

## INFORMATION PAPER

NGB-JA  
12 May 2010

**SUBJECT: Private Organizations Involving National Guard Personnel**

**PURPOSE:** To provide guidance on the ethical rules governing relationships, including membership and fundraising, between members of the National Guard (NG) and private organizations (POs).

**CONCLUSION:** There are numerous Ethics rules affecting the relationships between NG members and POs. NG members should consult their legal advisor to obtain detailed guidance or assistance in understanding these rules.

### **DISCUSSION:**

#### **1. National Guard Status.**

a. The first step in analyzing the applicability of DoD policy to NG personnel is to determine the capacity in which the member is serving. The Joint Ethics Regulation (JER) restricts "employees" from engaging in certain behavior or relationships with regard to POs. According to paragraph 1-211, an "employee" includes the following:

- Any DoD civilian officer or employee (including special Government employees) of any DoD Component (including any non- appropriated fund activity).
- Any active duty Regular or Reserve military officer, including warrant officers.
- Any active duty enlisted member of the Army, Navy, Air Force, or Marine Corps.
- Any Reserve or National Guard member on active duty under orders issued pursuant to title 10, United States Code.
- Any Reserve or National Guard member while performing official duties or functions under the authority of either title 10 or title 32, United States Code, or while engaged in any activity related to the performance of such duties or functions, including any time the member uses his Reserve or National Guard of the United States title or position, or any authority derived therefrom. *[Note: NG members performing purely State duties are not considered to be engaged in an activity related to the performance of Federal duties, nor using their Reserve or Federal National Guard title or position].*

The JER, paragraph 1-229, defines "Reserve military officer" as "an individual who currently holds an appointment in the Reserve of a Military Department, or is a military officer of the National Guard with Federal Government recognition." Paragraph 1-233 defines "Title 32 National Guard Member" as a "National Guard members performing military training or other duties under title 32, United States Code."

b. Based on the above definitions, DoD policy with regard to relationships with POs applies to the following NG members:

- (1) NG members while in any Title 10 status;
- (2) NG members while in any Title 32 status;
- (3) Military technicians while in a technician status.

c. Conversely, the following NG members are outside the applicability of DoD policy with regard to PO relationships (but may have state restrictions):

(1) State employees, e.g., TAG (while not in a T10 or T32 status) performing purely state duties. However, the JER prohibitions will apply to those state employees when engaged in a Federal function or using the authority derived from their Federal position.

(2) NG members not on orders.

(3) NG members in a state active duty status.

**2. Private Organization Restrictions.** The following topics provide guidelines regarding certain issues that arise with regard to relationships with POs.

a. Endorsement. Official endorsement by employees, either stated or implied, of a private organization is prohibited by JER, paragraph 3-209, except for those organizations listed in paragraph 3-210 (see attachment). That list includes CFC, the military charities, employee groups while fundraising amongst themselves for their benefit (e.g., raising money for a holiday party), or for certain youth or charitable organizations listed in 32 U.S.C. § 508; the list does not include military associations. Official titles, duty positions, or organization names may not be used in a manner that suggests official endorsement or preferential treatment. For example, a senior official may not sign a memorandum on official letterhead that mentions one or several professional military associations by name and encourages soldiers to support such organizations. A phrase such as "professional military associations such as the [PO1 or PO2] are valuable tools for soldiers, and I encourage you to consider the many benefits these organizations can provide" would be an inappropriate endorsement of those POs (as well as a violation of the impartiality rule). On the other hand, a phrase such as "professional military associations can be valuable tools for NG members, and I encourage you to consider the many benefits these organizations can provide" that does not single out a particular PO would be permissible since it does not endorse or appear to endorse a specific organization.

b. Fundraising and membership drives.

(1) Similar to paragraph 2a above, there can be no official support of fundraising or membership drives per the JER, paragraph 3-210, with the exception of CFC, the military charities, employee groups while fundraising amongst themselves for their benefit (e.g., raising money for a holiday party), or for certain youth or charitable organizations listed in 32 U.S.C. § 508.

