

# IPA Agency and Candidate Guidebook

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**PARTNERSHIP**  
FOR PUBLIC SERVICE

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# The Basics of IPA Agreements

## History

The Intergovernmental Personnel Act (IPA) of 1970 created a talent exchange designed to increase partnerships between federal and state/local governments. The exchange is authorized under 5 USC Sections 3371-3376, and is described in detail in the Code of Federal Regulations, part 5, Chapter 334<sup>1</sup>.

By definition, “An IPA agreement is a temporary assignment of personnel between the Federal Government and State and local governments, institutions of higher education, Indian tribal governments, and other eligible organizations” (including nonprofits, federally funded Research and Development centers, hospitals, schools, research institutes, and scientific societies.”<sup>2</sup> The authority allows for federal employees to go to the designated sectors as well as for the federal government to temporarily employ individuals from those sectors.

Though the program was designed in 1970 to facilitate talent exchange between federal and state/local governments, by 1975 most agencies were using the authority to bring in talent from the academic and non-profit sector.

## Purpose

Today, the demand for government services and engagement is soaring, but agencies are struggling to respond to the new administration’s ambitious orders and directives. Intergovernmental Personnel Act (IPA) placements can serve as an important third path to public service outside of traditional political appointment and civil service hiring efforts.

The purpose of the Partnership for Public Service’s initiative is to build the infrastructure, processes, and informational resources that will help agencies and talent sources (foundations, universities, nonprofits etc.) scale up IPA placements, deploy IPA candidates in a more strategic way, and better support IPA candidates so they are equipped to be effective agents of change during their limited time in government.

The Partnership will work toward the following results and practice changes in government:

- A more standardized process within agencies for recruiting, onboarding and managing IPA employees.
- Improved knowledge among human resource professionals and general counsels to get IPA candidates approved and placed efficiently.
- Better preparation of IPAs to navigate the federal arena and maximize their impact in the public sector.
- Custom community-building and technical support for IPA employees working to advance racial equity – a top priority of the administration and a central focus of the philanthropic community.
- Enhanced capability for agencies to deploy external talent quickly under urgent circumstances.
- Greater knowledge of IPA opportunities among talent sources – particularly academic and the philanthropic communities.

<sup>1</sup> Institute for Defense Analysis (IDA) Science & Technology Policy Institute, [Federal Personnel Exchange Mechanisms](#), 2013, p. 7

<sup>2</sup> Government Accountability Office (GAO) Report GGD-89-33, [Intergovernmental Personnel Act of 1970: Intergovernmental Purpose No Longer Emphasized](#), 1989, p. 1

## **Benefits**

### **For Agencies:**

- Temporarily expand capacity for mission critical projects and initiatives, especially those requiring timely implementation.
- Bring in top-level talent with specialty skills that can bolster existing efforts or initiate new projects.
- Improve deliverable quality by incorporating diverse perspectives from outside of government.
- Expand the talent pool of IPA candidates without expending time and resources to source and hire non-Federal professionals.

### **For Employees:**

- Make a longstanding impact across the nation without leaving your current field or maneuvering a long-term career change.
- Understand existing research and career efforts through the lens of the federal government.
- Expand your professional network and develop career skills in a new context.
- Choose from placement opportunities specific to your skill set.

# FAQs: IPA Talent Exchange Considerations

## Program Structure

Traditionally, an agency seeking an IPA placement and an individual interested in serving as an IPA must leverage their personal networks to find each other, create an IPA agreement, and navigate the hiring and onboarding process. Through the Partnership for Public Service IPA Talent Exchange, the Partnership will manage many of the elements of the hiring process up to the candidate's onboarding. The Partnership will work with the candidate to prepare them for federal service, answer questions about their placement, and eventually offboard the candidate at the conclusion of their placement.

