



Guidance on Intergovernmental Personnel Act (IPA) Agreements

SCOPE

This guidance describes the California Institute of Technology's process for the review and management of Intergovernmental Personnel Act (IPA) Agreements.

GUIDANCE

Background

The Intergovernmental Personnel Act (IPA) permits federal agencies to assign personnel both to and from an agency to promote cooperation and provide mutual benefits to the federal agency and non-federal entity. The goal of the Act is to facilitate the movement of employees for short periods of time for objectives such as strengthening the management capabilities of an agency; assisting the transfer and use of new technologies and approaches; involving state and local officials in the development and implementation of federal policies; and providing program and developmental experience.

Caltech has entered into several IPA agreements over the years from various agencies including the National Science Foundation, the Department of Energy, the US Geological Survey and other federal agencies. IPAs are initiated by federal agencies to meet the needs of federal agencies; they are not a funding opportunity to which Caltech can apply or even request a federal agency to consider.

IPA Agreement – Employee Appointment Issues

The IPA agreement is a standard federal template used to initiate the assignment of a non-federal employee to a federal agency.

Regular full-time employee: The Caltech employee who will be assigned to work for the federal agency (or “assignee”) should be a regular, full-time employee of Caltech and should not be employed on a temporary assignment or in a temporary role. The IPA agreement mechanism is meant to be utilized only for assignees who are regular employees of their organization.

Employees primarily funded by sponsored awards: There are additional concerns for employees who devote a large percentage of their labor to sponsored awards. The Act requires the assignee’s home entity (Caltech in this instance) to provide either the same position or a similar position at the same rate of pay upon the assignee’s return. Due to the expiration of sponsored awards that may be paying the proposed assignee’s salary at the time the assignment begins, there may not be funds available to pay for a position at the end of the assignment. Divisions should not contemplate an IPA agreement for employees whose labor distribution may be uncertain at the end of the federal assignment. Once Caltech has signed an IPA, it is “guaranteeing” that a position will be available for the assignee upon completion of the IPA. Therefore, the Division wishing to support an employee under an IPA will be responsible for all costs incurred by Caltech that the IPA does not cover, including re-employment of the employee.

Salary/fringe/holidays: The IPA agreement requires the assignee's salary and fringe benefit information. Caltech Human Resources (HR) will review IPA agreements to ensure that assignee salary and fringe benefits amounts are correct. HR also reviews holiday and retirement information in the agreement.

IPA Agreement -- Sponsored Research Issues

Cost sharing: The IPA states that both the federal agency and the assignee's employing organization should share in the costs of the assignment in proportion to the relative benefit each receives. For example, if the assignee will gain work experience that could benefit Caltech upon the assignee's return to Caltech, then the federal agency may require Caltech to cover a percentage of the assignment; this is a form of cost-sharing. In some cases, the agency may suggest or be asked if current awards to Caltech from the agency on which proposed assignee is performing research activities could be used to meet the cost sharing. The Director of the Office of Sponsored Research (OSR) should review such requests. It is unlikely that federal agencies will approve the use of federal awards as cost sharing to an IPA. Unless the Division indicates otherwise, Caltech will attempt to negotiate for 0% cost sharing. However, if the federal agency requires cost sharing, Caltech will enter into the IPA only if the Division agrees to support the cost sharing.

Reduction of effort on sponsored awards: Proposed assignees may be working on active sponsored awards prior to the IPA assignment. The period of performance of those awards may overlap the IPA assignment. In this instance, for assignees who are key personnel on sponsored awards, it may be necessary to seek a reduction of effort so that the assignee can pursue the IPA assignment. In these cases, OSR will work with the proposed assignee and Division to submit effort reduction requests to sponsor(s). An IPA agreement cannot be signed prior to obtaining sponsor approval for such reductions.

Organizational conflict of interest: Organizational conflict of interest (OCOI) issues may arise as a result of the duties outlined in the IPA agreement. OCOI issues arise when the assignee will be working on projects or programs that could lead to funding opportunities of interest to Caltech researchers. The Director of the Office of Sponsored Research (OSR) should review assignment duties in coordination with the proposed assignee and Division; any OCOI conflicts must be managed prior to signing an IPA agreement.