(2) 5 C.F.R. 2635.702(a) prohibits employees from encouraging, pressuring, or coercing other personnel, especially subordinates, to join, support, or otherwise participate in outside organizations. Circulating lists or emails of non-members, addressing these members publicly, commenting on membership in OERs/OPRs, or other similar actions are inherently coercive in nature. Coercive behavior is often the subject of IG complaints against senior officials.

(3) Employee group fundraising, described generally in paragraph 2b(1) above, is described as the "by us, for us" exception to the rule prohibiting official support of fundraising events. This exception is what permits limited support and approval of local fundraising on military installations such as bake sales, car washes, and ticket sales for local morale events (such as unofficial balls or holiday parties). However, the benefited welfare funds must be "for their own members or dependents." Fundraising efforts for local or national POs under this exception is still prohibited, even if those POs may be providing benefits or support to unit members. For example, circulation of a "walkathon" sponsorship list among unit personnel to benefit a national or local cancer society is not permitted, even if a member of that unit is afflicted by cancer.

c. Logistical support of private organization events: JER, paragraph 3-211, provides authority for logistical support to private organizations. Heads of NG commands or organizations may provide employees in an official capacity as speakers or panel members, or on a limited basis, the use of NG facilities and equipment (and employee services to ensure proper use of equipment) as logistical support of events, **except for fundraising and membership drive events**, sponsored by private organizations. The support must meet all seven elements of 3-211:

(1) The support does not interfere with the performance of official duties and would in no way detract from readiness.

(2) NG community relations with the immediate community and/or other legitimate NG public affairs or military training interests are served by the support.

(3) It is appropriate to associate the NG with the event.

(4) The event is of interest and benefit to the local civilian community, the NG organization providing the support, or any other part of DoD.

(5) The NG is able and willing to provide the same support to comparable events that meet the criteria of this subsection and are sponsored by other similar non-Federal entities.

(6) The use is not restricted by other statutes (see 10 U.S.C. 2012 (reference (f)) which limits support that is not based on customary community relations or public affairs activities) or regulations.

(7) No admission fee (beyond what will cover the reasonable costs of sponsoring the event) is charged for the event, no admission fee (beyond what will cover the reasonable costs of sponsoring the event) is charged for the portion of the event supported by the NG, or NG support to the event is incidental to the entire event in accordance with public affairs guidance.

d. Logistical support of charitable fundraising. This support may be approved on a limited basis if the head of the supporting NG component determines that elements 1-6 of JER paragraph 3-211 will be met, and the sponsoring private organization is not affiliated with the CFC (including local CFC) or, if affiliated with the CFC, the Director, OPM, or designee, has no objection to DoD support of the event.

e. Logistical support to annual military association conferences. The statutory authority (10 U.S.C. § 2558) to provide limited official DoD support to an annual conference or convention of a national military association (e.g., annual NGAUS, AGAUS and EANGUS conventions) **does not authorize support of regional or local events or local chapters** of such private organizations. Moreover, all support of annual conferences must be approved by the Chief, National Guard Bureau, or his designee (NGB-PA), before such support is provided. Funds must be available from existing appropriations and must not create a new obligation for the NG. It must be stressed that the statutory authority to provide support to only those organizations named in attachment 1 to enclosure 10 of DoDI 5410.19 is narrowly construed, and only the specific support outlined in the DoDI or NG PAM 360-5 may be provided. Support of other events beyond those authorized must be in accordance with JER paragraph 3-211, and official endorsement of the organizations themselves is prohibited by paragraph 3-209.

f. Co-sponsorship of conferences with private organizations. JER, paragraph 3-206, authorizes co-sponsorship of events:

(1) For a civic or community activity: The event or activity is unrelated to the purpose or business of the co-sponsoring private organization.

(2) For a conference, seminar, or similar event. The subject matter must be scientific, technical, or professional issues relevant to the mission of the NG command or organization; the purpose of co-sponsorship is to transfer Federally developed technology or to stimulate wider interest into such issues and the event is open to interested parties; the organization is a recognized scientific, technical, educational, or professional organization; the NG command or organization accomplishes the co-sponsorship through a written agreement approved by the NGB-JA and the appropriate service GC; and no admission fee (beyond reasonable costs of sponsoring the event) may be charged for the event.

g. Management of PO in official capacity. JER, paragraph 3-202, does not allow employees to participate in the management of private organizations in an official capacity without authorization from the DoD General Counsel, and then only with designated organizations (e.g.,