1. Who is responsible for seeking, finding, recruiting, interviewing, and eventually hiring IPA candidates?
  - a. Traditionally, every individual agency is responsible for completing these tasks.
    - i. Through the Talent Exchange Program, the Partnership will manage these elements. See the [Hiring Flow in Appendix A](#) for more details.
  - b. The Office of Personnel Management (OPM) does not manage the agency's IPA process, but it does maintain oversight over agencies' use of the IPA program.
2. How long can an IPA exchange last?
  - a. The IPA mobility exchange program is designed to facilitate an exchange of up to two years, with the option to extend the exchange for an additional two years.

## Interacting with Home Institutions

IPA agreements are designed to facilitate the exchange of talent between the Federal government and several specific non-Federal agencies, hereby referred to as 'home institutions.' Home institutions certified by an agency can send their employees to serve as IPA candidates. Notably, the Partnership for Public service does not certify home institutions.

1. With whom can an agency interact to create a personnel exchange?
  - a. State and local governments
  - b. Institutions of higher education
  - c. Indian tribal governments
  - d. Other eligible organizations: nonprofits, federally funded R&D centers, hospitals, schools, research institutes, and scientific societies
2. How does an agency confirm that the home institution has approval to participate in this talent exchange?
  - a. Every agency is responsible for certifying the eligibility of the home institution.
  - b. For a list of current a previous organizations where Federal agencies held an IPA agreement, please see the [Office of Personnel Management \(OPM\)'s IPA List of Other Organizations](#).
  - c. If an organization has already been certified by an agency, this certification is permanent and may apply throughout the Federal Government.<sup>3</sup>
3. What criteria do organizations need to meet to be certified?
  - a. Agencies are responsible for developing agency-specific characteristics by which they measure

<sup>3</sup> General Services Administration (GSA) Office of Evaluation Services, Internal Guide for IPAs, 2020, p. 2

the objectives of the home institutions and the degree to which the IPA is of sound public purpose.

- b. Requests for certification should include a copy of “the organization’s articles of incorporation; bylaws; Internal Revenue Service (IRS) letter of nonprofit status; and any other information describing the organization’s activities as they relate to the public management concerns of governments or universities.”<sup>4</sup>
4. For how long are these certifications valid?
    - a. Home institution certifications are permanent and may apply throughout the Federal Government depending on the parameters established by other federal agencies.
  5. Is the Office of Personnel Management (OPM) involved in the certification process?
    - a. OPM does not manage the agency’s IPA process, but it does maintain oversight over agencies’ use of the IPA program.

## Hiring Structure and Employment Rights

IPA candidates are classified by the agreement between the Federal and non-Federal organization. Federal employees, regardless of how they are exchanged to a non-Federal institution, always retain the rights and ethical regulations of traditional federal employees. Non-Federal employees who are appointed are considered federal employees, whereas non-Federal employees employed through a detail are not considered to be federal employees, and are thus bound by different and more specific rights and ethical concerns. Most non-Federal IPA candidates are detailed to their placement.

1. Are IPA candidates employed by their sending institution or destination institution?
  - a. Federal employees that work for an external organization as part of a detail are still considered full-time federal employees.
  - b. Federal employees that work for an external organization as part of a sabbatical are considered on leave without pay and are thus employed full-time by their destination institution.
  - c. Non-Federal employees employed through an appointment are temporarily considered full-time federal employees.
  - d. Non-Federal employees employed through a detail remain full-time employees of their non-Federal institution.
2. How does the sending institution influence the categorization of that employee?
  - a. Federal employees that work for external organizations are considered on a detail or on sabbatical without pay.
  - b. Non-Federal employees are employed either through an appointment or through a detail.
  - c. The differences in employment type implicate employee rights and work access.
3. What Federal rights are allotted to appointed non-Federal employees?

*Responses adapted from 5 U.S.C. Section 3373.*

  - a. Continued status as an employee of the contributing Federal agency.
  - b. If paid by the receiving entity, a salary supplement from the contributing agency to address any decrease in salary resulting from the assignment.
  - c. If paid by the receiving entity, annual and sick leave accrual to the same extent as if there were no IPA assignment, if the receiving entity offers lesser levels of leave accrual.
  - d. Continuation of health insurance benefits if elected.
  - e. Continued tenure toward step increases, retention and leave accrual milestones
  - f. CSRA, FERS or other participation (including employer contributions) if proper amounts are still contributed during the IPA period.

