

**OFFICE OF THE DEPARTMENT OF
DEFENSE
CHIEF INFORMATION OFFICER
INFORMATION TECHNOLOGY EXCHANGE
PROGRAM**



Implementation Guide

Office of DoD Chief Information Officer
Information Management & IT/IM Workforce (IEIM)
March 2014

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ITEP Introduction

Overview

Section 1106 of the National Defense Authorization Act, fiscal year 2014, extends the Temporary Exchange of Information Technology Personnel, herein referred to as the Information Technology Exchange Program (ITEP). This statute authorizes the temporary detail of DoD and private sector employees who work in the field of information technology to participate in an exchange between the two sectors. ITEP provides a unique opportunity for DoD Components and private sector organizations to share best practices, gain a better understanding of cross-sector information technology operations and challenges, and partner to address these challenges. In addition, ITEP can be used to enhance the Information Technology (IT) and Cybersecurity (IT/Cybersecurity) competencies and technical skills of employees from the DoD civilian information technology workforce and their peers from the private sector. ITEP is not a 1-for-1 exchange of personnel. Instead, it is an opportunity for the exchange of knowledge, experience, and skills between the DoD and private sectors.

ITEP applies to the Office of the Secretary of Defense, the Military Departments, the Chairman of the Joint Chiefs of Staff, the Combatant Commands, the Office of Inspector General of the DoD, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the DoD (herein referred to collectively as the “DoD Components”). Since this is a program with limited participation, DoD Components should not issue any additional implementation guidance. Rather, they should use the implementation guidance provided in this document.

ICON KEY

① Roles and Responsibilities

👤 Personnel Requirements

📄 Required Documents and Reports

💻 Website Resources

Guide Highlights

The “icon key” can be used to identify various aspects of ITEP discussed within this implementation guide. The roles and responsibilities are provided to explain how ITEP will be implemented. Personnel requirements describe the type of employee eligible for ITEP and the associated documentation. Descriptions of required documents, such as the three-party agreement, as well as helpful website resources are also included.



Roles and Responsibilities

The Department of Defense Chief Information Officer (DoD CIO) is responsible for administering, coordinating, and implementing ITEP.

The DoD Components with independent appointing authority for themselves and their serviced organizations are authorized to participate in ITEP and implement the exchange detail in accordance with guidance outlined in this guide. Components with appointing authority can establish an exchange detail for DoD civilian information technology employees to the private sector and/or accept employees for a detail from private industry to their organizations.

The DoD CIO will coordinate implementation of ITEP with DoD Components via the designated Component ITEP Point of Contact (POC), (e.g., Component Information Technology Functional Community Managers.)

DoD CIO, Information Management & IT/IM Workforce Directorate

DoD CIO Information Management & IT/IM Workforce (IEIM) Directorate shall:

1. Serve as the DoD Administrator for ITEP (DoD ITEP POC) and provide implementing guidance to the DoD Components.
2. Manage the allocation of participants in ITEP, in accordance with NDAA FY10 requirement, that no more than 10 employees may participate at any given time.
3. Assist Component ITEP POCs with the implementation of ITEP within their organization.
4. Review, approve and sign the three-party agreement before an exchange commences.
5. Prepare and submit annual reports to Congress on DoD ITEP.

DoD Components

The designated Component ITEP POC shall:

1. Oversee and manage Component exchanges in ITEP.
2. Notify the DoD ITEP POC if interested in participating in ITEP to ensure one of the ten slots is available.
3. Review, approve and submit, to the DoD ITEP POC, a three-party agreement that has been approved and coordinated internally with the participating offices, as well as the Human Resources and General Counsel's Office of the relevant DoD Component. The required three-party agreement is an agreement among DoD, the private sector organization, and the employee concerned regarding the terms and conditions of the exchange.

4. Maintain records of all three-party agreements.
5. Provide to the DoD ITEP POC, not later than five days after the end of each fiscal year, all information required to meet annual reporting requirements, to include a description of the tasks performed by each exchange employee and an overview of the success of the exchange(s).

