ADS Chapter 437

Temporary Assignments under the Intergovernmental Personnel Act (IPA)

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ADS 437 – Temporary Assignments under the Intergovernmental Personnel Act (IPA)
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ADS 437 - Temporary Assignments under the Intergovernmental Personnel Act (IPA)

437.1 OVERVIEW

Effective Date: 06/07/2012

This chapter sets forth the policies, regulations and procedures that govern the temporary assignment of personnel to and from USAID under Title IV of the Intergovernmental Personnel Act (IPA) of 1970, as amended.

The Intergovernmental Personnel Act (IPA) Mobility Program allows the temporary assignment of skilled personnel between federal and non-federal entities. The program's purpose is to facilitate cooperation between the Federal Government and eligible non-Federal organizations through this personnel exchange. As a result, federal agencies can obtain expertise that is not available in-house and non-Federal organizations can gain experience in the Federal Government's operations.

IPA assignments can be used to achieve objectives such as:

- Strengthening the management capabilities of Federal agencies, State, local and Indian tribal governments, and other eligible organizations (for example, accredited U.S. universities and non-profit organizations (See section **437.3.1.2**);
- Assisting in the transfer and use of new technologies and approaches to solving governmental problems; and,
- Providing program and developmental experience that will enhance an employee's performance in his or her regular job.

Assignments must be of mutual concern and benefit to the Federal agency and the non-federal organization, and serve sound public purposes. The legal authority for IPA assignments is **5 USC sections 3371 through 3375**. The regulations can be found in the **Code of Federal Regulations (CFR), part 5, chapter 334**.

437.2 PRIMARY RESPONSIBILITIES

Effective Date: 06/07/2012

a. The **U.S. Office of Personnel Management (OPM)** is responsible for issuing regulations regarding the implementation and administration of IPA assignments. OPM provides guidance and direction concerning all aspects of the IPA Mobility Program and monitors overall usage of this authority through periodic data calls and evaluations.

b. The **USAID Administrator**, or designee, is responsible for approving all IPA assignments or extensions, both to and from USAID. In accordance with the delegations in **ADS 103**, the Administrator has delegated this authority to the Deputy Assistant Administrator, Office of Human Resources (DAA/OHR). In

accordance with ADS 103.3.11.b (4), the DAA/OHR forwards nonreimbursable IPA details out of the Agency to the Administrator for approval as a matter of administrative practice.

c. The **Office of the Inspector General (IG)** is responsible for authorizing all IPA participation under the provisions of this chapter for BS-08 employees.

d. The **Assistant Administrator for Management (AA/M)**, or designee, is responsible for:

1. Approving the funding for all assignments of USAID or participating non-federal organization personnel, whether by appointment or by detail, under the provisions of this chapter (except for assignments of BS-08, Inspector General Office employees).

2. Determining the funding source(s) and certifying that funds are available for each IPA assignment.

e. The **Bureau for Management, Office of the Chief Financial Officer (M/CFO)** is responsible for:

1. Reviewing IPA agreements for financial propriety.

2. Ensuring that all fiscal obligations specified in or required as a result of, USAID's participation in an IPA agreement are satisfied in accordance with applicable laws, Federal regulations, and internal policies and procedures.

3. Processing reimbursements to and from USAID in accordance with IPA agreements.

f. The **Deputy Assistant Administrator for Human Resources (DAA/OHR)**, or designee, is responsible for:

1. Approving all requests for IPA assignments consistent with the redelegation of authority in **ADS 103**.

2. Monitoring selection criteria based on Agency priorities.

3. Approving assignment terms, conditions. and rates of compensation.

4. Signing all IPA Assignment Agreements on behalf of the Agency.

5. Preparing periodic evaluation reports for OPM and providing other information as requested or required.

6. Certifying nonprofit organizations' eligibility to participate in the IPA program.

g. The **Office of Human Resources HR Specialists** are responsible for:

1. Ensuring that IPA assignments are made in accordance with applicable laws, regulations, and internal policies and procedures.

2. Ensuring that all required personnel actions for employees on IPA assignments are effected in accordance with applicable laws, regulations and Agency policies; ensuring that the descriptions of duties to be performed are current, accurate, and appropriately classified as necessary; processing assignment actions; obtaining required performance evaluation reports of USAID employees under IPA assignments; and processing periodic step increases and pay actions as applicable.

3. Providing technical guidance to Agency staff, participating non-Federal organizations, and employees.

4. Providing copies of each new agreement to all parties to the agreement and to M/CFO. Maintaining accurate records of all IPA assignments, including the original agreement and all supporting documentation.

h. **USAID Bureaus and Independent Offices (B/IOs)** are responsible for:

1. Advising OHR of long-range plans and requirements for temporary personnel exchanges under the IPA Program.

2. Initiating requests for the assignment of non-Federal organization employees to USAID in accordance with established procedures.

3. Participating in preliminary negotiations with non-Federal organizations regarding the agreements and scopes of work.

4. Establishing selection criteria and preparing the initial description of duties for the position and finalizing the assignment in conjunction with OHR.

5. Obtaining required clearances and approvals for the assignment.

6. Arranging for space, a computer, security clearance, building access, and other logistical support for IPA personnel assigned to them.

7. When it is in the interest of the Agency and the employee, concurring in the release of a Bureau or Office employee for assignment to a non-Federal organization under this chapter.