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<sup>4</sup> Office of Personnel Management Hiring Information, [Revised Intergovernmental Personnel Act – Provisions](#)

- g. Eligibility for state unemployment compensation in the event of a reduction in force (RIF) or furlough.
  - h. Eligibility for Federal disability and/or life insurance benefit if so elected.
4. What restrictions must appointed non-Federal employees respect?
    - a. Rights: Though individuals technically remain employees of their former organization, the employee is still subject to federal ethics codes. The individual may be recognized through letters of appreciation or commendation. They are not eligible for awards granted under the incentive awards programs governed by 5 U.S.C. Chapter 45
    - b. Work Access: Since individuals on IPA appointment “... [have] no restrictions on the positions that they can fill. They can make financial decisions and have unfettered access to information.”<sup>5</sup>
  5. What restrictions must detailed non-Federal employees respect?
    - a. Rights: Though individuals technically remain employees of their former organization, the employee is still subject to federal ethics codes. The individual may be recognized through letters of appreciation or commendation. They are not eligible for awards granted under the incentive awards programs governed by 5 U.S.C. Chapter 45
    - b. Work Access: Detailees “cannot sign documents, administer line-management delegated authorities, or issue grants or policies.”<sup>6</sup> They may exercise supervision over federal employees

## Pay Structure

IPAs are paid through cost-sharing agreements between the non-Federal home institution and Federal agency. The Federal agency may pay all, some, or none of the costs of an IPA placement’s salary. Costs not covered by an agency are covered by the non-Federal organization. The structure of the agreement should be delineated during the negotiation of the IPA candidate’s placement. Payment structures are intended to mirror the traditional General Schedule (GS) pay grades, but most agreements are complicated by factors like IPA detail status, security clearance needs, location, etc.

### The Basics

1. Who pays the salary of an IPA employee?
  - a. This depends on the cost-sharing agreement the agency and home institution have signed.
  - b. In theory, the cost distribution will be based on the extent to which the home institutions benefit from the assignment, with the larger share of costs borne by the organization which benefits most from the assignment.
  - c. Notably, the Partnership for Public Service does not pay the salary of an IPA employee.
2. Who determines which party benefits the most from the assignment?
  - a. The initiating party, in most instances, is requesting an IPA exchange to benefit itself, and therefore it is assumed that the requesting party benefits the most, all other considerations being equal. That said, this point is entirely up for negotiation.
3. Are cost-sharing agreements reimbursable or non-reimbursable?
  - a. Reimbursement standards should be established in the IPA agreement. Agencies may choose to enter into either type of reimbursement agreement.
4. Are travel expenses covered within the bounds of the IPA agreement?
  - a. Travel expenses are entirely negotiable between the parties, along with relocation, pay and benefits arrangements.”<sup>7</sup>

<sup>5</sup> Institute for Defense Analysis (IDA) Science & Technology Policy Institute, [Federal Personnel Exchange Mechanisms](#), 2013, p. 7

<sup>6</sup> Ibid

<sup>7</sup> Office of Personnel Management Hiring Information, [Revised Intergovernmental Personnel Act – Provisions](#)

### **Federal employee to home institution**

1. What payment options are available for federal employees working at home institutions?
  - a. Those *employed* on a detail are still considered full time federal employees and are paid by their home agency.
  - b. Those *employed while on leave without pay* are paid by their home institution.
2. Can an individual complete multiple IPA assignments or sabbaticals in a row?
  - a. No. Federal employees who partake in an IPA exchange must return to the federal service for a time equal to the length of the assignment. If the federal employee leaves the federal service before that time, that person is liable for all expenses (exclusive of salary and benefits) associated with the assignment.

