



CHIEF NATIONAL GUARD BUREAU INSTRUCTION

NGB-J1

DISTRIBUTION: A

CNGBI 1900.01
10 January 2018

EMPLOYING NATIONAL GUARD MEMBERS UNDER THE OFFICE OF PERSONNEL MANAGEMENT INTERGOVERNMENTAL PERSONNEL ACT

References: See Enclosure A.

1. Purpose. This instruction establishes policies and assigns responsibilities regarding the assignment of National Guard Bureau (NGB) personnel under the Intergovernmental Personnel Act (IPA) in accordance with (IAW) references a through e.
2. Cancellation. None.
3. Applicability. This instruction applies to all elements of the National Guard (NG), with the exception of personnel assigned to a State NG IAW reference f and corresponding designation of authority to The Adjutants General (TAG) and Title 32 technicians who become TAGs.
4. Policy. It is NG policy to employ NG members under the IPA to facilitate cooperation and strengthen management capabilities between NG elements, State and local governments, institutions of higher education, Indian tribal governments, and other eligible organizations, through the temporary assignment of skilled personnel.
 - a. IPA Assignments. Assignments will be management-initiated and controlled. Objectives include:
 - (1) Assisting in the transfer and use of new technologies and approaches to solving governmental problems.
 - (2) Facilitating an effective means of involving State and local officials in developing and implementing Federal policies and programs.

UNCLASSIFIED

(3) Providing program and developmental experience to enhance assignees' performance in their regular job.

b. Restrictions on Former Department of Defense (DoD) Employees.

Assigning an IPA agreement to a former DoD employee to perform previous Federal duties, as a recruitment tool for the future hiring of an individual, or to facilitate a person's career change is not authorized.

c. Negotiation Guidance. All NG elements are responsible for negotiating and ensuring compliance with all requirements of IPA agreements under their purview. Requirements include the length of the assignment, work schedule, scope of duties, conflict-of-interest concerns, and any other reasonable and customary direct and indirect costs such as the salary, fringe benefits, and other charges incurred as part of the agreement.

(1) NG elements may agree to pay all, some, or none of the costs associated with an assignment. The organization that benefits most from the assignment will absorb the larger share of the costs.

(2) Income from certain private consulting work as part of the academic pay of university employees may be considered. 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.

d. Cost Allocations. Indirect cost allocations will be limited to applicable General and Administrative (G&A) costs.

e. Performance Summary. IPA participants will receive a written performance summary at the end of each assignment year or at the completion of their IPA assignment. This summary will be submitted to the IPA participants' permanent non-Federal organization as evidence of the benefit of their participation in the program.

f. Security Level. IPA participants will be able to obtain the security level necessary for the position sensitivity designation required to perform the duties of the position, as determined by each employing organization.

g. Training. IPA participants may be required to take the same or comparable training, such as ethics training, computer security training, or other similar courses, as Federal employees in comparable positions.

h. Detailing. Federal employees receiving an IPA assignment to a non-Federal entity will be detailed to that organization.

i. Other Provisions. Waiver of payments to reimburse the Government for non-reimbursable expenses will be made only in rare cases, if fully justified, and will require approval from the Office of the Secretary of Defense (OSD) Director of Administration and Management (DA&M). Payment of travel and relocation expenses may be paid IAW references e and f.

(1) Customary increases in cost (three percent cost-of-living allowance [COLA] or increases customary for the non-Federal organization) are built into the IPA assignment agreement. Organizations must certify that the proposed COLA is applicable to and customary for all employees of the IPA participant's home organization.

(2) All other increases in costs from the original IPA agreement require an amendment to that agreement. Amendments must be submitted and approved by the OSD Assistant Director of the Executive and Political Personnel Division, Human Resources Directorate. Locality payments are authorized if the assignment location dictates.

j. IPA Package Applications. IPA assignment applications must include the information in the subparagraphs below and must be sent by certified mail to:

- Manpower and Personnel Directorate (NGB-J1), Joint Human Capital Division (NGB-J1-JHC), 111 S. George Mason Drive, AHS #2, Suite IPN-PI-140, Arlington, VA 22204-1373.
- Electronic correspondence can be forwarded to
ng.ncr.ngb-arng.mbx.ng-j1-jhc.

(1) Résumé. Include the prospective IPA candidate's résumé and any supporting documentation necessary to make a determination regarding benefit to the Government. Examples are college transcripts, professional certifications or licenses, references, and lists of publications.

(2) Request for IPA Assignment Memorandum. Include a memorandum, signed by the requesting NG senior official (normally at a general officer or Senior Executive Service level). Include the following information: name of the IPA applicant; applicant's nonprofit or organization of record; brief summary of the duties; total estimated costs; funding source; and Organization Resource Code. In addition, the memorandum must include a list of all periods served

by the IPA applicant under other IPA agreements, regardless of the agency or dates served.

(3) Position Description. Include the position description and the required position sensitivity designation.

(4) Optional Form (OF) 69, "Assignment Agreement." Include this form for a funding breakdown with detailed accounting of all G&A costs (including fringe benefits and overhead costs) by amount and percentage of salary, with a full explanation of the process by which they were derived. Agreements with excessive indirect costs or salaries exceeding Executive Level III will require DA&M (OSD) coordination. Indirect costs above five percent must also be approved by DA&M. Costs approved by other Federal agencies or DoD entities are not considered binding. Review all costs for compliance with the above guidelines and renegotiate if necessary.