8. Making a written agreement between the B/IO, OHR, and the USAID employee that indicates what the employee's position is expected to be upon return to federal service.

i. The **Office of the General Counsel/ Ethics Administration (GC/EA)** officials are responsible for:

1. Counseling candidates for IPA assignments on potential conflicts of interest or related matters.

2. Providing legal guidance to Missions, USAID/W Bureaus and Offices on terms and conditions of IPA agreements and clearing all agreements prior to signature.

3. Clearing all offers from non-Federal organizations to pay a USAID employee a supplement over and above his or her current salary, and requests from non-Federal organization employees for compensation exceeding federal pay caps.

j. The **Office of Security (SEC)** is responsible for completing a personnel security investigation, as needed, at the level appropriate for the position, once the Agency has selected an IPA candidate.

k. **Employees** are responsible for fulfilling the terms and conditions to which they have agreed by signing the Assignment Agreement.

437.3 POLICY DIRECTIVES AND REQUIRED PROCEDURES

Effective Date: 06/07/2012

USAID's policy encourages the use of the IPA authority to create personnel exchanges that will help the Agency meet its mission to create a more secure, prosperous, and democratic world for the benefit of the American people and the international community. IPA assignments can promote the use and dissemination of new technologies and innovative, evidence-based approaches to development. The goal is to enable strategic and convenient exchange of personnel between USAID and IPA institutions to accomplish sound public purposes.

By using the IPA mechanism to attract difficult-to-obtain or unique talent from state, local, and Indian tribal governments, universities, research institutions, and nonprofit organizations, USAID can increase its technical capacity to help developing countries advance and address global problems such as poverty and hunger, the spread of infectious diseases, climate change, and the special challenges of conflict-prone and fragile states.

USAID employees on IPA assignments outside the Agency provide the receiving

institution the benefit of their competencies and experience, as well as a window on USAID's perspective on issues of mutual concern. In turn, the USAID employees can obtain valuable knowledge and experience that will enhance their effectiveness upon return to their regular work. Whether to or from USAID, IPA assignments contribute to fulfilling the Agency's potential as the leader in sustainable international development.

In addition to providing needed expertise and promoting employee development, IPA assignments should be viewed as opportunities to foster workforce diversity. In particular, OHR encourages managers to seek ways of using IPA agreements to strengthen relationships with minority and veteran serving institutions.

Each proposed IPA assignment must be carefully assessed to ensure that it serves sound public purposes and furthers the goals and objectives of both USAID and the participating organization. IPA assignments must not be used to meet the personal interests of employees. Assignments solely for training are not permitted. See **437.5a** for guidance on procedures for arranging IPA assignments.

437.3.1 Eligibility for the IPA Mobility Program

437.3.1.1 Employee Eligibility and Conditions

Effective Date: xx/xx/xxxx

Eligible employees include:

- Any individual serving in a Federal agency 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 (including, for example, the Presidential Management Fellows Program, the Federal Career Intern Program, the Student Career Experience Program, and Veterans Recruitment Appointments); or

- Any 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 (see **437.3.1.2**). A "career position" is defined as an appointment without condition or limitation, or an appointment that leads to eligibility for an unlimited career-type appointment without a break in service of a work day between the two appointments.

Non-eligible employees include:

- Federal 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.

Federal employees on IPA assignments must agree, as a condition of the assignment, to serve in the Federal Government upon completion of the assignment for a period equal to the length of the assignment. At the end of IPA assignments, Federal agencies must return employees to their original positions or reassign them to positions of like pay and grade. Before sending an employee on an IPA assignment, B/IO managers must designate the position to which the employee is expected to return.

If Federal employees do not carry out the full term of their assignments, they must reimburse their agency for its share of the costs of the assignment (exclusive of salary and benefits). The DAA/OHR may waive this reimbursement for good and sufficient reason.

Before being assigned under the IPA program, employees must be informed of their choices in connection with their rights and benefits, including retirement, group life insurance or health benefits programs, and of their obligations and responsibilities for preserving such rights and benefits under IPA agreements.

The following Statutory Provisions apply to all personnel on temporary assignments under the IPA:

i. Liability Statutes

The Federal tort claims statutes and any other Federal tort liability statute apply to all personnel assigned under this chapter.

ii. Privacy Act and Freedom of Information Act

Assignment Agreements and other records pertaining to IPA assignments are subject to the provisions of the Privacy Act of 1974 and the Freedom of Information Act (FOIA) of 1967, as amended. Disclosure of information under the provisions of either Act must be made only in accordance with the regulations set forth in **ADS 507** and **ADS 508**, as appropriate. Requests for information under the provisions of the Privacy Act must be sent to USAID's Privacy Office (M/CIO/CISO) and under FOIA must be sent to the FOIA Office (M/MS/IRD).

iii. Employee Responsibilities, Conduct, and Political Activity

(a) Employees assigned under this chapter, whether to or from USAID, are subject to the Federal statutory and regulatory provisions which

govern ethical and other standards of conduct, conflicts of interest, suitability, security, and limitations on political activity; and to applicable state and local government statutory and regulatory provisions. Prospective employees must be informed, and provided a copy, of such regulations, and must indicate in writing on the assignment agreement that such information and documentation have been received.

(b) Before any proposed disciplinary or adverse action is taken against an employee assigned to USAID under the IPA, representatives of the participating organization and USAID/OHR/ELR, in coordination with USAID/GC as necessary, must consult concerning the proposed action. Issues to be resolved include responsibility and jurisdiction for the action, suitability of the proposed action, and protection of employee rights and appeals.

See **5 CFR 334 § 102-107** for further information on employee eligibility and conditions. (See **437.4.q**) for additional information on standards of conduct and conflict of interest provisions.

