

Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 334

RIN 3206-AJ94

Temporary Assignment of Employees Between the Federal Government and State, Local, and Indian Tribal Governments, Institutions of Higher Education, and Other Eligible Organizations

AGENCY: Office of Personnel
Management (OPM).

ACTION: Proposed rule.

SUMMARY: The Office of Personnel Management is proposing a plain language rewrite of its regulations regarding the Intergovernmental Personnel Act (IPA) Mobility Program as part of a broader review of OPM's regulations. The purpose of the revision is to make the regulations more readable.

DATES: Comments must be received on or before October 21, 2003.

ADDRESSES: Send or deliver comments to Susan M. Barker, Manager, Recruitment, Examining, and Assessment Group, Office of Personnel Management, Room 6500, 1900 E Street NW., Washington, DC, 20415, fax: (202) 606-0390, or e-mail them to smbarker@opm.gov.

FOR FURTHER INFORMATION CONTACT: Susan M. Barker by telephone at (202) 606-2226; by fax at (202) 606-0390; or by e-mail at smbarker@opm.gov.

SUPPLEMENTARY INFORMATION: OPM is issuing proposed regulations implementing the provisions in 5 U.S.C. 3371-3376 that concern the temporary assignment of employees to and from States. The purpose of these proposed revisions to part 334 is not to make substantive changes, but rather to enhance the clarity and improve the readability of the regulations. To achieve these ends, we have converted the regulations to a question-and-answer format. In addition, to further clarify

this rule, we are soliciting comment on whether certain entities define themselves as: (1) an "instrumentality or authority of a state or states or local government" as cited in 5 U.S.C. 3371; and/or (2) a "Federal-State authority or instrumentality" as cited in 5 U.S.C. 3371.

E. O. 12866, Regulatory Review

This rule has been reviewed by the Office of Management and Budget in accordance with E. O. 12866.

Regulatory Flexibility Act

I certify that these regulations would not have a significant economic impact on a substantial number of small entities because they would apply only to Federal agencies and employees.

List of Subjects in 5 CFR part 334

Colleges and universities,
Government employees, Indians,
Intergovernmental relations.

Key Coles James,

Director, Office of Personnel Management.

Accordingly, OPM is proposing to revise 5 CFR part 334 to read as follows:

PART 334—TEMPORARY ASSIGNMENT OF EMPLOYEES BETWEEN THE FEDERAL GOVERNMENT AND STATE, LOCAL, AND INDIAN TRIBAL GOVERNMENTS, INSTITUTIONS OF HIGHER EDUCATION, AND OTHER ELIGIBLE ORGANIZATIONS

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Authority: 5 U.S.C. 3376; E.O. 11589, 3 CFR 557 (1971-1975).

§ 334.101 What is the purpose of this part?

The purpose of this part is to implement the objectives of title IV of the Intergovernmental Personnel Act of 1970 and title VI of the Civil Service

Reform Act. These statutes authorize the temporary assignment of employees between the Federal Government and State, local, and Indian tribal governments, institutions of higher education and other eligible organizations.

§ 334.102 Definitions.

In this part:

Assignment means a period of service under chapter 33, subchapter VI of title 5, United States Code;

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., Presidential Management Intern program, the Federal Career Intern program, 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;

Federal agency has the same meaning as in 5 U.S.C. 3371(3);

Indian tribal government has the same meaning as in 5 U.S.C. 3371(2)(C);

Institution of higher education means a domestic, accredited public or private 4-year college or university, or a technical or junior college;

Local government has the same meaning as in 5 U.S.C. 3371(2)(A) and (B);

Other organization has the same meaning as in 5 U.S.C. 3371(4); and

State has the same meaning as in 5 U.S.C. 3371(1).

334.103 What are the requirements for an organization to participate in this program?

(a) Organizations interested in participating in the mobility program as an instrumentality or authority of a State or local government or as an "other organization" as set out in this part must have their eligibility certified by the Federal agency with which they are entering into an assignment.

(b) Written requests for certification should include a copy of the organization's:

(1) Articles of incorporation;

(2) Bylaws;

(3) Internal Revenue Service nonprofit statement; and