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**DECISION**



**THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D. C. 20548**

**FILE:** B-195385

**DATE:** November 27, 1979

**MATTER OF:** Jandhyala L. Sharma - Intergovernmental  
Personnel Act

**DIGEST:** Under 5 U.S.C. § 3375, Western Carolina University employee who completed assignment with Federal Government under Intergovernmental Personnel Act may be reimbursed cost of moving his household goods and dependent travel, to Cleveland State University not to exceed the constructive cost of such travel and transportation to Western Carolina University. Employee's own travel costs may be reimbursed to the same extent since he was not required by regulation or the terms of his IPA agreement to return to Western Carolina University.

*Request for Reimbursement of*

The Administrator, National Credit Union Administration, requests an advance decision as to whether or not Mr. Jandhyala L. Sharma may be paid moving expenses under the circumstances shown below.

*AGC 505-1*

The record shows that Mr. Sharma, Assistant Professor of Finance, Western Carolina University, was assigned to the National Credit Union Administration (NCUA), Washington, D.C., under the Intergovernmental Personnel Act (IPA), 5 U.S.C. §§ 3371-3376 (1976). The Assignment Agreement indicated that the NCUA would pay Mr. Sharma's "Travel and Transportation to and from Washington, D.C. not to exceed \$4,000."

The NCUA paid \$1,304.94 to move Mr. Sharma from Cullowhee, North Carolina, to Washington, D.C. Mr. Sharma has now requested that NCUA pay his moving expenses to Cleveland, Ohio, since his assignment is completed and he has accepted a position at Cleveland State University.

The NCUA specifically asks:

"Can our agency pay his relocation costs with him moving to Ohio instead of back to North Carolina. If not, can we pay him \$2,695.06, the original \$4,000 less moving expenses already paid."

The authority for the assignment of personnel to or from State or local governments under the IPA is contained in

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5 U.S.C. §§ 3371-3376 (1976). By virtue of 5 U.S.C. § 3372(b), that authority applies equally to the assignment of personnel to or from institutions of higher education.

Under 5 U.S.C. § 3372(c), as amended by Pub. L. 95-454, a Federal employee may be assigned under the IPA to a State or local government only if he agrees to serve in the Civil Service upon completion of the assignment for a period equal to the length of the assignment. Although the governing regulations of Federal Personnel Manual (FPM), Chapter 334, Subchapter 1-4b reflect the general expectation that an employee will return to his agency at the end of an IPA assignment, no similar obligation of service following the assignment is imposed upon an employee detailed to a Federal agency from a State or local government. Subchapter 2-1b(2)(b) states only that an IPA agreement involving the movement of a State or local government employee should provide that the employee can return to the home agency to a position comparable to that from which he was assigned. Since neither the regulations nor the IPA agreement governing Mr. Sharma's assignment to the NCUA require him to return to the Western Carolina University, the fact that he instead accepted a position in Cleveland, Ohio, does not preclude the payment of return travel and transportation expenses otherwise authorized.

Travel and transportation expenses incident to IPA assignments are authorized under 5 U.S.C. § 3375. Subsection (a)(2) of section 3375 provides as follows:

"(a) Appropriations of a Federal agency are available to pay, or reimburse, a Federal or State or local government employee in accordance with--

"(1) subchapter 1 of chapter 57 of this title, for the expenses of--

"(A) travel, including a per diem allowance, to and from the assignment location;

"(2) section 5724 of this title, for the expenses of transportation of his immediate family and of his household goods and personal effects to and from the assignment location;

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"(3) section 5724a(a)(1) of this title, for the expenses of per diem allowances for the immediate family of the employee to and from the assignment location; \* \* \*"

As a condition to payment of these expenses, 5 U.S.C. § 3375(b) requires the assigned employee to agree in writing to complete the entire period of his assignment or 1 year, whichever is shorter, unless separated for reasons beyond his control that are acceptable to the agency concerned. See FPM Chapter 334, Subchapter 1-7.

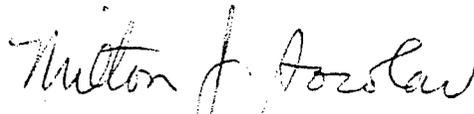
The travel and transportation expenses authorized under 5 U.S.C. § 3375 are payable in accordance with the instructions contained at FPM Chapter 334, Subchapter 1-7 and insofar as otherwise provided for by the regulations contained in the Federal Travel Regulations (FTR) (FMPR 101-7) implementing the specifically applicable provisions of chapter 57 of title 5 of the U.S. Code. Since Mr. Sharma completed his IPA assignment he is entitled to travel and transportation expenses from Cullowhee, North Carolina, to Washington, D.C., and return. That entitlement includes the expenses of his immediate family's travel as well as transportation of household goods and personal effects. Paragraph 2-8.2d of the FTR allows reimbursement of the cost of the transportation of household effects to an employee's new official station or some other point selected by him. However, the total amount which may be paid or reimbursed by the Government cannot exceed the cost of transporting the property in one lot by the most economical route from the employee's last official station to his new official station. The regulations contain a similar provision for the travel of members of an employee's immediate family. See FTR para. 2-2.2a. Consistent with these regulations, Mr. Sharma may be reimbursed for the costs he may incur of transporting his household goods and for his dependents' travel, to Cleveland, Ohio, not to exceed the constructive cost of such transportation and travel to Cullowhee, North Carolina. Ralph M. Koontz, B-186338, December 7, 1978; Ramon v. Romero, B-190330, February 23, 1978.

Mr. Sharma is also entitled to reimbursement for his own travel expenses to and from the assignment location under the provisions of subchapter I of chapter 57, of title 5 of the U.S. Code. Because that subchapter is applicable to temporary

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duty and other such travel, the implementing regulations contemplate that the employee will in fact report to his assigned temporary or permanent duty station. For this reason they do not contain a provision for payment of travel expenses similar to FTR paras. 2-2.2a and 2-8.2 cited above, when the employee travels to an alternate location. However, unlike in the case of a Federal employee on temporary duty travel, a Federal agency generally does not have a particular interest in assuring that a State or local government employee returns to a particular location upon the completion of his IPA assignment. For this reason, we see no basis to object to an agency's determination to pay for a State or local government employee's travel to an alternate location upon the satisfactory completion of his IPA assignment, provided the cost reimbursed does not exceed the constructive cost of travel to the location designated in the IPA agreement. Therefore, Mr. Sharma may also be reimbursed for the cost of his personal travel expenses to Cleveland, Ohio, not to exceed the constructive travel costs to Cullowhee, North Carolina.

The Administrator's questions are answered accordingly.



For the Comptroller General  
of the United States