### **Non-federal employee from a home institution to a temporary federal employee**

#### EMPLOYED THROUGH APPOINTMENT

1. How are non-Federal IPA appointees paid?
  - Non-Federal IPA appointees are considered full-time federal employees and are compensated at a federal pay grade commensurate with their locality and duties of assignment.
  - The payment of these individuals is the responsibility of the hosting agency.
2. Are non-Federal IPA appointees able to enroll in federal health benefits?
  - Yes. Non-Federal IPA appointees are able to enroll in federal health benefits programs, group life insurance, and the Civil Service Retirement System.
3. Can non-Federal IPA appointees receive monetary awards?
  - Yes. Since non-Federal IPA appointees are temporarily considered full-time federal employees, they are eligible for awards granted under the incentive awards programs governed by 5 U.S.C. Chapter 45.

#### EMPLOYED THROUGH A DETAIL

1. How are non-Federal IPA detailees paid?
  - Detailed IPAs remain employees of their permanent organizations. Their pay is the responsibility of the home institution. Payment is complicated by the classified or unclassified nature of the IPA candidate's detail assignment (see question 2)
2. What are two options for determining correct salary of a non-Federal detailee?
  - Assigned by detail to a federally classified position: The Federal entity can reimburse the contributing organization for any Federal salary owed to the detailee, above the detailee's normal salary; it can also pay the difference to the detailee directly. This is determined by the agreement between the home organization and federal agency.<sup>8</sup>
  - Assigned by detail to a set of unclassified duties: These employees continue to be paid directly by the non-federal organization at a "rate of pay based on the assignee's non-federal job."<sup>9</sup>
  - The federal agency can agree to reimburse the home institution for all, some, or none of the costs of the IPA assignment.
3. Are non-Federal IPA detailees able to enroll in federal health benefits?
  - No. They are unable to enroll in federal health benefits programs, group life insurance, or retirement plans.

<sup>8</sup> Office of Personnel Management (OPM) Hiring Information, [Revised Intergovernmental Personnel Act – Assignment](#)

<sup>9</sup> Ibid



4. How does private consulting impact the non-Federal IPA detailee's pay?
  - “Agencies may consider the income from certain private consulting work as part of the academic pay of university employees. Specifically, when the regular tour of duty for a university employee includes an allotment of time for consulting, or when the employee is performing any job-related consulting that cannot be continued during the assignment, the income received from the consulting may be regarded as part of the employee’s academic pay.”<sup>10</sup>
  - Thus, the agency may choose to cover the lost consulting revenue under the presumption that otherwise, their salary from their university would be less than the ‘appropriate rate of pay’ warranted by his Federal duties.<sup>11</sup>
    - » By paying these consulting fees, the agency may end up effectively paying the IPA a level of pay equal or greater than level V of the Executive Schedule, making that IPA subject to the various post-service restrictions placed on federal senior executives.
  - Any potential conflicts of interest brought about by continuing or recently concluded consulting work must be disclosed in accordance with the Federal entity’s ethics policy.

## Creating an IPA agreement

Since every agency monitors its own IPA process, each agency is traditionally responsible for creating its own IPA agreement. As part of the Talent Exchange Program, the Partnership for Public Service designed the candidate application form to cover information that most agencies require of their IPA candidates.

1. Is the Office of Personnel Management (OPM) responsible for creating an IPA authority for an agency?
  - a. No. Federal agencies are responsible for initiating the development and solicitation of an IPA position.
2. What form does an agency typically use to record its IPA agreement?
  - a. Each agency may create their own form to record the agreement.
  - b. For reference, please review this [example IPA agreement](#) from the General Services Administration (GSA).
  - c. At the completion of the matching process, the Partnership will draft a template Memorandum of Understanding (MOU) for agencies to use in the final negotiations with the home organization.
3. What information is captured in the Partnership’s candidate application form, which mirrors the traditional agency form?
  - a. According to the Office of Personnel Management (OPM), agency forms should provide, at minimum, the following information:
    - i. “Name, social security number, current job title, salary, classification, and address of the employee,
    - ii. parties to the agreement (both Federal and non-Federal organizations),
    - iii. position information, including organizational location of both the original position and the position entered into under the agreement,
    - iv. type of assignment (e.g., detail or leave without pay; non-Federal to Federal; Federal to non-Federal), and period covered by the assignment agreement,
    - v. goals of the assignment and a brief statement of how the goals are to be achieved,
    - vi. relative benefits accruing to each organization and the cost-sharing arrangement based on these benefits,

<sup>10</sup> OPM Hiring Information, [Revised Intergovernmental Personnel Act – Provisions](#)

<sup>11</sup> Office of Government Ethics, 96x14 [Letter to a Designated Agency Ethics Official dated August 2, 1996](#) pg. 2.