Army Emergency Relief). NG personnel **may not perform private organization business as part of their official duties.**

h. Liaison Appointment. NG personnel may serve as liaisons to private organizations as part of their official duties; such appointments may not be their sole official duty. In this capacity, NG personnel only represent NG/DoD interests as advisors to the private organization. There is no authorization for management, control or direction of the organization, including but not limited to setting agendas, determining whether the organization should seek NG support or invite NG personnel to meetings or functions. The liaison appointment should be made by the Chief, NGB, TAG (or designee) in writing after a determination that there is significant and continuing DoD/NG interest in the appointment.

i. Personal participation in private organizations: It is a widely held myth that NG members may not serve in management positions of military associations. JER, paragraphs 3-300 and 3-301, as well as 18 U.S.C. § 203 and 18 U.S.C. § 205, allow NG personnel to participate voluntarily in private organizations as individuals in their personal capacity, provided they act exclusively outside the scope of their official positions.

(1) No use of official titles, positions, or organization names is permitted in connection with private organization activities. If NG leaders are representing the NG in an official capacity with a private organization and have the requisite authority to do so, they may use their official title, position, or organization name. When dealing with a private organization on a purely personal basis, the JER permits the limited use of rank and branch of service; no references to official position or office are authorized. For example, "Craig R. McKinley, General, USAF" would be permitted, whereas "Craig R. McKinley, Chief, National Guard Bureau" would not.

(2) As stated above, NG personnel may become members and participate in management of a private organization in a personal capacity. However, the Deputy Secretary of Defense has directed that officers in the grades O-7 through O-10 may not receive compensation for serving as an officer or member of the board of any non-federal entity or private organization other than professional associations and closely-held family entities. General officers wishing to serve on a compensated basis in the management of family entities or professional associations must first seek approval from the Chief, NGB, who may approve such compensated service only where it is consistent with the principles stated here, as well as applicable standards of conduct.

(3) In addition to the above, the Senate Armed Services Committee (SASC) is also concerned about officers in the grade of O-9 and O-10 using the status of their office for personal gain, or the gain of commercial enterprises that invite them to serve on their boards of directors. Consequently, as a prerequisite for confirmation and as a continuing requirement, military officers nominated for O-9 and O-10 positions may not participate in the management of or serve on the boards of directors of companies that do business with DoD or focus their business on military personnel. This applies to both compensated and uncompensated service.

(4) Except for organizations listed in JER paragraph 3-210, NG personnel may not serve in a personal capacity as an officer, member of a board of directors, or in any similar position if such position was offered because of their assignment or position in the organization.

(5) If on T10 status or if a military technician in technician status, NG personnel may not act as an agent for or represent a private organization in connection with any covered matter in which the United States is a party or has a direct and substantial interest. This means that NG employees may not represent the private organization before the National Guard. Types of proscribed activities include but are not limited to seeking action, decision or benefit from any Federal official or DOD employee on behalf of the private organization.

j. Impartiality of NG personnel. JER, paragraphs 3-203 and 3-204, as well as 18 U.S.C. § 208, require that employees not take official action where they have an imputable financial interest or take action involving private organizations where they are active participants.

(1) NG personnel who are active participants in their personal capacity (*e.g.*, officers or board members, committee chairs, or other management roles) or have served as an officer in the private organization within the last year may not take official action relating to the organization.

(2) "Official action" may come in the form of approving requests of other NG personnel to participate in organization activities, approving speakers, requesting speakers or other support on behalf of the organization. In short, employees may not engage in any official activities in which a private organization is a party or in which the organization has a financial interest.

(3) Example: an NG O-6 commander who is also the President of the local NGAUS chapter, may not approve subordinates' official travel to support that NGAUS chapter.