(5) Proof of Certification to Participate. The OPM does not certify organizations for participation in the IPA. Each Federal Government agency is responsible for certifying organizations. IPA policy specifies that "other organizations" are eligible to participate and defines what an "other organization" is. (See the Glossary.) OPM requires that entities interested in participating in the program as an "other organization" have their eligibility certified by the Federal agency with which they are entering into an agreement. Certification is permanent, and other agencies may accept this certification or require an organization to submit the appropriate paperwork for review IAW their own process. Send requests for certification to:

- Washington Headquarters Services, Human Resources Directorate, 1155 Defense Pentagon, Washington, DC 20301-1155, and include a copy of:

(a) The organization's articles of incorporation.

(b) Bylaws.

(c) Internal Revenue Service letter of nonprofit status.

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

(6) Office of Government Ethics Form 450, "Confidential Financial Disclosure Report," and the IPA Disqualification Statement. The IPA candidate must complete these documents and include them in the application package. This inclusion is to assist employees and their agencies in avoiding conflicts between official duties and private financial interests or affiliation.

5. Definitions. See Glossary.

6. Responsibilities.

a. Chief of the National Guard Bureau (CNGB). The CNGB will:

(1) Establish and publish policies and procedures related to NG participation in the IPA.

(2) Concur on all NGB IPA assignment requests prior to forwarding them to Washington Headquarters Services for final approval.

b. Director of NGB-J1. The Director of NGB-J1 will:

(1) Serve as the Office of Primary Responsibility for processing IPA applications and ensuring that NG organizations participating in the IPA fully comply with applicable statutes and DoD regulations and guidelines.

(2) Ensure that IPA assignment applications are coordinated with Office of the NGB Chief Counsel (NGB-JA) for legal review and with the Director of Programs and Resources and Comptroller (NGB-J8) for any budgetary impacts associated with the application.

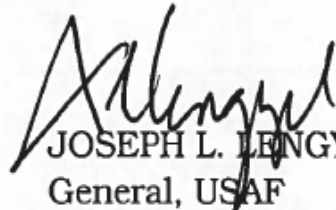
c. NGB-JA. NGB-JA will conduct a thorough legal review of all IPA applications.

d. NGB-J8. NGB-J8 will review all IPA applications to determine whether funds are available to permit approval of the application, including individual compensation, travel, and training expenses associated with the applicant.

7. Summary of Changes. This is the initial publication of CNGBI 1900.01.

8. Releasability. This instruction is approved for public release; distribution is unlimited. Obtain copies through <<http://www.ngbpdc.ngb.army.mil>>.

9. Effective Date. This instruction is effective upon publication and must be reissued, cancelled or certified as current every five years.



JOSEPH L. LENGYEL
General, USAF
Chief, National Guard Bureau

Enclosures:

A -- References
GL -- Glossary

ENCLOSURE A

REFERENCES

PART I. REQUIRED

- a. Title 5, United States Code (U.S.C.), Sections 3371-3375, “Intergovernmental Personnel Act of 1970”
- b. Title 5, Code of Federal Regulations (CFR), Part 334, “Temporary Assignments under the Intergovernmental Personnel Act (IPA)”
- c. Office of the Under Secretary of Defense, Acquisition, Technology and Logistics, Memorandum, 17 October 2003, “Allocability and Allowability of Costs Associated with the Intergovernmental Personnel Act (IPA) Mobility Program”
- d. U.S. Office of Personnel Management, “Hiring Information: Intergovernment Personnel Act,” at <<https://www.opm.gov/policy-data-oversight/hiring-information/Intergovernment-personnel-act/>>, NIPRNET – accessed 04 December 2017
- e. 10 U.S.C. § 10508, 26 October 2015, “National Guard Bureau”

PART II. RELATED

- f. 41 CFR, Chapters 300-304, “The Federal Travel Regulation (FTR)”
- g. National Defense Authorization Act for Fiscal Year 2017, 23 December 2016

GLOSSARY

PART I. ACRONYMS

CNGB	Chief of the National Guard Bureau
COLA	Cost-of-living allowance
DA&M	Director of Administration and Management
DoD	Department of Defense
G&A	General and Administrative
IAW	In accordance with
IPA	Intergovernmental Personnel Act
NG	National Guard
NGB	National Guard Bureau
NGB-JA	Office of the National Guard Bureau Chief Counsel
NGB-J1	Manpower and Personnel Directorate
NGB-J8	Programs and Resources/Comptroller
OPM	Office of Personnel Management
OSD	Office of the Secretary of Defense
TAG	The Adjutants General

PART II. DEFINITIONS

Detailing -- A temporary assignment of an employee to a different position for a specified period, with the employee returning to regular duties at the end of the detail.

Office of Personnel Management Intergovernmental Personnel Act -- The authorization by Congress for Federal agencies to enter into employment exchange agreements (Intergovernmental Personnel Act agreements) with non-Federal entities to facilitate cooperation between Federal and non-Federal entities regarding issues of mutual concern and benefit.

Office of Personnel Management Intergovernmental Personnel Act Eligible Employee -- 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.

Other Organization -- A nonprofit organization that offers professional advisory, research, educational, or developmental services or related services to governments or universities concerned with public management.