437.3.1.2 Non-Federal Organization Eligibility

Effective Date: 06/07/2012

Eligible non-Federal organizations include:

- State and local governments,
- Indian tribal governments,
- U.S. accredited institutions of higher education, and
- Other organizations.

Other organizations are defined as:

a. A national, regional, Statewide, area wide, or metropolitan organization representing member State or local governments;

b. An association of State or local public officials;

c. A nonprofit organization which 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

d. A federally funded research and development center.

Nonprofit organizations must be certified to participate in the IPA program. A list of

eligible organizations can be found at: **http://www.opm.gov/programs/ipa/IPA-OtherOrgList.asp**. Upon request, the DAA/OHR can certify organizations that do not appear on the list. The requesting organization must submit to USAID either:

- A copy of its previous certification by another Federal agency; or
- Its articles of incorporation, bylaws, Internal Revenue Status (IRS) letter of nonprofit status, and information showing that it meets the definition in "c" above.

(See **5 CFR 334.103** and **IPA Program Coverage** for further specifics on eligibility requirements for non-Federal organizations.)

437.3.2 Duration, Extension, and Termination of IPA Assignments

Effective Date: 06/07/2012

Assignments can be made for up to two years, and may be intermittent, part-time, or full-time. Consistent with the delegations of authority in **ADS 103**, the DAA/OHR can extend an assignment for an additional two years when the extension will benefit both organizations. Employees of Indian tribes or tribal organizations can serve on IPA assignments for any length of time as long as approved by the DAA/OHR.

A Federal or non-Federal employee who has served on an IPA assignment for four continuous years must have at least a 12-month return to duty with the organization from which originally assigned. Successive assignments with a break of fewer than 60 calendar days are considered continuous service.

Federal employees cannot be on IPA assignments for more than six years total during their Federal careers. This provision can only be waived by the Office of Personnel Management (OPM) at the request of the DAA/OHR.

An assignment can be terminated at any time at the request of USAID or the non-Federal organization with advance notice (30 days, where possible), along with a statement of the reason(s) to all parties to the agreement. (For further information, see **5 CFR 334.107**.)

437.3.3 Types of IPA Assignments

Effective Date: 06/07/2012

Employees on IPA assignments are either on ***details* or *temporary appointments***. An employee on an IPA *detail* can be assigned either to a set of ad hoc duties, such as tasks necessary to carry out a specific project or initiative, or to an established position classified by OHR or the participating non-Federal organization. An employee given an IPA *appointment* must be assigned to a position that has been established and classified. IPA appointments require employees to go on Leave Without Pay (LWOP) from their organizations.

The choice of the most appropriate type of assignment - *detail* or *appointment* - is influenced by various factors, including the position and duties assigned to the employee and decisions concerning payment of expenses. Positions that require the employee to exercise legal or fiscal authority, or to carry out supervisory responsibility, may more appropriately be filled by appointment rather than by detail. Employees of outside organizations are assigned to USAID most often by detail.

The differences between the two types of IPA assignments – details and appointments – and how each type affects USAID and non-Federal employees are explained further in **437.5.b** and **437.5.c**, respectively.

During an IPA detail or appointment, a USAID employee's position may be reclassified, the function transferred, or the employee may be reassigned. USAID must notify employees of any organizational or staffing changes affecting the position from which they were assigned.

USAID Reduction in Force (RIF) provisions outlined in **ADS 452**, Reduction in Force - Civil Service, or **ADS 454**, Reduction in Force – Foreign Service, continue to apply. In some cases, a temporary or continuing exception to a RIF order may be justified to avoid interruption or untimely termination of an assignment.

437.3.3.1 Status of USAID Employees on Detail to Non-Federal Organizations

Effective Date: 06/07/2012

USAID employees detailed to non-Federal organizations are considered USAID employees in all respects except supervision, and retain all the rights and benefits of Federal employment. They continue to be paid by USAID and count as full-time equivalents (FTEs), unless the non-Federal organization pays 50 percent or more of the employee's salary costs. The participating organization determines the workweek and hours of duty, subject to the 40-hour workweek and 8-hour non-overtime day requirements for Federal employees.

437.3.3.2 Status of Non-Federal Employees on Detail to USAID

Effective Date: 06/07/2012

Employees of non-Federal organizations on detail to USAID under IPA agreements remain employees of their parent organization for all purposes (including salary payment) except that they are subject to Federal regulations governing employee standards of conduct and conflict of interest. The Federal tort claims statutes also apply. The employees do not count as FTEs. IPA detailees normally serve on staff assignments under USAID supervision or in an advisory capacity rather than perform line management functions. They can, however, supervise USAID employees on a day-to-day basis.

The workweek and hours of duty normally are the same as USAID direct-hire employees. However, if the workweek of the permanent employer is, by law or local

ordinance, shorter than the Federal workweek, the employee's workweek should be adjusted as needed. Employees detailed to USAID/W can participate in the authorized Agency flextime or teleworking schedule with the approval of their immediate supervisor, unless this practice conflicts with state law or local ordinances. (See **ADS 479, Hours of Duty** and **ADS 405, Telework**.)

437.3.3.3 Status of USAID Employees on Appointment to Non-Federal Organizations

Effective Date: 06/07/2012

USAID employees can be granted Leave Without Pay (LWOP) and subsequently be appointed to a non-Federal organization in accordance with the personnel policies of that organization. Although on LWOP, they remain USAID employees, are incorporated in the Agency's personnel system, and retain all the rights and benefits of Federal employment. Their workweek and hours of duty are determined by the participating non-Federal organization.