NGB-JA/ 703-607-2723, DSN 327-2723  
[Ethics@ng.army.mil](mailto:Ethics@ng.army.mil)

## NGB Staff Summary Sheet

To	Action	Signature (Surname), Grade, Date	To	Action	Signature (Surname), Grade, Date
NGB-JA	Coord	(b) (6)			
NGB-IG	Noted				
NGB-ZB	Coord				
NGB-ZA	Signat				

Grade and Surname of Action Officer (b) (6)	Symbol NGB-J1-TN	Phone 703-607-1506	Suspense Date 31 OCT 2008
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Subject (0807202) Request ZA review and approval signature on selection of new Adjutant General for the Montana National Guard.	SSS Date 15 OCT 2008 1715:35
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**Summary**

1. **Purpose.** SEE ATTACHED SSS and OF 59.
2. **Background.**
3. **Discussion.**
4. **Recommendation.**

TAB

## NGB Staff Summary Sheet

	To	Action	Signature (Surname), Grade, Date	To	Action	Signature (Surname), Grade, Date
1	NGB-J1		(b) (6)	NGB-ZA		
2	NGB-JA					
3	NGB-IG					
4	NGB-ZB					

Grade and Surname of Action Officer (b) (6)	Office Symbol NGB-J1-TN-S	Phone 703-607-2088	Suspense Date 31 Oct 08
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**Subject**  
Permanent Placement of Technician as the Adjutant General

**SSS Date**  
6 Oct 09

**Summary**

1. **Purpose.** To place a Title 32 Technician currently employed as Director of Operations, selected by Governor of the state of Montana, to be The State Adjutant General (Director of Department of Military Affairs). The Technician will serve as the Commander of the Joint Forces Headquarters-Montana and the Director of the Department of Military Affairs. He will be responsible to the Governor of Montana to provide Army and Air National Guard Military forces that are ready to deploy worldwide and accomplish military missions in support of national and domestic affairs and operations. As Montana's Adjutant General, he will serve on the Governor's cabinet as the principal military advisor and is responsible to the Governor.
2. **Background.** The Intergovernmental Personnel Act Program (IPA) provides a means of assigning Federal employees to State and Local Government activities or educational institutions for limited periods. IPA agreements for TAG positions constitute proper use of the IPA authority in assigning National Guard technicians to States as Adjutants General.
3. **Discussion.** The Montana National Guard requests concurrence to assign Mr. John E. Walsh, GS-340-14, Director of Operations, as The Adjutant General to provide the State, a highly skilled commander and leader of the State Department of Military Affairs. He will be an administrator versed in strategic planning, successful at reorganization and mission transformation, skilled at managing fiscal assets, and a decorated combat veteran when the State is preparing to mobilize and deploy military force structure. Mr. Walsh will be on Leave Without Pay while serving under the IPA Agreement.
4. **Recommendation.** For review and concurrence of the attached OF 59 (Assignment Agreement) for concurrence by signature.

(b) (6)

UTC  
6 OCT 08

TAB A - OF 59

Colonel, USAF  
Chief, Office of Technician Personnel



IPR: NGB-J1-TN

**Suspense**  
**Date:** 27  
FEB 2009

**Action ID:** 0807202

**subject:** Request ZA review and approval signature on  
election of new Adjutant General for the Montana  
National Guard.

**Action Required:** For Signature

**initiated Date:** 15 OCT 2008 1715:35

**Status:**  
Open

Attachments  
(3)