ITEP Supervisors

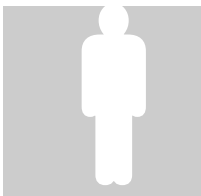
The Supervisor of the ITEP participant (employee) shall:

1. Evaluate the performance of the designated ITEP participant while detailed and notify the Component ITEP POC and the DoD ITEP POC if performance is unacceptable.
2. Provide required information to the Component ITEP POC and DoD ITEP POC about ITEP participants (upon request) to meet annual reporting requirements.

ITEP Participants

The ITEP participant (employee) shall:

1. Notify and obtain approval from his/her supervisor to participate in ITEP.
2. Provide information to complete the written three-party agreement and sign the agreement.
3. Maintain a high level of performance to carry out the detail.



Eligibility and Personnel Requirements

DoD Employees: ITEP is open to DoD civilian employees: GS-11 and above (or equivalent), who are working in the information technology field, and who are considered to be exceptional employees expected to assume increased information technology responsibilities in the future. Exceptional employee means performance meets or exceeds all standards established at the fully successful level or above and makes significant contributions towards achieving organizational goals. Participating organizations should target highly motivated, disciplined employees.

Information technology means the planning, organizing, staffing, directing, integrating or controlling of information technology, including occupational specialty areas such as system administration, IT project management, network services, operating systems, software application, cybersecurity, enterprise architecture, policy and planning, internet/web services, customer support, data management and system analysis.

While detailed to a private sector organization, a DoD employee remains a federal employee without loss of employee rights and benefits.

Private Sector Employees: A private sector employee desiring to participate in ITEP must already be working in the information technology field; be equivalent to a GS-11 or above; be considered an exceptional employee, expected to assume increased information technology responsibilities in the future; and be currently employed by an organization interested in fulfilling the key ITEP element requirements previously discussed above. Exceptional employee means performance meets or exceeds all standards established at the fully successful level or above and makes significant contributions towards achieving the organizational goals. The employee must also be a U.S. citizen and may be required to hold a security clearance, depending on the nature of the detail. The sponsoring DoD Component is responsible for determining the appropriate level of clearance.

While detailed to DoD, a private sector employee is deemed to be an employee of the DoD for certain purposes (as cited in Appendix A) and is bound by applicable federal and DoD regulations regarding personal conduct, security requirements and ethical behavior. The private sector employee may not have access to any trade secrets or to any other non-public information which is of commercial value to the private sector organization from which such employee originates. The private sector employee may also continue to receive pay and benefits from the private sector organization.

Length of Detail: An assignment shall be for a period of not less than three months and not more than one year, and may be extended in three-month increments for a total of not more than one additional year by ITEP DoD Components POCs and private sector organizations. This extension may be granted in three-month increments not to exceed one year.

Continued Service Obligation: DoD employees are required to return to their employing Component upon completion of the detail for a time period equal to the length of the detail, plus any extensions. Private sector organizations will determine the continued service requirements for their employees who participate in ITEP.

Payment of Salary and Allowances: Typically, the lending organization has full responsibility for payment of all salary and allowances to their employees participating in ITEP. Both DoD and private sector employees participating in ITEP are entitled to all benefits afforded to similar employees of their respective lending organizations, including medical care, according to subscribed plans and Worker's Compensation for injuries sustained in the line of duty.

Business Training and Travel Expenses: The receiving organization (recipient of the ITEP participant) may pay for any business training and travel expenses incurred by the employee while participating in ITEP. The employee shall provide vouchers and all supporting receipts to the receiving organization for review and approval.

Prohibition: A private sector organization may not charge the DoD or any agency of the federal government, as direct or indirect costs under a federal contract, for the costs of pay or benefits paid by that organization to an employee assigned to a DoD Component for the period of the detail.

Considerations: At least 20% of the ITEP participants must be from small businesses.