437.3.3.4 Status of Non-Federal Employees on Appointment to USAID

Effective Date: 06/07/2012

Employees of non-Federal organizations can be given excepted appointments to USAID for up to two years while on LWOP from their parent organization. By statute, these appointments may be made without regard to the provisions governing appointment in the competitive service. Employees appointed to USAID are included in the Agency's personnel system, are paid by USAID, and count as FTEs. IPA appointees are USAID employees for all purposes ***except*** entitlement to coverage under any retirement system for Federal employees, the Federal Employees Health Benefits Program (unless non-Federal coverage is lost as a result of the IPA assignment), or the Federal Employees Group Life Insurance Program.

Employees of non-Federal organizations may be appointed to General Schedule and Senior Executive Service (SES) positions. In order to appoint a non-Federal employee to an SES position, the Agency must first obtain an SES limited term appointment authority from the Office of Personnel Management.

Employees appointed to USAID have the same workweek and hours of duty, including participation in the Agency's flextime and telework schedule, as USAID direct-hire employees. (See **ADS 479, Hours of Duty** and **ADS 405, Telework**.)

437.3.4 IPA Employee Pay

437.3.4.1 Pay of USAID Employees on Detail to Non-Federal Organizations

Effective Date: 06/07/2012

USAID employees on IPA details are paid by USAID and are entitled to their federal rate of pay and to within-grade increases in accordance with **ADS 470**, Pay Under the Foreign Service, or **ADS 471**, Pay Under the General Schedule. Determination of an

acceptable level of competence is waived for the period of the assignment. The interrupted service benefit will be applied in accordance with OPM statutory regulations.

If the position to which the USAID employee is detailed has a higher established rate of pay than the employee's current salary, the employee can receive a supplemental salary from the non-Federal organization. To ensure that there is no conflict of interest, GC must clear all offers from non-Federal organizations to pay a Federal employee a supplement over and above his/her current salary. For retirement purposes, the prior Federal rate of pay constitutes the maximum salary rate that may be considered.

437.3.4.2 Pay of Non-Federal Employees on Detail to USAID

Effective Date: 06/07/2012

Non-Federal employees detailed to USAID continue to be paid by their home organizations and are entitled to the pay increases provided for by the organizations' standard personnel policies. USAID reimburses the non-Federal organization for all, some, or none of the costs. (See **437.3.8** below for further information on reimbursement for IPA assignments.)

A non-Federal employee assigned by detail to a USAID position that has been established and classified is entitled to earn the basic rate of pay, including any locality payment, which the duties of the assignment would warrant under the position's applicable classification and pay provisions (generally the Federal rate authorized for the grade level at which the position was established).

If the employee's documented non-Federal salary is less than the minimum rate of pay for the established USAID position, USAID can supplement the salary to make up the difference. The difference 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 can be paid directly to the employee or reimbursed to the non-Federal organization.

If the non-federal employee is detailed to a set of temporary duties (generally based on a scope of work or specific assignment description), the employee continues to be paid directly by the non-Federal organization at the documented rate of pay of his or her non-Federal job. Generally, the rate of pay is capped at GS-15/10. In exceptional circumstances, if the non-federal employee's pay exceeds GS-15/10, when it is in the Agency's critical interest, the DAA/OHR may authorize a higher rate of pay based on an individual's superior, unique qualifications and previous pay history. When a non-Federal employee's documented compensation greatly exceeds federal pay rates, the USAID Administrator's concurrence is necessary. GC clearance is required in these cases.

As part of the academic pay of university employees on detail, USAID can consider income from private consulting work that can not be continued during the assignment. Payment for foregone consulting income must be documented by tax or other official records and approved by the AA/M when the assignment is authorized. The employee

must not perform any outside consulting if payment is received for lost consulting income. USAID/GC/EA must approve any decision by a non-Federal employee to continue consulting activities during the USAID assignment.

437.3.4.3 USAID Employees on Appointment to Non-Federal Organizations
Effective Date: 06/07/2012

USAID employees on appointments (LWOP) are paid by the non-Federal organization. The salary can be more than the employee's current salary; however, the prior Federal rate of pay is the maximum salary rate considered for retirement purposes.

If the rate of pay is less than that received from USAID prior to the appointment, USAID pays the employee an amount equal to the difference (supplemental pay). Within-grade increases will be taken into account. The interrupted service benefit for within-grade increases will be applied in accordance with OPM statutory regulations. Supplemental pay must be authorized and approved by the DAA/OHR. It is payable biweekly for the duration of the assignment. The amount may vary during the assignment due to such things as promotion, within-grade increases and pay plan revisions, or comparable changes in pay from the participating organization. The non-federal organization should be encouraged to reimburse USAID for the cost of supplemental pay.

437.3.4.4 Non-Federal Employees on Appointment to USAID
Effective Date: 06/07/2012

Non-Federal employees given temporary appointments at USAID are paid by USAID while on LWOP from their home organization. They generally receive the minimum rate of the grade level established for the position. The DAA/OHR can approve an advanced step rate for a position at GS-11 through GS-15 based on the superior qualifications of the employee. Non-federal employees appointed to USAID for more than one year are eligible for within-grade increases. Successive appointments made for less than one year, including when such appointments added together equal more than one year, do not confer eligibility for within-grade increases.

If an employee on LWOP from a non-Federal organization is injured or killed in the performance of official duties, the employee or beneficiaries can elect to receive benefits under **ADS 442**, Workers' Compensation Program, or the benefits to which entitled from the non-Federal organization, but not both. The election must be made within three years after the injury or death, or such further time as the Secretary of Labor allows for reasonable cause shown. The election is irrevocable unless otherwise provided by law.

