**From:** Gutcher, Jane
**Sent:** Friday, March 08, 2013 5:55 PM
**To:** Murray, Elodie R
**Cc:** Johnston, Sharon M., OGCCO; Collins, Kimberly (VHA)
**Subject:** Do IPAs need WOC appts?

Elodie,

As we discussed on the phone, we are trying to determine if researchers at VA under an IPA need WOC appointments or whether the IPA is itself sufficient.  Please let me know if you need more facts or have any questions.

Regards,

jane

Jane Gutcher

Staff Attorney

Department of Veterans Affairs

Office of General Counsel

810 Vermont Ave NW

Washington, DC  20420

(202) 461-7619

(202) 273-6403 (FAX)

**From**: Murray, Elodie R
**Sent**: Tuesday, April 16, 2013 01:53 PM
**To**: Gutcher, Jane
**Cc**: Johnston, Sharon M., OGCCO; Collins, Kimberly (VHA); Wilson, Carlene D.; VA Title5 Staffing Policy
**Subject**: RE: Do IPAs need WOC appts?

Hi, Jane, et al. – Our apologies for this delayed response.  I have just reviewed the response below developed by my Team Member Carlene Wilson, & agree with the advice it provides.

An Intergovernmental Personnel Act (IPA) agreement is only one type of affiliation or employment an individual may have with VA.  Without Compensation appointment (WOC) and employee are two others.  Each are separate and distinct from the other and can stand alone.  Rephrased, an IPA agreement does not require a WOC appointment, from a staffing perspective.

Important to note, however, is that an individual may be assigned from a non-Federal entity, for relatively short periods of time (*not indefinitely*), to a Federal department/agency via a detail or a temporary appointment.  If detailed, for most purposes, the assignee remains an employee of her/his permanent organization entity.  If appointed, the assignee actually takes a leave of absence from her/his permanent organization, receives an appointment (using an SF52), and becomes (and is treated, for most purposes, as) a VA employee for the duration of the temporary assigned appointment.

Questions about the necessity of coupling an IPA assignment (detail or appointment) with a concurrent WOC appointment seems to have been prompted from concerns of Tort coverage for IPA assignees.  However, in accordance with 5 USC 3373(a)(2), *An employee assigned either on detail or on leave without pay remains an employee of his agency. The Federal Tort Claims Act and any other Federal tort liability statute apply to an employee so assigned*.

In summary, from a staffing perspective, it is unnecessary for an IPA assignee to have a concurrent WOC appointment.  An IPA assignment agreement alone is sufficient.

Regards,

Carlene

*Carlene D. Wilson*