- vii. how increased knowledge, skills and abilities gained by the employee during the assignment will be utilized at the completion of the assignment,
- viii. applicability of Federal conflict-of interest laws,
- ix. decisions of the Federal agency and the non-Federal organization concerning the employee's salary, supervision, payment of travel and transportation expenses, supplemental pay, entitlement to leave and holidays, provisions for reimbursement and the method of reimbursement,
- x. arrangements for maintaining leave records,
- xi. employee benefits that will be retained; and,
- xii. Privacy Act Statement.”<sup>12</sup>

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<sup>12</sup> OPM Hiring Information, [Revised Intergovernmental Personnel Act – Provisions](#)

# FAQs: Ethical Concerns

Given the temporary nature of IPA placements, both IPA employees on assignment and on detail are subject to specific legal concerns regarding their work, their relationship with their home agency or home institution, and their post-IPA opportunities. See [Appendix B](#) for the Sources and References that pertain to each response

## Detail vs. Appointment<sup>1</sup>

**Dilemma: I'm serving as a detail to an agency. How is that different from serving as an appointee?**

**Response:** A non-Federal employee detailed to a particular position is primarily considered an employee of their non-Federal employer. For this reason, the employee on detail is not considered a federal employee and thus are subject to more specific ethical limitations and guidelines in terms of decisions and commitments to be made on behalf of the government.

## Conflict of Interest – Relevant legal guidelines<sup>2</sup>

**Dilemma: I'm detailed to an agency whose work overlaps with my professional research from a funding perspective. Are there any federal regulations of which I should be mindful?**

**Response:** Yes. IPAs detailed to an agency are subject to the same regulations as federal employees regarding gift giving, misconduct and political activity; financial disclosure and outside earned income limitations; procurement integrity; conflict of interest statutes; political contribution and conversion of property; disclosure of confidential information; and vehicle and aircraft purchase and use. For more details about ethical regulations, see the [Financial Disclosure and Ethics](#) resource developed by the Partnership for incoming federal employees who must acquire a security clearance or fill out a public financial disclosure report.

## Conflict of Interest – Academic faculty and research grants<sup>3</sup>

**Dilemma: I'm a prospective IPA employee preparing for a leave of absence from an institution of higher education. I presently serve as the "principal investigator" for a federal grant awarded to my home institution. Can I still manage the grant once I begin work as an IPA detail?**

**Response:** Yes, but only under certain conditions. IPA detailees are subject to regulations under U.S.C. Title 18 Section 205, which prohibits an employee from personally representing anyone in an agreement with a federal entity. Thus, an IPA can prepare the grant application and be listed as a principal investigator, but the grant must also be signed by a co-investigator who is not working for a Federal entity.

## Conflict of Interest – Academic faculty and continuing work<sup>4</sup>

**Dilemma: I am concluding my detail at a federal agency and recognize the need for additional research on my project. May I recommend my home academic institution for consideration as a recipient of a federal grant to continue the work?**

**Response:** Typically, IPA placements work with their agency's General Counsel office to draft a waiver outlining the ways in which an IPA employee on detail can participate in matters that generally apply to the financial interests of their home academic institution. Without that waiver, an IPA on detail cannot take any official action that will directly affect the financial interests of their home academic institution.