437.3.5 IPA Employee Benefits

437.3.5.1 USAID Employees on Detail to Non-Federal Organizations
Effective Date: 06/07/2012

a. Retirement

USAID employees on detail who are eligible for coverage under the Civil Service Retirement System (CSRS) or other Federal retirement systems will continue to be covered. Likewise, employees subject to mandatory Social Security (FICA) and Civil Service Retirement coverage under the provisions of Public Law 98-369 will continue to be covered. USAID continues to withhold the applicable biweekly salary deduction.

b. Federal Group Life Insurance and Health Benefits

USAID employees on detail continue to be covered under Federal group life insurance and health benefits programs. USAID continues to deduct the employee's contributions biweekly.

c. Annual and Sick Leave

Annual and sick leave for USAID employees on detail to non-Federal organizations continue to accrue in accordance with the provisions of **ADS 480, Leave**. Arrangements for maintaining leave records, both for earnings and charges, must be specified in the Assignment Agreement.

d. Holidays

On Federal holidays, USAID employees are either excused from duty without charge to leave or, if required to work, will receive holiday pay or compensatory time off. Employees on an IPA assignment with a state or local government may be excused from duty without charge to leave on state or local government holidays, but will not receive premium pay if required to work. Premium pay must be approved in advance by USAID.

437.3.5.2 Non-Federal Employees on Detail to USAID

Effective Date: 06/07/2012

Non-Federal employees detailed to USAID are not eligible to participate in Federal retirement, group life insurance, or health benefits programs. They are covered under their home organization's leave system. USAID will not reimburse detailees for unused leave. If an employee earns less leave while detailed to USAID, the home organization should either pay the employee for the additional leave or make the balance available upon the employee's return to the organization. The Assignment Agreement must specify the procedures by which leave is approved and reported to the home organization. Non-Federal employees on detail to USAID are excused from duty for state holidays in accordance with state or local laws and regulations, and for all Federal holidays.

437.3.5.3 USAID Employees on Appointment to Non-Federal Organizations

Effective Date: 06/07/2012

a. Retirement

Employees on LWOP from USAID who are covered under the Civil Service Retirement System (CSRS) or the Federal Employees Retirement System (FERS) can elect to continue coverage provided they continue to pay the employee's contribution within three months of the end of the pay period for which payment was due.

Employees covered under CSRS or FERS who elect not to make retirement contributions will receive credit for up to six months of the LWOP in a calendar year. Foregone contributions cannot be made retroactively.

Employees who are injured or disabled while on LWOP from USAID cannot receive both Federal disability retirement and compensation from a participating organization for the same period. This provision does not bar the right of employees to receive the benefit paying the greater amount, or their right to a Federal retirement annuity based on service, i.e., a non-disability annuity.

If an employee, or surviving family member(s), elects to receive any benefit from a non-Federal organization's retirement system which OPM determines is similar to the employee's Federal retirement system, Federal retirement credit will not be allowed for the period of the appointment to the non-Federal organization.

b. Social Security and Medicare

Employees on LWOP during IPA assignments from USAID are covered by Social Security only if they were covered under this system during their Federal employment (that is, not covered by CSRS). All wages are taxed the hospital insurance portion of the FICA tax for Medicare coverage, Part A. Deductions are withheld and reported in accordance with the Treasury Fiscal Requirements Manual Instructions.

c. Federal Group Life Insurance and Health Benefits

USAID employees on IPA appointments can elect to continue Federal group life insurance and health benefits coverage while on LWOP provided they continue to pay the employee's share of the premiums within three months of the end of the pay period for which payment was due. Failure to deposit payments currently for either program will result in the termination of coverage effective the last day of the pay period for which payment was currently deposited, subject to a 31-day extension as provided by Federal regulation. Once terminated, coverage will not be reinstated until an employee actually enters on duty in a pay status in USAID in a position not excluded from coverage. However, such coverage will be reinstated retroactively if OPM determines that failure to make current deposits was due to administrative error or other circumstances beyond the control of the employee, and that payments were deposited at the first reasonable opportunity.

Coverage under a Federal life insurance or health benefits program must be terminated if an employee elects to be covered under a non-Federal organization's life insurance or health benefits program which OPM determines is similar to the Federal program.

d. Annual and Sick Leave

USAID employees on LWOP are entitled to accrue annual and sick leave at the rates prescribed in **ADS 479**, Hours of Duty. If the rates authorized by the participating non-Federal organization are less, the appropriate leave accounts will be adjusted to reflect the difference upon the employee's return to USAID. This provision, as well as the responsibility for maintaining leave records for USAID employees on LWOP, normally assigned to the non-Federal organization, must be specified in the Assignment Agreement.

e. Holidays

Holidays for USAID employees appointed to non-Federal organizations are determined by the participating organization in accordance with its regulations.

f. Injury or Death Compensation

If an employee on LWOP from USAID is injured or killed in the performance of official duties, the employee or beneficiaries can elect to receive benefits under **ADS 442**, Workers' Compensation Program, or benefits from the non-Federal organization, but not both. The election must be made within three years after the injury or death, or such further time as the Secretary of Labor allows for reasonable cause shown. The election is irrevocable unless otherwise provided by law.