IPA Budget Issues

Under an IPA, the federal agency will cover the costs of leave taken during the assignment, but it will not cover the costs of unused leave the assignee may be entitled to after the assignment ends. Therefore, for bi-weekly payroll employees to be assigned under an IPA, the Division should include the paid leave allocation in addition to the salary and fringe benefits in the cost estimate presented to the federal agency. As stated earlier, the Division will be responsible for any costs incurred by Caltech that are not covered by the IPA agreement.

IPA Assignment Changes

Any changes to an IPA assignment, including rate of pay, dates of assignment, and nature of work can only occur via a formal amendment to the IPA Agreement. Any such change must follow the same processes as for a new IPA Agreement.

IPA Review Process

The Director of the Office of Sponsored Research is the campus coordinator for IPA agreements. The employee or employee's supervisor should notify the OSR Director and the Division office when they anticipate an IPA assignment; the OSR Director will then notify the appropriate campus offices, as necessary. The following steps should be followed:

1. The proposed assignee should discuss the assignment with his or her Caltech supervisor and/or Division Chair to ensure all divisional work assignments can be reassigned or managed during the proposed assignment period, **including any effort to be dedicated to sponsored awards.**
2. The Division should also be prepared to reassign the employee to Caltech duties at the end of the federal agency assignment as required by the Act and its regulations (5 CFR 334.107 Termination of agreement) – a position the same as or similar to the one the assignee holds prior to the IPA assignment and at the same rate of pay.
3. If cost sharing is required by the agency, the Division Chair should determine if any Caltech funds are available to provide the cost sharing. If so, the PTA should be identified and provided to the Director of OSR.
4. When the proposed assignee is listed as key personnel on sponsored awards, OSR will work with sponsors to submit effort reduction requests; these requests must be approved before Caltech can sign the IPA agreement.
5. If it is proposed that agency awards will cover cost sharing, OSR will review and submit a request to the agency for use of award funds for that purpose.
6. If OCOI issues have been identified as a result of the assignment duties, OSR will work with the Division and federal agency to address and manage such issues and document the plan in writing. OCOI issues must be resolved before Caltech can sign the IPA agreement.
7. OSR will send the draft IPA agreement to Human Resources for review. Human Resources will review the proposed IPA agreement for salary, fringe benefit, and holiday information and provide any corrections to OSR.
8. OSR will sign the agreement on behalf of Caltech and return it to the federal agency once all issues have been reviewed and approved. The IPA agreement becomes effective only when the federal agency has signed it. Upon full execution of the IPA agreement, the OSR Director will distribute the agreement to the appropriate campus offices/individuals, including the division office, the assignee's supervisor, Post Award Administration (PAA) and HR. PAA will create the PTA for the award as well as any companion PTA necessary for tracking of cost sharing (ZOACS PTA).
9. PAA will invoice the agency for payment on a monthly or quarterly basis and will work with the Division to document cost sharing (if any). PAA will close out the IPA PTA(s) when the period of performance has been completed.

ROLES AND RESPONSIBILITIES

Assignee

- *Shares proposed IPA assignment information and duties with Division Chair, Division Administrator, and Director of OSR*

Division Chair

- *Reviews IPA assignment; makes necessary changes to Division assignments and duties*
- *Authorizes Caltech discretionary funds for cost sharing as preferred*
- *Provides Caltech position equal to current position of assignee upon return from federal assignment*

Office of Sponsored Research

- *Notifies relevant campus offices of IPA agreement issues*
- *Reviews IPA agreement for sponsored research issues*
- *Submits any necessary requests to sponsors, as appropriate.*
- *Signs IPA agreement on behalf of Caltech after resolution of any issues*

Human Resources

- *Reviews and/or provides salary, fringe benefit, and holiday information for IPA agreements*

Post Award Administration Office

- *Creates PTA and ZOACS PTA for IPA agreements*
- *Generates billing for IPA agreements*
- *Closes out IPA PTA at end of period of performance*

RELATED REFERENCES

Intergovernmental Personnel Act Regulations -

<https://www.law.cornell.edu/cfr/text/5/part-334>

Office of Personnel Management – Hiring Information for IPAs -

<https://www.opm.gov/policy-data-oversight/hiring-information/intergovernment-personnel-act/>

GUIDANCE ISSUED BY

This guidance is issued by the Office of Sponsored Research, Post Award Administration, and Human Resources.

EFFECTIVE DATES AND UPDATES

Action Take	Date	Description of Action
Original Guidance	Effective 02/21/2017	Approved by <i>OSR, PAA, HR</i>
Revision	Effective 7/23/2019	<i>Approved by OSR, PAA, HR</i>