## **Post-employment restrictions – General<sup>5</sup>**

**Dilemma: Does my service as an IPA detailee limit the opportunities I can take on after I leave public service?**

**Response:** Partially. IPA placements detailed to a Federal agency are subject to 18 U.S.C. § 207, which include restrictions on representing or advising others (like one’s home institution) in connection with the work completed during the IPA placement. Many of these restrictions expire after a cooling-off period of one to two years.

## **Post-employment restrictions – Executive schedule-level payment<sup>6</sup>**

**Dilemma: My total compensation package for my IPA detail placement clears the threshold for the base rate of pay for Senior Executive Service employees (SES). I am automatically covered by the post-employment restrictions on senior level employees?**

**Response:** Traditionally, SES employees are subject to a one-year cooling off period that prohibits the employee from representing anyone before their former agency within one year after leaving the SES position. An IPA paid at a rate equivalent to an SES is subject to these restrictions.

## **Financial Disclosure<sup>7</sup>**

**Dilemma: As an IPA placement on a detail, am I required to submit a financial disclosure?**

**Response:** IPA placements on a detail are subject to the 1978 Ethics in Government Act. This requires that any IPA who is detailed to a position already established as a ‘designated public filer position’ must file an SF 278 form. Those completing duties relevant only to a specific assignment project are not required to submit an SF 278, but may be required to fill out a Confidential Disclosure Report depending on their agency’s guidance.

## **Representing a Partner Institution – Federal employees on IPA assignment<sup>8</sup>**

**Dilemma: I am a federal employee on assignment to a state/local government. As part of my work for the state/local government, I work directly with my home federal agency. Am I permitted to represent the interests of the state/local government in my role as an IPA?**

**Response:** Yes, as long as the representational activity is clearly included within the scope of the IPA’s assignment as determined by the federal agency head.

# General FAQs

## For non-federal employees

1. When an IPA leaves the federal government, does that person return to their prior position?
  - a. Yes. When developing the IPA agreement, the federal agency should specify that any non-federal IPA employee can “return to the non-Federal position occupied prior to the assignment or to one of comparable pay, duties and seniority and that the employee’s rights and benefits will be fully protected.”

## For federal employees

1. Can a federal employee complete multiple IPA assignments or sabbaticals in a row?
  - a. No. Federal employees who partake in an IPA exchange must return to the federal service for a time equal to the length of the assignment. If the federal employee leaves the federal service before that time, that person is liable for all expenses (exclusive of salary and benefits) associated with the assignment.
2. Can an IPA assignment be linked to employee performance?
  - a. Yes. An IPA engagement can be used as a professional development opportunity for a strong performer. Its successful completion (defined specifically at time of assignment) can also be used as a performance goal in order to earn a bonus, quality increase, career ladder promotion or other incentive. An IPA assignment is not an opportunity to “remove” a poor performer from the federal workplace for a period of time, and in fact that approach to using the IPA program is antithetical to its intended purpose.

## For federal agencies

1. Must a federal agency keep the Office of Personnel Management (OPM) informed of the development and execution of an IPA mobility exchange?
  - a. Partially. Though OPM does not manage each agency’s IPA program, it does maintain oversight over the agency’s use of the IPA.
  - b. Agencies must notify OPM when they have created an IPA exchange, and must maintain accurate records of all IPA assignments as well as eligibility certifications of home institutions.
  - c. “In addition, the Office of Personnel Management’s Office of Merit Systems Oversight and Effectiveness may conduct, as appropriate, reviews of agencies’ administration of the Intergovernmental Personnel Act program.”

