

Subject: INTERJURISDICTIONAL EXCHANGE

REFERENCES	SECTIONS
Administrative Orders http://msd.dgs.ca.gov/ao.htm	01-04
DGS Department Manual http://orpm.dgs.ca.gov/DGSManual/TOC/default.htm	0600-0608
Law & Regulation http://www.leginfo.ca.gov/calaw.html http://www.dpa.ca.gov/statesys/dpa/oalrules.htm	GC: 19050.8 SPB Rule 426, 427, 442
Personnel Management Policy and Procedures Manual (PMPPM)	341
Responsible Control Agency and Program	SPB, DGS-Office of Legal Services (OLS)
Other:	
Contract Manual and other manual and form resources	http://www.pd.dgs.ca.gov/publications/default.htm#policy http://www.pd.dgs.ca.gov/modellang/ModelContracts.htm http://www.ols.dgs.ca.gov/Contract%20Manual/default.htm

Interjurisdictional Exchange (IE)

- Policy** The DGS may, with the concurrence of an employee, assign or loan the employee to another jurisdiction, or may receive an employee from another jurisdiction, in accordance with GC 19050.8, provided that the following conditions are met::
- a. The DGS has determined that the assignment or loan is of benefit to the state and is for either training purposes or a compelling management need as specified in SPB Rule 442.
 - b. The other jurisdiction is governmental in character. It may be federal, state, or local, including other countries, public colleges and universities, and other instrumentalities, and may be in or outside of California.
 - c. No layoff of state personnel is necessary.
 - d. Both appointing authorities approve a written document containing a statement that the assignment or loan is subject to SPB Rule 427; the time period, duties, and conditions of the assignment or loan; the training or compelling management need to be accomplished; and provision for either continuing or substituting alternatives for all rights and benefits to which the employee of the agency or jurisdiction is otherwise entitled.
 - e. Any necessary authorizations for funds or travel are obtained from the Departments of Finance, General Services, and/or other appropriate authority.

Employees from other than State jurisdictions gain no status in the California state service through such temporary assignments or loans.

A state employee participating in such an arrangement is considered an employee of the state agency from which loaned or assigned, except the employee's work and activities is subject to the direction of the jurisdiction to which s/he is loaned or assigned.

Either appointing authority or the employee may terminate the assignment at any time, for any reason; or the SPB may terminate it if is being carried on contrary to, or in a manner inconsistent with, the Government Code or SPB Rule 427 and 442. The employee's salary and benefits may be paid in any proper manner agreed upon by the appointing authorities of the participating agency and jurisdiction.

Continued on next page
66.1

Interjurisdictional Exchange (IE), Continued

Definition An Interjurisdictional Exchange (IE) is the temporary assignment or loan of employees within an agency or between agencies, not to exceed two years or between jurisdictions not to exceed four years.

Conditions An interjurisdictional exchange:

- a. Enables a loaned/exchanged employee to receive training and valuable experience.
- b. Enables an employing agency to obtain expertise that is needed to meet a compelling program or management need.
- c. Enables an employing agency to obtain temporary expertise that is lacking in their organization.
- d. Enables an employing agency to obtain the expertise of an individual employee.
- e. Prohibits the displacement and layoff of civil service employees.
- f. Guarantees a right of return to the loaned employee back to his/her former position at the end of the assignment.
- g. Enables the loaned employee or participating agencies the right to terminate the assignment at any time.
- h. Enables the borrowing or loan of one or more employees between government (local, state, federal) and/or public entities (i.e., colleges or universities).

Other related definitions An “agency” is defined as any other State agency within California.

A “jurisdiction” is defined as any other entity that is governmental in character, and may be federal, state or local, and may be in or outside of California.

For a current state civil service employee In addition, out-of-class experience as part of an IE may be used to meet minimum requirements for promotional and open examinations only if it was obtained by the employee in good faith and was properly verified under standards prescribed by State Personnel Board Rule.

Continued on next page

Interjurisdictional Exchange (IE), Continued

Advantages of using an IE vs. creating new contract content

- Reduces preparation time.
- Reduces language omission errors.
- Enables staff to concentrate on developing the “scope of work” rather than focusing on basic agreement content.
- Complies with current state and federal requirements.
- Enables quicker review and approval by OLS.
- Enhances the likelihood of approval of agreements over \$75,000.

When to use/not use an IE

The following table depicts when to use or not use an IE.

Use When	Do Not Use
<ul style="list-style-type: none"> ➤ The IE contract is to temporarily borrow an individual employee from: <ul style="list-style-type: none"> • A state government entity (i.e., civil service agency) • A local government entity (i.e., city, county) in California or another state • A federal government agency • Other entities with local government status (i.e., California State Association of Counties) • A community college • A public college or university (i.e., UC, CSU), including those that are out-of-state ➤ The IE contract temporarily loans a DGS employee to one of the entities identified above. 	<ul style="list-style-type: none"> ➤ The IE contract between: <ul style="list-style-type: none"> • DGS and a federal agency if the federal agency wishes to use a specific federal agency Interpersonal Agreement Exchange form • DGS and another civil service department when a temporary employee loan can be accomplished through a traditional personnel process (i.e., limited term appointment, Training and Development (T&D) assignment, etc.) • DGS and another entity that is not public or governmental in nature (i.e., a nonprofit organization, college or university foundation, private college, etc.)

Continued on next page

Interjurisdictional Exchange (IE), Continued

Procedure The Contract Manager in each Branch, Division, or Office is responsible for the completion of the Standard Agreement Package. The preparation guidelines, routing procedures, and applicable forms can be found at <http://www.pd.dgs.ca.gov/deleg/pamannual.htm>
<http://www.pd.dgs.ca.gov/modellang/ModelContracts.htm>

Contract term or length IE agreements **cannot** exceed four years in duration. **The law (GC 19050.8) allows no exceptions for extensions.** Specific Office of Legal Services (OLS) approval is not required to enter into a four-year IE. Multi-year agreements are encouraged to avoid annual agreement development.

Terminating IEs The following will apply when agreements are terminated.

- DGS/Employee: when the DGS or employee terminates an IE prior to the scheduled termination date, written notification shall immediately be provided on a standard memorandum to the Classification and Pay (C&P) Analyst in the Office of Human Resources (OHR)
- Branch/Division/Office: the Contract Manager shall provide a copy of the termination memorandum to all parties involved in the transaction
- Branch/Division/Office: the supervisor or manager shall inform the employee where and when to report back to work