437.3.5.4 Non-Federal Employees on Appointment to USAID

Effective Date: 06/07/2012

a. Retirement

Non-Federal employees appointed to USAID are not eligible to participate in a Federal retirement system.

b. Social Security and Medicare

Non-Federal employees appointed to USAID who were covered by social security continue to be covered by their home organizations, not by USAID. Coverage must not be extended to appointees who were excluded from coverage in their parent organization.

c. Federal Group Life Insurance and Health Benefits

Non-federal employees appointed to USAID are not eligible to participate in the Federal

Employee's Group Life Insurance (FEGLI) program. They are eligible to participate in the Federal health benefits program only if appointment to USAID results in loss of coverage under their home organization's health benefits program, the premium for which has been paid in whole or in part by the home organization.

If a non-Federal organization fails to continue the employer's contribution to the organization's retirement, life insurance or health benefits program, USAID will pay the employer's contributions, or any part of them, for the non-Federal employee's period of assignment. USAID sends the contributions to the organization's system or to the appropriate fund. The employee must continue his or her contributions to the applicable benefit program.

d. Annual and Sick Leave

Non-Federal organization employees appointed to USAID accrue and use leave to the same extent as other Agency employees. (See **ADS 479, Hours of Duty**)

e. Holidays

Non-Federal organization employees appointed to USAID are eligible for all Federal holidays.

f. Injury or Death Compensation

If an employee on LWOP from a non-Federal organization is injured or killed in the performance of official duties, the employee or beneficiaries can elect to receive benefits under **ADS 442, Workers' Compensation Program**, or the benefits entitled from the non-Federal organization, but not both. The election must be made within three years after the injury or death, or such further time as the Secretary of Labor allows for reasonable cause shown. The election is irrevocable unless otherwise provided by law.

437.3.6 IPA Employee Training and Professional Development

437.3.6.1 USAID Employees on Detail or Appointment to Non-Federal Organizations

Effective Date: 06/07/2012

USAID employees on detail or appointment to a non-Federal organization are eligible for training subject to the policies and procedures in **ADS 458, Training and Career/Professional Development**. Employees must obtain the concurrence of the participating organization for training scheduled during the employee's normal hours of duty. Such concurrence must be forwarded with the training request.

437.3.6.2 Non-Federal Employees on Detail or Appointment to USAID

Effective Date: 06/07/2012

Non-Federal employees detailed or appointed to USAID can be admitted to USAID training programs subject to the policies and procedures in **ADS 458**, Training and Career/Professional Development. Payment from, or on behalf of, a non-Federal organization for training costs can be waived by the Chief, OHR/TE, or designee, in whole or in part. Payments reserved by the Agency for training are credited to the appropriation or fund used for paying the training costs.

437.3.7 Performance Evaluations, Promotions and Awards

437.3.7.1 USAID Employees on Detail or Appointment to Non-Federal Organizations

Effective Date: 06/07/2012

a. Performance evaluations for Agency employees serving under an IPA assignment are prepared by the non-federal organization supervisor in accordance with the procedures outlined in the Assignment Agreement. USAID's Annual Evaluation Form (AEF) must be used.

b. USAID employees are eligible to participate in the Agency's Merit Promotion Program while on IPA assignments. Employees must forward a statement to their prior Administrative Management Staff or to their HR Specialist listing the types and grades of positions for which they wish to apply. The statement must also indicate the planned duration of the IPA assignment and the employee's current mailing address.

c. A USAID employee assigned under the IPA is not eligible for a Quality Step Increase (QSI). However, an employee can receive a cash or honorary award for performance or suggestions related to the IPA assignment. The grant of a cash award must document substantial benefits that have accrued to USAID programs or activities.

The cost of a cash award may be shared between USAID and the non-Federal organization. If a participating organization wishes to grant a cash or honorary award, USAID must be informed of the award, the reasons for it, and must concur in the action. A copy of any applicable documentation is filed in the employee's Official Personnel Folder.

437.3.7.2 Non-Federal Employees on Detail or Appointment to USAID

Effective Date: 06/07/2012

a. Official performance evaluations of employees of non-Federal organizations are prepared by the employee's immediate USAID supervisor if requested by the employee or the participating organization.

b. Non-federal employees are subject to the promotion policies of their home organizations.

c. All employees assigned to USAID, by detail or appointment under the IPA, are eligible for honor awards. Only employees appointed to USAID are eligible for cash awards. In conjunction with a recommendation for an award, the concurrence of the non-Federal organization must be obtained. Employees assigned by detail to USAID are not eligible for QSIs.

437.3.8 Reimbursement for IPA Assignments

437.3.8.1 Reimbursable Costs

Effective Date: 06/07/2012

Reimbursable costs associated with IPA assignments include basic pay, supplemental pay, and travel, transportation and related costs (see section **437.3.8.4** for specification of allowable travel costs). Federal agencies can pay all, some, or none of the costs of an assignment. USAID can reimburse these costs from either program or OE funds, consistent with the policy in **ADS 601** and other applicable guidance. Use of program funds is strongly encouraged.

437.3.8.2 Nonreimbursable Costs

Effective Date: 06/07/2012

Nonreimbursable costs include, but are not limited to, these indirect or administrative costs:

- Charges for negotiating the agreement,
- Preparing and maintaining payroll records,
- Developing IPA reports,
- Tuition credits,
- Office space and furnishings,
- Supplies,
- Staff support, and
- Computer time.

