

Instruction 112-1: Detail of Employees to the Legislative Branch or the Executive  
Office of the President (EOP)

Issuance Date: 06/16/2008

**SUBJECT:** Detail of Employees to the Legislative Branch or the  
Executive Office of the President (EOP)

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Exhibit A: Sample Request from Congress

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**112-1-00 PURPOSE**

This document outlines the policies and procedures for detailing the Department of Health and Human Services (HHS) employees to the Legislative Branch or the Executive Office of the President (EOP).

**112-1-10 REFERENCES**

- A. 3 USC § 112 (authority for heads of Federal agencies to temporarily detail personnel to the White House).
- B. 21 Comp. Gen. 954 and 1055 (guidance in making details to committees of the Congress)
- C. Economy Act 31 USC 1535 (authority for reimbursable details where the assignment is not directly mandated under HHS appropriated funds)
- D. Comp Gen B-211373, March 20, 1985 (non-reimbursable details)
- E. 2 USC § 72a (f) (authority for details of executive branch personnel to committees of the Congress)
- F. House Ethics Manual 2008 Edition, Appendices, Guidance on Intern, Volunteer, and Fellow Programs, Letter of June 29, 1990
- G. Senate Ethics Manual, Appendix A, Rule 41, Interpretative ruling no 111, dated April 5, 1978

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**112-1-20 DEFINITIONS**

- A. Detail. The temporary assignment of an HHS employee (either reimbursable or non-reimbursable) to a congressional committee or the Executive Office of the President, with the written authorization of the full Committee Chairman, the Executive Office of the President and the ASAM.
- B. Trainee. A trainee is an HHS employee assigned to a formal training program (e.g. Emerging Leaders, Presidential Management Fellows). These programs vary in length and are sponsored by either the Department or the Office of Personnel Management.
- C. Formal Training Program. Formal training programs are designed to facilitate the appointment and development of a diverse and high caliber pool of candidates to fill HHS positions in a variety of occupations. Participants are required to compete against other candidates and are selected for a program with stated learning objectives which involves a combination of formal and informal training activities, on-the-job training, and/or rotational assignments.
- D. Rotational Assignments. Rotational assignments can vary in length depending on the Fellow or Intern's previous work experience, the mentor's advice, and the rotational supervisor's guidance. The number and length of assignments are the joint responsibility of the Intern, mentor, and assignment supervisor. While not typical, extensions are occasionally granted for unusual circumstances.

**112-1-30 COVERAGE AND EXCLUSIONS**

- A. Coverage. This clearance and approval procedure is applicable to all HHS full-time and part-time employees in both the competitive and excepted services, irrespective of the authorities under which they are appointed.
- B. Exclusions. Details of U.S. Public Health Service Commissioned Corps Officers or contractors of HHS are not covered.

**112-40 ROLES AND RESPONSIBILITIES**

- A. Assistant Secretary for Administration and Management (ASAM) retains the authority to approve all details to or from the EOP and to or from the Legislative Branch of Government (including the Government Accountability Office, the Library of Congress and the Government Printing Office).
- B. Office of Human Resources (OHR), ASAM, is responsible for coordinating and reviewing all requests submitted to the ASAM for approval. In addition, the OHR

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ensures that the operating Human Resources organizations (OHROs) retain documentation of the details in the employees' Official Personnel Folders (OPFs).

- C. Office of the Assistant Secretary for Legislation (ASL) is responsible for reviewing and concurring in all requests for details, including extensions, to the Legislative Branch. This also includes concurrence with trainee rotational assignments.
- D. Operating Divisions (OPDIVS) are responsible for:
  - 1. Ensuring details and extensions of details for civil service personnel to the Legislative Branch or the EOP, comply with law.
  - 2. Reviewing of and concurring with proposed details.
  - 3. Requesting ASAM approval.
  - 4. Ensuring all details are documented.
  - 5. Ensuring each detailed HHS employee is counseled on Conflict of Interest issues by a Deputy Ethics Counselor prior to the assignment.
  - 6. Contacting the detailee, the Committee or the EOP 30 days prior to the end of the assignment to confirm that the detail is concluding and that the detailee will be returning to his/her official job of record as planned. Confirmation of the conclusion of a detail should be reported to the ASL or the OHR.

#### **112-1-50      POLICIES AND PROCEDURES FOR OBTAINING APPROVALS**

The Department supports details of HHS employees to other Federal agencies, including the Legislative Branch and the EOP, as a valuable tool for learning and exchanging information beneficial to both HHS and the other Federal organizations.

Because the authority to approve and concur with details is vested in the ASAM, it is critical that proper procedures be followed to expedite the approval process. To obtain clearance for details to the Legislative Branch or the EOP, the actions described below must be followed. A detail may not begin until the clearance process has been completed. (See Exhibit A and B for a sample request and approval.)

- A. Details and Extensions of Details to the Legislative Branch
  - 1. Policy.