Task Details

Distribution Comments

**Action Officer:** (b) (6) - NGB-J1

**Phone:** 703-607-1506

**Task Instruction:** Review and coordinate to approval authority.

**Workflow:**

From:	To:	Comment:	Route Type:	Date:
	NGB-J1-TN	SSS Created	Standard	15 OCT 2008
NGB-J1-TN	NGB-JA	Please review and coordinate through channels.	Completed	15 OCT 2008
NGB-J1-TN	NGB-J1	(b) (6) signed the attached SSS; it is included with the package.	Standard	15 OCT 2008
NGB-J1	NGB-JA	For NGB-JA action. All required documents are in attachment 2, with signed SSS from (b) (6). Thank you, (b) (6)	Standard	16 OCT 2008
NGB-JA	NGB-SJS	duplicate	Standard	16 OCT 2008
NGB-SJS	NGB-J1	Tasker for NGB-J1-TN, please see note in history from NGB-JA and give guidance. (b) (6)	Standard	16 OCT 2008
NGB-J1	NGB-J1-TN	NGB-J1-TN, please see note in history from NGB-JA	Standard	16 OCT 2008
NGB-JA	NGB-J1-TN	see legal memo attached. please forward to IG office.	Completed	3 DEC 2008
NGB-J1-TN	NGB-J1	Please forward to IG.	Standard	5 DEC 2008
NGB-J1	NGB-IG	for NGB-IG action	Standard	5 DEC 2008
NGB-IG	NGB-SJS	NGB-IG completed; follow JA opinion	Standard	8 DEC 2008
NGB-SJS	NGB-DJS	ZB: Tasker for your review and chops. No ppkg with this tasker. Check attachments.	Standard	8 DEC 2008
NGB-DJS	NGB-J1	Please route tasker to (b) (6) ext 7-5479 for action fo requested correction. Thank you.	Standard	8 DEC 2008
NGB-J1	NGB-J1-TN	TN, Please read DJS comment. Thank you, (b) (6)	Standard	9 DEC 2008
NGB-J1-TN	NGB-J1	Forward this tasker to NGB-ZB for coordination and NGB-ZA for signature. The signature block has been changed from Blum to McKinley with a approval of changed memo attached.	Standard	22 JAN 2009
NGB-J1	NGB-SJS	PAPER PACKET... SJS, Please forward to NGB-ZB then to ZA. Paper packet will follow. Thank you, EGM	Standard	22 JAN 2009
NGB-SJS	NGB-DJS	Tasker for review/signature, the pp will be handcarried to your office by (b) (6)	Standard	22 JAN 2009

**Purpose:**  
SEE ATTACHED SSS and OF 59.

**Background:**

**Discussion:**

**Recommendation:**

**Pages 10 - 12 have been withheld  
in their entirety pursuant to  
5 U.S.C. § 552 (b)(5)**

**(Legal Review)**

**It is unreasonable to segregate any  
portions within this record for release.**

MEMORANDUM FOR RECORD

10 December 2008

SUBJECT: Approval of Intergovernmental Personnel Assignment Agreements (IPA)

This Memorandum for Record (MFR) documents a telephone conversation on 9 December 2008 between (b) (6) and me regarding NGB-JA (b) (6) request for clarification of the Department of the Army, Office of the Administrative Assistant memorandum (2002) concerning Intergovernmental Personnel Assignment Agreements.

(b) (6) voiced no objection to the NGB procedures for IPA approval, stating that (b) (6) intent for the memorandum was to establish a control for IPA agreements in Title 5 activities in the Washington DC Metropolitan area; and it did not affect activities beyond the DC Metro area. She further stated that since The Guard utilizes IPAs documenting Title 32 to State exchange for the position of The Adjutant General only, there is no need for NGB to change the process approved by USOPM and Department of Defense.

(b) (6)

Chief, Employment & Pay  
NGB-J1-TNS

Signed copy provided  
to TNA 1/13/2009

(b) (6)

(b) (6)

CIV NG NGB ARNG

**From:**  
**Sent:**  
**To:**  
**Cc:**

(b) (6)

**Subject:** FW: JASMS Tasker - 0807202 (UNCLASSIFIED)

**Attachments:** IPA-Walsh-MT.doc



IPA-Walsh-MT.doc  
(73 KB)

Classification: UNCLASSIFIED

Caveats: NONE

(b) (6)

Please add the attached opinion to JASMS 0807202. To save time, I will hand carry the enclosures to the opinion to NGB-J1-TN-S.

-----Original Message-----

**From:** (b) (6) CIV NG NGB ARNG  
**Sent:** Wednesday, December 03, 2008 9:47 AM  
**To:** (b) (6)  
**Cc:** (b) (6)  
**Subject:** JASMS Tasker - 0807202 (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Good Morning,

Sir, below is the JASMS's tasker that is overdue. Can you please give me a status, I believe the state of Montana is waiting on this request.

Thank You

Request ZA review and approval signature on selection of new Adjutant General for the Montana National Guard.

(b) (6)

National Guard Bureau  
Administrative and Training Services Branch Office of Technician Personnel  
Comm: 703-607-5479  
DSN: 327-5479

(b) (6)

Classification: UNCLASSIFIED

Caveats: NONE

Assignment Agreement  
Title IV of the Intergovernmental Personnel Act of 1970 (5 U.S.C. 3371 - 3376)

INSTRUCTIONS

This agreement constitutes the written record of the obligations and responsibilities of the parties to a temporary assignment arranged under the provisions of the Intergovernmental Personnel Act of 1970.