437.3.8.3 Cost-Sharing Arrangements

Effective Date: 06/07/2012

OPM's guidance states that cost-sharing arrangements should be based on the extent to which the participating organizations benefit from the assignment. The larger share of the costs should be absorbed by the organization that benefits most. Ideally, the recipient organization pays at least 50 percent of the total salary costs and 50 percent of the employer's share of fringe benefit costs. Exceptions can occur when an organization's resources do not permit costs to be shared on a relative benefit basis. USAID's policy requires some cost-sharing (either cash reimbursement or in-kind contribution) for all IPA assignments of Agency employees. Cost-sharing is expected

when a non-Federal organization is lending its employee to USAID; however if the organization's resources do not allow it to cost-share, USAID can fund 100 percent of the costs.

Relative benefit is calculated based on the assignment purposes listed on the Assignment Agreement and on the **Principal Benefits Worksheet**. A statement of relative benefit must be included in Part 6, Reason for Mobility Assignment, of the Assignment Agreement and the Principal Benefits Worksheet must be attached.

437.3.8.4 Travel and Transportation

Effective Date: 06/07/2012

The following travel and transportation expenses can be reimbursed in conjunction with IPA assignments under this chapter in accordance with the Intergovernmental Personnel Act, Federal Travel Regulation (FTR), and **ADS 522**, Travel and Transportation:

a. Travel, including per diem, to and from the official duty station and for official Government business during the assignment.

b. Travel and transportation of immediate family and household and personal items to and from the official duty station, including temporary storage of items not to exceed 60 days. Non-temporary storage expenses may be authorized in connection with assignment to an isolated location.

c. Subsistence allowances for the employee and immediate family while initially occupying temporary quarters at the assignment location and on return to the former duty post. Allowance amounts and duration can be negotiated as part of the terms of an IPA detail agreement.

d. Per diem or relocation allowances, but not both. Per diem normally is authorized only for short term assignments or when it is not feasible to move the employee's family and items for a period of less than one year. When authorized, per diem is payable for the employee only and is calculated on a decreasing scale for assignments in excess of thirty calendar days. Per diem may be authorized concurrently at the duty station and during official travel not to exceed the statutory daily limitation.

e. Transportation of the remains and personal items of an employee or family member if death occurs during the assignment.

f. Prior to travel at USAID expense, assignees must agree in writing to serve the entire period of the assignment or one year, whichever is shorter, unless the assignment is terminated for reasons acceptable to USAID or the non-Federal organization, as applicable. If the assignment is terminated for reasons deemed unacceptable, the Federal government

can recover the travel and transportation expenses from the assignee as a debt due the United States. The USAID Administrator, or designee, can determine whether a waiver is justified and, if so, waive the right to recovery from a non-Federal organization employee.

g. Allowable expenses can be authorized for a USAID employee, or reimbursed to a non-Federal organization, only in accordance with the provisions of the IPA and the FTR, as applicable, whether paid by USAID or the non-Federal organization.

h. Reimbursement of authorized expenses incurred during a USAID employee's assignment to a non-Federal organization can be made either directly to the employee using USAID's e2 web-based system or to the non-Federal organization based on submission of acceptable vouchers. Reimbursement must be limited to the expenses that Federal employees can claim under the FTR and USAID travel policies. Non-federal employees assigned to USAID are expected to use the e2 system and must comply with the FTR and USAID travel policies. Travel performed at the request of the non-Federal organization cannot be reimbursed by USAID.

i. Due to the temporary nature of IPA assignments, house hunting trips and the costs of selling or purchasing a residence, including real estate costs, will not be authorized.

437.3.9 Assignment Agreements

Effective Date: 06/07/2012

IPA assignments are implemented using USAID's Assignment Agreement form **AID 437-1**. This form contains all the provisions required by statute for IPA agreements. The agreement documents the conditions of the assignment including job duties, fiscal obligations and employee benefits, rights and obligations, and responsibilities of the parties as specified in **5 USC sections 3373 through 3375**. Responsible officials of the participating entities and the employee must sign the agreements. OHR retains copies of the agreements in accordance with the Agency's records retention schedule.

The process for arranging for a non-Federal employee to come to USAID on an IPA agreement is outlined in the **IPA Program Overview and Process**. IPA assignments are initiated by management. USAID employees interested in IPA assignments must consult with their supervisors and, if approved, should follow the basic steps outlined in 437.5.a.

The following must be arranged before an IPA agreement is executed:

a. Employee's Position Upon Return to Home Organization

USAID must return Agency employees to their original positions or reassign them to positions of like pay and grade when the IPA assignments end. The B/IO approving an IPA assignment for a USAID employee must have a position for the employee to encumber upon return to the Agency. The B/IO documents this in a memo to OHR and the employee that states what is being done with the employee's current position (for example, filled temporarily) and what is expected when the employee returns. Non-federal employees are expected also to return to their home organizations. This provision is documented on the Assignment Agreement.

b. Financial Information and Arrangements

USAID and the non-Federal organization must reach all necessary agreements regarding allotment and appropriation charges for salaries and allowances. Financial costs and billing instructions must be specified in the agreement, including the billing addresses of both the host and lending agencies; starting and ending dates; name, grade, step, and salary of the employee; names of contact persons; the amounts and method of payments for all charges, including Agency Location Code, Treasury Appropriation Symbols, Fund Codes, DUNS, Employer ID Number (EIN), and other pertinent accounting information for accurate posting to the financial accounting systems.

c. Obligated Service Agreement

All employees on IPA agreements must agree to return to the position occupied prior to the IPA assignment, or to one of comparable pay, duties and seniority in their home organizations. The employee's rights and benefits must be fully protected while on IPA assignments. Any significant changes in the employee's future responsibilities, duties, salary, duty station or supervisory relationships must be documented as a modification to the original agreement.

