

Guidance for Establishing Intergovernmental Personnel Act Agreements (IPAs) and Acknowledgement of Responsibilities Under an IPA

Effective Date: December 1, 2024

An Intergovernmental Personnel Act assignment (IPA) allows Purdue employees to temporarily work at a federal agency while retaining their employment with Purdue.

1. Duration

IPAs typically last up to two years, with the possibility of an extension. An IPA cannot last longer than four consecutive years. After four years, the employee must return to Purdue for at least twelve months before being eligible for another IPA.

2. IPA Structure: Detail vs. Appointment

There are two primary types of IPAs: detail or appointment. This structure impacts how the employee is paid and what benefits they receive during the assignment.

Detail (common): The employee remains on Purdue's payroll, and the federal agency reimburses Purdue for the employee's salary and benefits. The employee retains their Purdue benefits (such as health insurance and retirement contributions) and remains fully integrated into Purdue's systems.

Appointment (rare): The employee is temporarily appointed as a federal employee, and the federal agency directly pays their salary. In this scenario, the employee may switch to federal benefits during the assignment, which can affect their healthcare, retirement plans, and other benefits. Upon completion of the IPA, the employee returns to their previous status with Purdue.

3. 18 USC 207: Representation Restrictions

Purdue employees who temporarily become federal employees are subject to 18 USC 207, which prohibits certain types of representation or advocacy on behalf of a third party (such as Purdue) back to the federal agency.

Representation Ban: While an individual is serving as a federal employee, including part-time under an IPA, 18 USC 207 prohibits them from representing Purdue (or any third party) in any official communications or advocacy efforts directed at their federal agency.

Prohibition on Acting as Principal Investigator (PI) for the Agency: This restriction is particularly relevant for part-time IPAs who might otherwise serve as Principal Investigators (PIs) or other interfacing Purdue official on projects funded by the same federal agency. Serving in such a capacity would involve representing Purdue's interests in interactions with the federal agency, thereby violating 18 USC 207

4. 18 USC 208: Conflict of Interests Restrictions

Federal employees, including those on IPAs, are prohibited by 18 USC 208 from participating in decisions or actions that could directly impact their financial interests, or those of Purdue.

Recusal: The employee is required to recuse themselves from any decision-making, advisory roles, or activities that could have a direct and predictable financial impact on

their own financial interests, or that of Purdue. This includes decisions related to research funding, contracts, or collaborations that could benefit Purdue financially.

5. Consequence of violating 18 USC 207 or 18 USC 208

18 USC 207 and 18 USC 208 are criminal statutes. Violations could result in criminal prosecution, civil or administrative penalties, and termination of the IPA. In some cases, a violation could also lead to termination of employment with Purdue.

6. Role of Agency Counsel

Agency counsel is responsible for advising agency personnel, including those on IPAs, as to whether a specific activity violates 18 USC 208. IPAs shall refrain from participating in any activity that may violate statute or other agency regulations pending a determination from agency counsel.

7. Waiver of Conflict of Interests Restrictions

In some cases, the federal agency may have authority to waive conflict-of-interests restrictions. Accordingly, the following should be included in Part 6 of OF-69:

"The agency shall not waive any conflict of interests restrictions applicable to the IPA without first coordinating the proposed waiver with Purdue."

This gives Purdue the right to review the proposed waiver and any resulting impact to Purdue or the employee.

8. Purdue Assistance

SPS Contracting (spscontr@purdue.edu) and the Office of Legal Counsel (legalcounsel@purdue.edu) are available to assist with IPAs.

See also: Process and Procedures for Purdue Faculty and Staff Participation in Intergovernmental Personnel Act Agreements

9. Acknowledgement of IPA Restrictions

Purdue employees shall review this guidance and sign the acknowledgement form on the following page.

Acknowledgement of Responsibilities Under an Intergovernmental Personnel Act (IPA) Assignment

I acknowledge that during my IPA assignment with a federal agency, I must comply with the following key responsibilities:

Criminal Statutes (18 USC 207 and 18 USC 208)

I understand that federal law prohibits me from representing Purdue or any third party in official communications with the federal agency I am assigned to (18 USC 207) and from participating in any decision that could affect my financial interests or those of Purdue (18 USC 208). Violations of these laws can result in criminal prosecution, civil penalties, and termination of my IPA assignment or employment.

Seeking Counsel

I will seek guidance from agency counsel regarding any activities or situations that may involve potential legal or ethical concerns. SPS Contracting (spscontr@purdue.edu) and the Office of Legal Counsel (legalcounsel@purdue.edu) are also available to assist as needed.

By signing below, I confirm my understanding of these responsibilities and agree to comply with them for the duration of my IPA assignment.

Employee Name: _____

Signature: _____

Date: _____