The term "State or local government," when appearing on this form, also refers to an institution of higher education, an Indian tribal government, and any other eligible organization.

Copies of the completed and signed agreement should be retained by each signatory.

Within 30 days of the effective date of the assignment, two copies of this form must be sent to:

U.S. Office of Personnel Management  
Personnel Mobility Program  
Staffing Operations Division/CB3  
1900 E Street, NW  
Washington, D.C. 20415

Procedural questions on completing the assignment agreement form or on other aspects relating to the mobility program should be addressed to either mobility program coordinators in each Federal agency or to the staff of the Personnel Mobility Programs in the U.S. Office of Personnel Management.

PART 1 - NATURE OF THE ASSIGNMENT AGREEMENT

1. Check Appropriate Box  New Agreement  Modification  Extension

PART 2 - INFORMATION ON PARTICIPATING EMPLOYEE

2. Name (Last, First, Middle) Walsh, John Edward 3. Social Security Number  
(b) (6)

4. Home Address (Street, City, State, ZIP Code) (b) (6)  
5. A. Have you ever been on a mobility assignment?  
 YES  NO  
5. B. If "YES", date of each assignment (Month and Year)  
From To

PART 3 - PARTIES TO THE AGREEMENT

6. Federal Agency (List office, bureau or organizational unit which is party to the agreement) Department of the Army (NGAR) - JFHQ-MT  
P.O. Box 4789, 1956 Mt Majo St.  
Fort Harrison MT 59636-4789  
State or Local Government (Identify the governmental agency) State of Montana - Department of Military Affairs

8. Is assignment being made through a faculty fellow program? If "YES", give name of the program.  YES  NO

PART 4 - POSITION DATA

A - Position Currently Held

9. Employment Office Name and Address (Street, City, State and ZIP Code) JFHQ-MT/J-1/HRO, P.O. Box 4789, Fort Harrison MT 59636  
10. Employee's Position Title Director of Operations  
11. Office Telephone Number (Include the Area Code) (406)324-3200  
12. Immediate Supervisor (Name and Title) Bradley A. Livingston, Col, Chief of Joint Staff - JFHQ-MT

B - Type of Current Appointment

13. Federal Employees (Check appropriate box.)  
 Career Competitive  
 Other (Specify): Excepted Service - Exempt  
Grade Level GS-0340-14/04  
14. State and Local Employees  
State or Local Annual Salary N/A  
Original Date Employed by the State or Local Government (Month, Day, Year)

C - Position To Which Assignment Will Be Made

15. Employment Office Name and Address (Street, City, State and ZIP Code) Montana Dept. Military Affairs  
Centralized Services Div/HR  
P.O. Box 4789/1956 Mt Majo Str  
Fort Harrison MT 59636-4789  
16. Assigned's Position Title Director Department of Military Affairs/State Adjutant General  
17. Office Telephone Number (Include the Area Code) (406)324-3010  
18. Immediate Supervisor (Name and Title) Brian Schweitzer, Governor State of Montana

**PART 5 - TYPE OF ASSIGNMENT**

19. Check Appropriate Boxes

- On detail from a Federal agency  
 On leave without pay from a Federal agency  
 On detail to a Federal agency  
 On appointment in a Federal agency
- Full Time  
 Part Time  
 Intermittent

20. Period of Assignment (Month, Day, Year)

From	To
September 01, 2008	August 31, 2010

**PART 6 - REASON FOR MOBILITY ASSIGNMENT**

21. Indicate the reasons for this mobility assignment and discuss how the work will benefit the participating governments. In addition, indicate how the employee will be utilized at the completion of this assignment.

This mobility assignment is to provide the State of Montana with:

- A highly skilled commander and leader of the State Department of Military Affairs and the Montana National Guard.
- An administrator versed in strategic planning, successful at reorganization and mission transformation
- Skilled at managing assets under fiscal surplus and deficits
- A decorated combat veteran when the state is preparing to mobilize and deploy over a third of its military force structure.

