching assistants, and in similar, scholarship-related positions are considered temporary employees and are not eligible for assignment under the mobility program.

7. LENGTH OF ASSIGNMENT.

a. Assignment agreements can be made for up to two years, and may be intermittent, part-time or full-time, but should be kept to the minimum time necessary to complete the assigned tasks. The Commander may extend an assignment for up to a total

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of four years when the extension will be to the mutual benefit of the government agencies concerned. The notice of extension, which should be sent to OPM, must explain the reason for any extensions beyond the first two years. The notice of extension should also explain the original employer's plans for utilizing the employee at the completion of the assignment.

b. An assignment may not extend beyond 48 consecutive months whether the assignment is intermittent, part-time, or full-time.

c. 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. Consecutive IPA assignments are an inappropriate use of this authority.

d. Successive assignments without a break of at least 60 calendar days will be regarded as continuous service under the mobility authority.

e. Employees should return to their previous employer at the completion of a mobility assignment. A mobility assignment should not be used to gain permanent employment with the mobility employer or to secure temporary employment in a geographic area to which the employee anticipates retiring at the conclusion of his or her career.

8. REIMBURSEMENT FOR ASSIGNMENTS.

a. Cost-sharing arrangements for mobility assignments are negotiable between the participating governments. The Federal agency may agree to pay all, some, or none of the costs associated with an assignment as calculated under paragraph 8c. Costs may include employee pay, supplemental pay, fringe benefits, and travel and relocation expenses.

b. Title IV of the IPA does not authorize reimbursement to state and local governments for any indirect or administrative costs associated with an assignment. This includes charges for preparing and maintaining payroll records, developing reports on the mobility assignment, and negotiating the agreement. Other prohibited costs include tuition credits, office space, unused leave, furnishings, supplies, staff support and computer time.

c. Cost-sharing arrangements should be on a pro-rata basis as calculated by the extent to which the participating organizations benefit from the assignment. Documentation describing the rationale based on the benefits must be included.

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The largest share of costs should be absorbed by the organization which benefits most from the assignment. In rare cases, it may be proposed for the District to pay the full employee costs. In such cases, the reasons for not sharing the cost must be fully documented.

d. When developing an assignment agreement, the participating organizations must determine the relative benefit accruing to each organization and include a detailed analysis of relative benefit in the assignment agreement (Part 6, "Reason For Mobility Assignment"); and use relative benefit determination as the basis for cost-sharing arrangements.

9. TRAVEL, RELOCATION AND PER DIEM.

a. A Federal agency may use its appropriations to pay or reimburse a Federal, state, or local government employee on assignment for expenses authorized under subchapter 1 of Chapter 57 of Title 5, United States Code. A Federal, state, or local government employee on assignment is also entitled, under Chapter 57 of Title 5, United States Code, to be reimbursed for the expenses of transportation of his or her immediate family, household goods and personal effects to and from the assignment location in accordance with Section 5724; for relocation expenses in accordance with Section 5724a(a)(1); for subsistence expenses in accordance with Section 5724a(a)(3); for miscellaneous expenses in accordance with Section 5724a(b); and for nontemporary storage of household goods and personal effects in connection with assignment at an isolated location in accordance with Section 5726(c).

b. Agencies are authorized to pay for either relocation expenses to and from the assignment location or a per diem allowance at the assignment location during the period of assignment.

c. Reimbursement of travel, relocation and per diem expenses may be allowed only if the Federal, state, or local government employee agrees in writing to serve the entire period of his or her assignment or one year, whichever is shorter, unless the assignment is terminated for reasons acceptable to the Federal agency.

10. STANDARDS OF CONDUCT AND CONFLICT OF INTEREST.

a. A state or local government employee on assignment to an executive agency, whether by appointment or on detail, is subject to a number of provisions of law governing the ethical and other

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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 of 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).

--lobbying with appropriated funds (Section 1913).

b. State and local employees assigned to a Federal agency are also covered by Section 638a of Title 31, United States Code, which prohibits the misuse of Government vehicles. They are also subject to Executive Order 11222, Prescribing Standards of Ethical Conduct for Government Officers and Employees; The Ethics in Government Act of 1978; part 735 of the OPM's government-wide regulations governing employee responsibilities and conduct; and the Army's standards of conduct regulations.

c. Before the agreement is signed, the employee must be informed of the provisions of all appropriate statutes and regulations or provided copies of the information. The employee must acknowledge receipt of this information in the assignment agreement (Appendix C).