# Key Stakeholders and Contact Information

## Partnership for Public Service

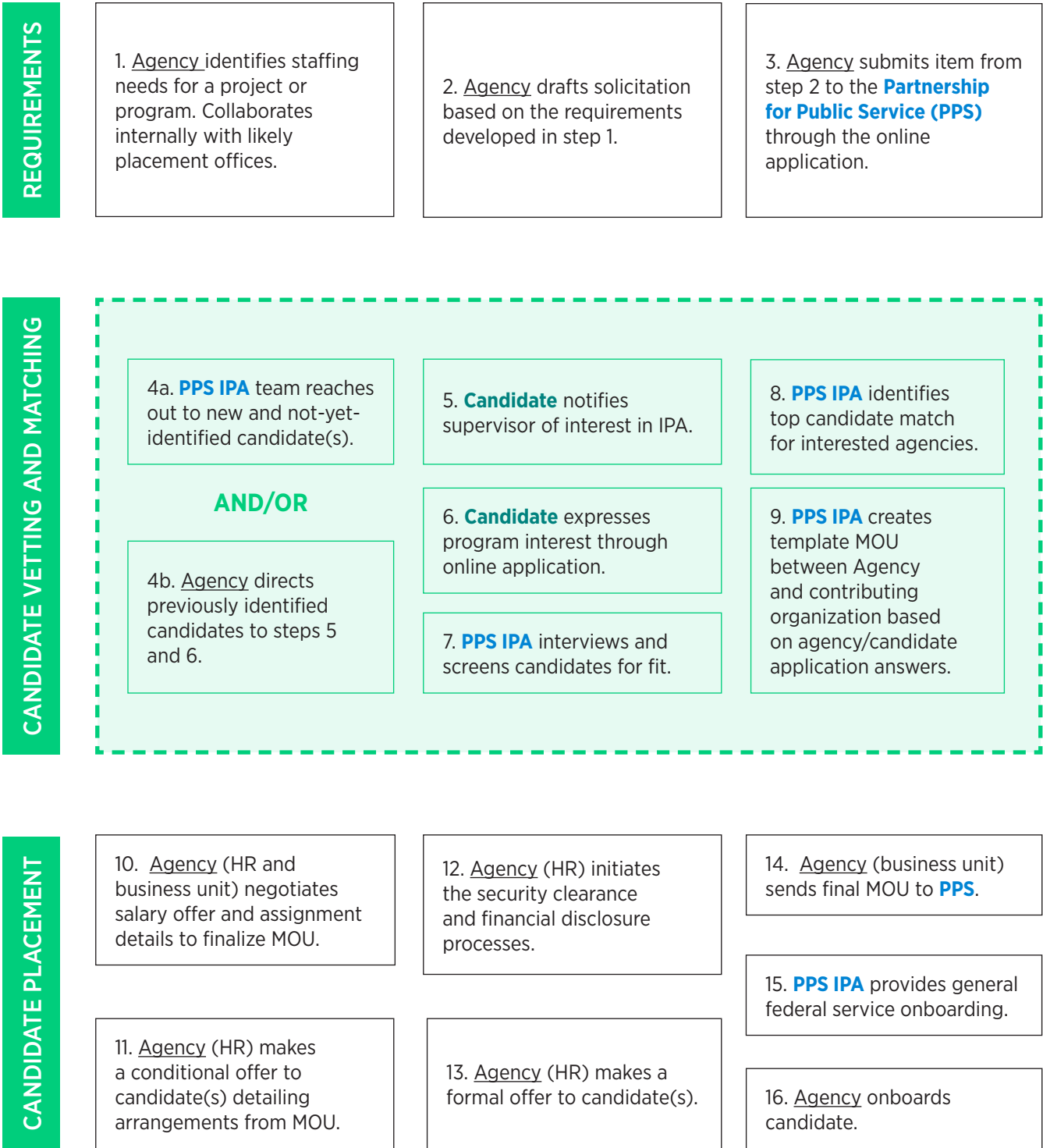
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## Non-Profit Partners