To Provide the Federal Government with an employee with executive level experience:

- Versed in interagency cooperation and operations to protect homeland security
- Administrator capable of strategic management of organization operations and long term planning.
- Experience coordinating with, testifying for and advising a legislative branch of government on behalf of an executive agency.
- Competent leader and proven combat veteran to guide and direct the Montana National Guard.
- Networking and agency administrative skill-set honed at the state level prepared for increasing roles as a federal administrator.

**PART 7 - POSITION DESCRIPTION**

22. List the major duties and responsibilities to be performed while on the mobility assignment.

Commander of the Joint Forces Headquarters-Montana and the Director of the Department of Military Affairs - Is responsible to the Governor of Montana to provide Army and Air National Guard military forces that are ready to deploy worldwide and accomplish military missions in support of national defense, homeland security, natural disasters and domestic emergencies, and military support to state and local governments.

As Montana's Adjutant General serves on the Governor's cabinet as the principal military advisor and is also responsible to the Governor for state disaster and emergency management, homeland security, veteran affairs, counter-drug support to civilian law enforcement, a Weapons of Mass Destruction Civil Support Team, and the Montana Youth Challenge Program.

**PART 8 - EMPLOYEE BENEFITS**

23. Rate of Basic Pay During Assignment

\$100.959/PA

24. Special Pay Conditions (indicate any conditions that could increase the assigned employee's compensation during the assignment period)

Legislative Cost of Living and General Pay Adjustments

25. Leave Provisions (indicate the annual and sick leave benefits for which the assigned employee is eligible. Specify the procedures for reporting, requesting and recording such leave.

Mr. Walsh will be on Leave Without Pay from his federal agency while serving under this IPA Agreement. His leave with the state government will be administered according to the rules and regulations as defined by the Montana State Department of Administration - State Human Resources Division MOM III Policies - 3-0305 (Attached). He will be eligible for state holidays in accordance with MOM III 3-0325 (Attached). Sick leave is governed under MOM III 3-0310 (Attached). JFHQ-MT/J-1/HRO recommends General Walsh not taking any paid leave from federal civilian service to include annual, sick, military, compensatory or award leave to avoid violating MSC Annotated 2-15-1202

**PART 9 - FISCAL OBLIGATIONS**

Identify, where appropriate, the office to which invoices and time and attendance records should be sent:

28. Federal Agency Obligations (If paying more than 50 percent of a Federal employee's salary beyond a 6-month period, specify rationale for cost-sharing decision.)

27. State or Local Government Agency Obligations

The Federal Agency is responsible for distributing supplemental salary when his State pay does not equal or exceed his federal salary. Federal government will pay employer premiums for FEGLI. If Mr. Walsh elects to continue participating in the Federal Employees Health insurance program the federal agency will pay the employer portion of the premiums associated with the coverage elected. If Mr. Walsh elects to continue to participate in the Federal Employees Retirement System matching agency contributions will continue to be paid. Mr. Walsh is exempt from making retirement contributions to the State retirement system.

The State of Montana agrees to pay Mr. Walsh the salary associated with a director or agency head of a Montana executive branch agency. The State of Montana will pay all travel and per diem expenses for official travel associated with this position state capacity. If Mr. Walsh elects to participate in the State Employees Health and or Life Insurance programs the state will pay the employer portion of premiums associated with the elected policies.

**PART 10 - CONFLICTS OF INTEREST AND EMPLOYEE CONDUCT**

28. Applicable Federal, State or local conflict-of-interest laws have been reviewed with the employee to assure that conflict-of-interest situations do not inadvertently arise during this assignment.

29. The employee has been notified of laws, rules and regulations, and policies on employee conduct which apply to him/her while on this assignment.

**PART 11 - OPTIONS**

30. Indicate coverage "N/A", if not applicable.

A. Federal Employees Group Life Insurance

(b) (6)

B. Federal Civil Service Retirement system or Federal Employees Retirement System

(b) (6)

C. Federal Employee Health Benefits

(b) (6)

31. State or Local Agency Benefits (Indicate all State employee benefits that will be retained by the State or local agency employee being assigned to a Federal agency. Also include a statement certifying coverage in all State and local employee benefit programs that are elected by the Federal employee on leave without pay from the Federal agency to a State or local agency.)