USAID employees, whether appointed or detailed to a non-Federal organization, must agree to return to Federal service for a period of time equal to the length of their IPA assignment. Reimbursement to USAID for its share of the assignment costs, exclusive of salary, is required if an employee fails to carry out this agreement. Reimbursement may be waived by the DAA/OHR for reasons acceptable to the Agency.

If a non-Federal 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, unless the reasons for failing to complete the agreement are beyond his or her control. This requirement must be documented as part of the assignment agreement. The DAA/OHR can waive this requirement if it is determined that the circumstances justify a waiver.

USAID must return an Agency employee to the position occupied at the time of assignment or reassign the employee to a position of like pay and grade level. Therefore, B/IOs must plan in advance to ensure a position and funding will be available

when the employee returns from the IPA assignment.

If promoted while on assignment, the employee must be returned to the new position. The Agency must notify the employee of the position to which he or she will be returned at least 30 days before the end of the IPA assignment. A returning employee who is not satisfied with the position to which he or she will be assigned may seek relief through OHR/ELR. If the position offered is of a lower grade or pay than the position held immediately before the IPA assignment, the proposed action must be treated as an adverse action under **5 CFR part 752**, when applicable.

d. Evaluation

Each assignment must be evaluated at its conclusion to document the benefit(s) accrued to the participating organizations. The participating non-Federal organization must agree to work with USAID in assessing IPA assignments. Within 45 days of the end of each assignment, the employee in consultation with the supervisor/responsible officials at USAID and the participating organization, must prepare a report that addresses what has and has not worked and make recommendations regarding future cooperation under the IPA. At a minimum, the report should explain the accomplishments of the assignment, assess the degree to which the goals and objectives were achieved, describe any problems encountered, and recommend actions for the future.

437.4 Mandatory References

437.4.1 External Mandatory References

Effective Date: 06/07/2012

a. **5 USC 3371-75**

b. **5 CFR Part 334**

c. **5 CFR part 752**

d. **22 U.S.C. 3983(a)**

e. **Assignment of a federal employee to an IPA-OPM website**

f. **Assignment of a non-federal employee to an IPA-OPM website**

g. **Federal Register, Volume 62, No. 82, Part 334 (amended), Final Regulation, dated April 29, 1997**

h. **Federal Register, Volume No. 71, Part 334, Final Regulation, dated September 18, 2006, effective October 18, 2006**

i. **Foreign Service Act of 1980, as amended, Section 503(4)**

437.4.2 Internal Mandatory References
Effective Date: 06/07/2012

a. **ADS 442**

b. **ADS 452**

c. **ADS 458**

d. **ADS 462**

e. **ADS 470**

f. **ADS 471**

g. **ADS 477**

h. **ADS 479**

i. **ADS 480**

j. **ADS 491**

k. **ADS 507**

l. **ADS 508**

m. **ADS 522**

n. **ADS 523**

o. **ADS 524**

p. **ADS 525**

437.4.3 Mandatory Forms
Effective Date: 06/07/2012

a. **Principal Benefits Worksheet**

b. **USAID Assignment Agreement**

437.5 Additional Help
Effective Date: 06/07/2012

a. **IPA Program Overview and Process**

b. **IPA Assignment from USAID Chart**

c. **IPA Assignment to USAID Chart**

d. **IPAs - Frequently Asked Questions**

e. **Standards of Conduct and Conflict of Interest Provisions**

437.6 Definitions
Effective Date: 06/07/2012

assignment
A period of service under chapter 33, subchapter VI of title 5, United States Code. (Chapter 437)

career position
An appointment without condition or limitation, or an appointment that leads to eligibility for an unlimited career-type appointment without a break in service of a workday between the two appointments. (Chapter 437)

employee
For purposes of participation in this program, means an individual serving in a Federal agency 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 (including, e.g., the Presidential Management Fellows Program, the Federal Career Intern Program, the Student Career Experience Program, and Veterans Recruitment Appointments (VRA)), 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. (Chapter 437)

federal agency
As defined in 5 U.S.C. 3371(3), an Executive agency, military department, a court of the United States, the Administrative Office of the United States Courts, the Library of Congress, the Botanic Garden, the Government Printing Office, the Congressional Budget Office, the United States Postal Service, the Postal Rate Commission, the Office of the Architect of the Capitol, the Office of Technology Assessment, and such other similar agencies of the legislative and judicial branches as determined appropriate by the Office of Personnel Management. (Chapter 437)

indian tribal government

As defined in 5 U.S.C. 3371(2)(c), any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village as defined in the Alaska Native Claims Settlement Act (85 Stat. 668), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians and includes any tribal organization as defined in section 4(c) of the Indian Self-Determination and Education Assistance Act. (Chapter 437)

institution of higher education
A domestic, accredited public or private 4-year and/or graduate level college or university, or a technical or junior college. (Chapter 437)

local government
As defined in 5 U.S.C. 3371(2)(A) and (B):

(1) Any political subdivision, instrumentality, or authority of a State or States; and

(2) Any general or special purpose agency of such a political subdivision, instrumentality, or authority;

Other organization as defined in 5 U.S.C. 3371(4):

(1) A national, regional, Statewide, area wide, or metropolitan organization representing member State or local governments;
(2) An association of State or local public officials;
(3) A nonprofit organization which 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
(4) A federally funded research and development center.

state
As defined in 5 U.S.C. 3371(1), a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Trust Territory of the Pacific Islands, the Northern Mariana Islands, and a territory or possession of the United States; an instrumentality or authority of a State or States; and a Federal-State authority or instrumentality. (Chapter 437)

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