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11. ARRANGING AN ASSIGNMENT.

a. The supervisor initiating the agreement will prepare a draft agreement using the current version of Optional Form 69, Assignment Agreement, IPA. The form is to be completed and approved by the respective organizations prior to the beginning of the proposed IPA assignment. In addition, the initiating supervisor will use the IPA coordination sheet (Appendix A) and assure that the final approved IPA is returned to the Personnel Office for record keeping. The initiating supervisor is also responsible for securing certifications required at the institution/agency (Appendix B), counseling the IPA candidate on his/her responsibilities and restrictions, and securing acknowledgement of such counseling (Appendix C).

b. The Contracting Division will review the proposed IPA for absence of conflict with any existing contractual arrangements or any apparent conflict of interest and provide written endorsement for any questionable aspects of the proposed IPA.

c. The Personnel Office will review the proposed IPA for sufficiency and provide written endorsement for any questionable aspects of the proposed IPA.

d. The Office of Counsel will review the proposed IPA for legal sufficiency and any apparent conflict with governing laws and provide written endorsement for any questionable aspects of the proposed IPA.

e. Funds certification will be obtained from the Finance and Accounting Branch (RM-F).

f. Signature approval must be obtained from the District Engineer and the appropriate official from the participating employing organization.

g. The Personnel Office will hold on file the District's final approved copy of the IPA agreement and forward copies of approved agreements through command channels to the Office of Personnel Management in accordance with governing regulations.

h. The manager responsible for initiating the IPA will provide annually, at the end of the fiscal year, an evaluation of

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the impact and benefit of the IPA assignment to the Personnel Office for annual reporting requirements.

Richard Kuntz: maj, Act COE
for JAMES D. CRAIG
COL, EN
Commanding

APPENDIXES:

- A - Coordination Sheet
- B - Certification of Employment
- C - Certification of Conditions of IPA

DISTRIBUTION:

- Supervisors
- CELMV-IM-O (2)
- CELMS-IM-S (2) (Records Management)
- AH

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APPENDIX A
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APPENDIX A
Coordination Sheet

Name of IPA: _____

1. I certify that this IPA is consistent with the intent of the governing provisions and is not being enacted for the purpose of circumventing manpower or employment restraints. Funds are available in the budget for this agreement.

Initiating Supervisor's Signature

Date

Division/Office Chief

Date

2. Initials of Contracting Division for absence of conflict with any contractual arrangements or any apparent conflict of interest.

3. Initials of Office of Counsel, for legal review, sufficiency and any apparent conflict with governing provisions.

4. Initials of Personnel Office for review of apparent adequacy of form completion, sufficiency and any apparent conflict with governing provisions.

5. Initials of Finance and Accounting Branch, for certification of availability of funds and fund citation(s).

6. Executive Office Coordination:

CELMS-DX _____

CELMS-DD _____

CELMS-DP _____

CELMS-DE _____

7. Return to Personnel Office for record keeping.

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APPENDIX B
CERTIFICATION OF EMPLOYMENT

I certify that _____, an employee of the _____, has been employed by this institution/agency in a career permanent position for a period of at least 90 days. I further certify that the purpose of his/her employment with this institution/agency is unrelated to this Intergovernmental Personnel Act agreement and that the institution/agency will reap benefits from the IPA assignment of the employee to the Army Corps of Engineers. I further certify that the above named employee will continue at the completion of the IPA agreement, as an employee of this institution and will not be separated from this employment because of completion of the IPA agreement. Finally, I certify that costs to be invoiced to the Army Corps of Engineers under the IPA agreement are those costs permitted by statute and regulation and do not include any indirect, overhead or other unauthorized costs.

Signature, typed name & position

Date

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APPENDIX C
CERTIFICATION OF CONDITIONS OF INTERGOVERNMENTAL
PERSONNEL ACT AGREEMENT

By my signature, I acknowledge that I have reviewed the terms and conditions of the Intergovernmental Personnel Act (IPA) agreement and have been provided and have read a copy of St. Louis District Regulation 690-1-334, covering IPA appointments and agreements. I further certify that I will abide by all applicable restrictions of employment as referenced in these documents.

Signature of IPA Employee

Date