(b) (6)

32. Other Benefits (Indicate any other employee benefits to be made part of this agreement)

(b) (6)

**PART 12 - TRAVEL AND TRANSPORTATION EXPENSES AND ALLOWANCES**

32. Indicate: (1) Whether the Federal agency or State or local agency will pay travel and transportation expenses to, from, and during the assignment as specified in Chapter 334 of the Federal Personnel Manual, and (2) which travel and relocation expenses will be included.

While performing the duties of Adjutant General - Mr. Walsh will travel primarily using State Department of Military Affairs travel allocations. On occasion Mr. Walsh will be in General Officer military status as a national guardsman and travel using military travel allocations to support specific functions associated with the duties of Adjutant General in a military capacity. Since any federal dollars associated with travel are tied to Mr. Walsh's military role - in the event he cannot fulfill his service obligation these expenses are not included in any recoupment calculation. Mr. Walsh currently resides in the (b) (6) commuting area - his primary duty location and therefore no relocation expenses are required.

**PART 13 - APPLICABILITY OF RULES, REGULATIONS AND POLICIES**

34. Check Appropriate Boxes

- A. The rules and policies governing the internal operation and management of the agency to which my assignment is made under this agreement will be observed by me.
- B. I have been informed that my assignment may be terminated at any time at the option of the Federal agency or the State or local government.
- C. I have been informed that any travel and transportation expenses covered from Federal agency appropriations may be recoverable as a debt due the United States, if I do not serve until the completion of my assignment (unless terminated earlier by either employer) or one year, whichever is shorter.
- D. I have been informed of applicable provisions should my position with my permanent employer become subject to a reduction-in-force procedure.
- E. I agree to serve in the Civil Service upon the completion of my assignment for a period equal to that of my assignment. Should I fail to serve the required time, I have been informed that I will be liable to the United States for all expenses (except salary) of my assignment. (For Federal employees only)

**PART 14 - CERTIFICATION OF ASSIGNED EMPLOYEE**

In signing this agreement, I certify that I understand the terms of this agreement and agree to the rules, regulations and policies as indicated in Part 13 above.

36. Location of Assignment (Name of Organization)		38. Date (Month, Day, Year)	
Montana Department of Military Affairs, P.O. Box 4789/1956 Mt. Majo St, Fort Harrison MT 59		From	To
		01 Sep 2008	31 Aug 2010
37. Signature of Assigned Employee		38. Date of Signature (Month, Day, Year)	
<i>John P. White</i>		8/21/08	

**PART 15 - CERTIFICATION OF APPROVING OFFICIALS**

In signing this agreement, we certify that:

- the description of duties and responsibilities is current and fully and accurately describes those of the assigned employee;
- this assignment is being entered into to serve a sound, mutual public purpose and not solely for the employee's benefit;
- at the completion of the assignment, the participating employee will be returned to the position he or she occupied at the time this agreement was entered into or a position of like seniority, status and pay.

State or Local Government Agency	Federal Agency
39. Signature of Authorizing Officer	40. Signature of Authorizing Officer
<i>B. Schweitzer</i>	<i>C. R. McKinley</i>
41. Date of Signature (Month, Day, Year)	41. Date of Signature (Month, Day, Year)
Sept. 26, 2009	JAN 26 2009
43. Typed Name and Title	42. Typed Name and Title
Brian Schweitzer - Governor, Montana	Craig R. McKinley, General, USAF, Chief NGB

**PRIVACY ACT STATEMENT**

Sections 3373 and 3374, Assignment of Employees To or From State or Local Governments, of Title 5, U.S. Code, authorizes collection of this information. The data will be used primarily to formally document and record your temporary assignment to or from a State or local government, institution of higher education, Indian tribal government, or other eligible organization. This information may also be used as the legal basis for personnel and financial transactions, to identify you when requesting information about you, e.g., from prior employers, educational institutions, or law agencies, or by State, local, or Federal income

taxing agencies.

Solicitation of your Social Security Number (SSN) is authorized by Executive Order 9397, which permitted use of the SSN as an identifier of individual records maintained by Federal agencies. Furnishing your SSN or any other data requested is voluntary. However, failure to provide any of the requested information may result in your being ineligible for participation in the Intergovernmental Assignment Program.