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- a. Details must be made on a reimbursable basis (via the authority of the Economy Act, 31 USC 1535), unless the work aids HHS in accomplishing the mission for which our appropriations are made.
- b. All requests for details to the Legislative Branch must be reviewed by and have the concurrence of the ASL. The initial detail requires ASAM approval. Extensions may be approved by ASL.
- c. New or initial details to Congress are limited to six months with one six month extension. The total length of the detail may not exceed a 12-month period or the end of a Congress.

2. Procedures.

The chairman of the full Committee must submit a letter to the immediate Office of the Secretary or another senior official requesting the detail. All requests must be forwarded through the ASL for review and concurrence. The ASL forwards to the OHR for coordination and submission to the ASAM for approval. The request must contain the following information:

- a. The name of the committee to which the employee will be detailed and an explanation of the relationship between the duties of the detail and those of the detailing OPDIV; its impact on HHS; and how it will further the purpose for which appropriations are made to HHS, the OPDIV; and legislative purpose for the detail. In addition, the request must contain the name of the individual who will be responsible for reporting time and attendance information to the detailee's supervisor of record, a copy of the incoming request, and, if appropriate, information on reimbursement.
- b. The request should also include a copy of the correspondence documenting OPDIV Head's (or their designee's) concurrence.
- c. ASL reviews the request. If ASL concurs, the request is forwarded to OHR for ASAM approval. OHR will notify appropriate parties of the outcome. ASL is responsible for notifying the respective Committee Chairman or designated staff.
- d. If an extension of the detail is desired, it must be submitted at least 30 days in advance of the expiration date of the assignment..

B. Details and Extension of Details to the EOP.

1. Policy.

- a. Details to the EOP that exceed 180 days must be reimbursed in accordance with 3 USC § 112 (i.e., certain EOP offices to include the White House Office, the Executive Residence to the

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White House, the Office of the Vice President, the Domestic Policy Staff, and the Office of Administration).

- b. Details to the EOP may not exceed a 12 month period.
- c. HHS employees can be detailed to EOP organizations that are not subject to 3 USC 112 with partial or no reimbursement for a brief period if the work of the detail: 1) involves matters similar or related to those of HHS; or 2) will have direct impact on HHS and will further the purpose for which HHS appropriations were made. Such details may be made only when the services of current employees can be provided without hindering the work of the OPDIV and without requiring that other staff be hired.
- d. All requests must be reviewed by OHR. The initial request must be approved by ASAM. Extensions may be approved by OHR.

2. Procedures.

The EOP will submit a letter to the immediate Office of the Secretary or another senior official requesting the detail. Requests must be forwarded through the ASL to the OHR for coordination and ASAM approval. The request must contain the following information:

- a. The name of the office to which the employee will be detailed, and an explanation of the relationship between the duties of the detail and those of the OPDIV; its impact on HHS; and, how it will further the purpose for which appropriations are made to HHS or the OPDIV. In addition the request must contain the name of the individual who will be responsible for reporting time and attendance information to the detailee's supervisor of record, a copy of the incoming request and must contain reimbursement provisions when appropriate to address and comply with 3 USC 112.
- b. The request should also include a copy of the correspondence documenting OPDIV Head's (or their designee's) concurrence.
- c. The OHR will coordinate request for approval of the ASAM and notify all appropriate parties of the outcome.
- d. Requests for extensions must be submitted at least 30 days in advance of the expiration date to facilitate the approval process.

C. Details and Extensions of Details for Employees serving in formal training programs.

1. Policy.

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- a. Rotational assignments for Presidential Management Fellows (PMF), Emerging Leaders Program (ELP) participants or other HHS formal training program participants to the Legislative Branch must be forwarded through the appropriate training program coordinator for review. If detail is deemed appropriate, the coordinator will forward to the OHR.
- b. Candidates for fellowship positions must be enrolled in a formal program. HHS employees may not participate in fellowship programs that do not provide either a formal training program or an established fellowship program that is in connection with a recognized academic institution or professional organization.
- c. All requests for details to the Legislative Branch must be reviewed by and have the concurrence of the ASL.
- d. Rotational assignments to Congressional Committees or member offices are limited to 120 days with one extension allowable up to an additional 60 days.
- e. Rotational assignments outside the United States, whether to an HHS organization or other agencies are prohibited for trainees.

2. Procedures.

The chairman of the Committee, the member's office, or the EOP will submit a letter to the immediate Office of the Secretary or another senior official requesting the assignment. The request must contain the following information:

- a. The name of the committee or office to which the employee will be detailed, and an explanation of the relationship between the duties of the assignment and those of the OPDIV; its impact on HHS; and, how it will further the purpose for which appropriations are made to HHS or the OPDIV. It must contain the name of the individual who will be responsible for reporting time and attendance information to the detailee's supervisor of record. In addition, the requests must contain a copy of the incoming request and must document the benefits to the trainee's development as well as the benefits to HHS. The assignment must not pose a conflict of interest. The House and Senate Ethics guidelines stipulate that the assignment is for the individual's education and not for the benefit of their Agency or Department.
- b. If the OPDIV Head (or his/her designee) concurs with the assignment, written concurrence should be attached to the request. In addition, the request should be submitted through the appropriate training program coordinator for concurrence with the assignment prior to submission to OHR.
- c. The OHR will authorize assignments to the EOP and notify appropriate parties of the outcome. ASL will authorize assignments to the Legislative Branch and notify the respective Committee Chairman or designated staff.