- PolicyLink
- Race Forward

## Federal Agencies

# Appendix A: Hiring Flowchart



# Appendix B: Ethics Sources and References

- 1. Source:** 3374(c) of Title 5 U.S.C.  
**Reference:** “Letter to a DAEO dated June 18, 1979.” Opinion Letter 97x1, Office of Government Ethics. June 18, 1979.
- 2. Sources:** 5 U.S.C. Chapter 73 (employment limitations, political activities, foreign gifts and decorations, gifts from prohibited sources, gifts between employees, certain kinds of misconduct, and drug and alcohol abuse); the Ethics in Government Act (financial disclosure and outside earned income limitations), section 27 of the Office of Federal Procurement Policy Act (procurement integrity), 18 U.S.C. §§ 203, 205, 207, 208, and 209 (the criminal conflict of interest statutes); 6 18 U.S.C. §§ 602, 603, 606, 607, 643, and 654 (political contributions, accounting for public money, and conversion of property); 18 U.S.C. §§ 1905 and 1913 (disclosure of confidential information and lobbying with appropriated monies); and 31 U.S.C. §§ 1343, 1344, and 1349(b) (passenger motor vehicle and aircraft purchase and use)  
**Reference:** Memorandum... to Designated Agency Ethics Officials Regarding Intergovernmental Personnel Act Summary.” Memorandum 06x10, Office of Government Ethics. October 19, 2006. pg. 6
- 3. Source:** 18 U.S.C. § 205(a)(2)  
**Reference:** Memorandum... to Designated Agency Ethics Officials Regarding Intergovernmental Personnel Act Summary.” Memorandum 06x10, Office of Government Ethics. October 19, 2006. pg. 4
- 4. Source:** 18 U.S.C. § 208, which prohibits an employee from participating personally and substantially in any particular matter that would have a direct and predictable effect on his own financial interests, or on the financial interests of, among others, any organization which he serves as officer, director, trustee, general partner or employee; or any person or organization with which he is negotiating for, or has any arrangement concerning, future employment.  
**Reference:** Memorandum... to Designated Agency Ethics Officials Regarding Intergovernmental Personnel Act Summary.” Memorandum 06x10, Office of Government Ethics. October 19, 2006. Pg 6.
- 5. Source:** The criminal postemployment statute, 18 U.S.C. § 207, imposes a number of different restrictions on the activities of former Federal Government employees. They include: (1) the lifetime prohibition on representing others in connection with the same particular matter involving specific parties in which the former employee participated personally and substantially, 18 U.S.C. § 207(a)(1); (2) the two-year prohibition on representing others in connection with the same particular matter involving specific parties that was pending under the employee’s official responsibility during the last year of Government employment, 18 U.S.C. § 207(a)(2); (3) the one-year prohibition on representing, aiding, or advising others about certain ongoing trade or treaty negotiations on the basis of certain nonpublic information, 18 U.S.C. § 207(b); (4) the one year cooling off period that prohibits a former senior employees from representing anyone before his former agency or department in connection with any matter for one year after terminating his senior position, 18 U.S.C. § 207(c); and (5) the restriction on certain post-employment activities with foreign entities, 18 U.S.C. § 207(f). Generally, all of these provisions apply to IPA detailees.  
**Reference:** Memorandum... to Designated Agency Ethics Officials Regarding Intergovernmental Personnel Act Summary.” Memorandum 06x10, Office of Government Ethics. October 19, 2006. Pg 8.



6. **Source:** According to 18 U.S.C. § 207(c), an IPA placement’s pay is considered equivalent to a SES if it meets two thresholds. (1) Total pay is equal to or greater than 86.5% of level II of the Executive Schedule (2) and either (2a) the IPA placement was to a SES position, (2b) the IPA detailee’s employer was reimbursed at this rate, or (2c) the combination of the IPA’s Federal and non-Federal pay was above the threshold.  
**Reference:** Memorandum... to Designated Agency Ethics Officials Regarding Intergovernmental Personnel Act Summary.” Memorandum 06x10, Office of Government Ethics. October 19, 2006. Pg 8.
7. **Source:** 5 U.S.C. app. § 101(f)(3)  
**Reference:** Memorandum... to Designated Agency Ethics Officials Regarding Intergovernmental Personnel Act Summary.” Memorandum 06x10, Office of Government Ethics. October 19, 2006. Pg 10.
8. **Source:** 18 U.S.C. §205  
**Reference:** “Memorandum of Opinion for the General Counsel of the Federal Bureau of Investigation, Application of 18 U.S.C. § 205...” Department of Justice Office of Legal Counsel. January 11, 1999. Pg. 1

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