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**112-1-50 Documenting the Detail.**

- A. The employee is counted as occupying the position of record in the Full-Time Equivalent/Work Year Civilian Employment Report (SF-113g) of the losing OPDIV regardless of whether a detail is reimbursable or non-reimbursable.
- B. OPDIVs will submit a Request for Personnel Action, SF-52, to their OHROs for placement in the employee's OPF. The following information must be included in the package.
  - 1. Name of detailee;
  - 2. Organization to which detailed;
  - 3. Period of detail;
  - 4. Whether or not the detail is reimbursable;
  - 5. Duties to be performed during the detail;
  - 6. The name of the individual who will be responsible for providing time and attendance information to the detailee's supervisor of record.
- C. OHROs must maintain records on incoming and outgoing details. An SF-52 documenting the detail must be filed in HHS employees' OPF with supporting information about the detail.
- D. OPDIVS must also submit an SF-52 and supporting information to document any extension of a detail. Extensions should be submitted 30 days prior to the expiration of the original detail or as soon as possible following notification of an extension request.

Exhibit A – Sample Request from Congress

The Honorable Michael O. Leavitt  
Secretary  
U.S. Department of Health and Human Services  
200 Independence Avenue S.W.  
Washington, DC 20201

Dear Secretary Levitt:

I am writing to request that the Department of Health and Human Services assign Mr. John Doe, PhD, Director of the Federal Interagency Committee on Aging Statistics, to the majority staff of the Senate Special Committee on Aging on a non-reimbursable basis for six months. Dr. Doe's expertise in aging research and his knowledge of the federal statistical system makes him an ideal candidate for this detail.

The purpose of the detail is to assist the Committee in developing an award to recognize and promote aging research in the federal government. Dr. Doe will assist in 1) developing the award criteria, 2) disseminating the award instructions to the directors of the federal agencies, 3) processing the applications and overseeing the review process, 4) organizing a local event to announce the award winners, and 5) writing/compiling a Committee report that highlights the federal government's important contributions to aging research.

I appreciate your consideration of this request. Should you have any further questions regarding this assignment to the Committee, please do not hesitate to contact Jane Smiles of my Aging Committee staff at (202) 555-5555.

Sincerely,

John Senate  
Chairman

Exhibit B – Sample Approval of Request

The Honorable John Senate  
Special Committee on Aging  
United States Senate  
Washington, D.C. 20515

Dear Congressman Senate:

I am pleased to authorize the non-reimbursable detail of John Doe, Ph.D, Director of the Federal Interagency Committee on Aging Statistics, Department of Health and Human Services (HHS), to the majority staff of the Senate Special Committee on Aging. This letter authorizes the detail from June 9, 2008 through December 1, 2008. As a matter of established policy and procedure, HHS limits new details and extensions to six months. We will be happy to consider an additional extension when appropriate and if you so desire.

It is my understanding the purpose of the detail is to assist the Committee in developing an award to recognize and promote aging research in the federal government. Dr. Doe will assist in 1) developing the award criteria, 2) disseminating the award instructions to the directors of the federal agencies, 3) processing the applications and overseeing the review process, 4) organizing a local event to announce the award winners, and 5) writing/compiling a Committee report that highlights the federal government's important contributions to aging research.

I am delighted to accommodate your request for Dr. Doe's detail. If an extension is required or if you need further assistance, please do not hesitate to contact Mr. Vincent Ventimiglia, Assistant Secretary for Legislation at (202) 555-5555. Extension requests must be submitted thirty days prior to the end of the detail or as soon as the extension requirement is identified.

Sincerely yours,

Joe Ellis

## MEMORANDUM

To: Assistant Secretary for Legislation and the Deputy Assistant Secretary for Human Resources

From: Joe W. Ellis  
Assistant Secretary for Administration and Management

Subject: Delegation of Authority: Detail of Employees to the Legislative Branch and the Executive Office of the President (EOP)

Authority to Delegate: The memorandum from the Secretary, dated October 11, 2001, provides delegation authority to ASAM. I hereby delegate the following authorities:

Assistant Secretary for Legislation: Authority to approve extension of details to the Legislative Branch.

Deputy Assistant Secretary for Human Resources: Authority to authorize rotational assignments for trainees to the EOP and approve extension of all other details to the EOP.

Effective Date: This delegation is effective immediately.

Effect on Existing Delegations: This is a new delegation and does not impact any existing delegations.