Required Documents and Reports

Before an ITEP detail begins, the DoD Component ITEP POC, the private sector organization and employee must complete a written three-party agreement which describes the rights, responsibilities and other terms of the agreement. Additionally, DoD employees participating in ITEP must sign an addendum agreeing to specific terms and conditions.

Additionally, each participating Component ITEP POC must report annually to the DoD ITEP POC on all ITEP participants within their organization.

Three-Party Agreement: Mandatory items for inclusion in the written agreement include:

1. ITEP participant contact information
2. Contact information for DoD Component and private sector organization employees who are parties to the agreement
3. Detailed description, duration and justification for extensions
4. Name and title of supervisor while on ITEP detail and a description of the supervision exercised over the position
5. A continued service obligation clause
6. Employee performance clause
7. Re-entry rights
8. Procedures for termination of the agreement
9. Obligations and responsibilities of all parties to the agreement
10. Details of an assignment

Appendix C provides a sample, three-party agreement for DoD employees assigned to a private sector organization and private sector employees assigned to a DoD Component, which can be tailored for each specific detail.

Financial Disclosure Statement: In accordance with the Ethics in Government Act of 1978, private sector employees may be required to complete a financial disclosure statement prior to commencing their ITEP detail dependent on the duties and responsibilities of their detail position within DoD.



Website Resources

DoD ITEP Website: The Office of the DoD Chief Information Officer has established a website, <http://dodcio.defense.gov/ITEP>, which can be used to assist DoD Components in participating in ITEP. This website contains implementation guidance, sample documents and frequently asked questions to assist DoD Components.

Implementing ITEP

As the ITEP Administrator, the DoD CIO will assist the DoD Components with implementing ITEP exchanges within their organizations. If an organization is interested in participating in ITEP, they should:

DoD Employee to Private Sector Exchange Process Steps:

1. Review/Validate the DoD employee's qualifications and eligibility for ITEP Participation.
2. Obtain approval from the employee's supervisor.
3. Contact AskITEP@osd.mil to review the opportunity with the ITEP Program Manager to confirm eligibility.
4. Partner with the ITEP Program Manager to identify a private sector exchange opportunity that meets the exchange requirements.
5. Prepare a three-party agreement with the participating parties. The three-party agreement should include details on the assignment to be completed by the Component's requesting supervisor. A detail must be at least three months and not more than one year, and may be extended in three-month increments up to one year. No detail may commence after September 30, 2018.
6. Prior to the three-party agreement being signed by the participating parties, it must be reviewed and approved by the appropriate legal office for the DoD Component. *The appropriate legal office and requirements may differ across Components.*
7. The DoD ITEP POC must review the three-party agreement before the ITEP detail begins.
8. Begin the ITEP detail.
9. If an extension is required the Component ITEP POC must provide the DoD ITEP POC written justification for the extension and receive approval from the DoD ITEP POC before the extension can be implemented. All parties must review and sign the written justification.

Private Sector Employee to DoD Exchange Process Steps:

1. Identify a private sector employee with appropriate skills and experience OR develop a new ITEP opportunity that meets program requirements.

2. Contact AskITEP@osd.mil to review the opportunity with the ITEP Program Manager to confirm eligibility.
3. If a private sector employee has not been identified, partner with the ITEP Program Manager to identify a private sector employee that meets the exchange requirements.
4. Obtain approval from private sector supervisor and organization.
5. Prepare a three-party agreement with the participating parties. The three-party agreement should include details on the assignment to be completed by the Component's requesting supervisor. A detail must be at least three months and not more than one year, and may be extended in three-month increments up to one year. No detail may commence after September 30, 2018.
6. Determine if private sector firm does business with the DoD.
 1. **If Yes:** Employee completes ethics briefing and financial disclosure process, PLUS additional reviews required by the DoD Office of the General Counsel.
 2. **If No:** Employee completes ethics briefing and financial disclosure process.
7. Prior to the three-party agreement being signed by the participating parties, it must be reviewed and approved by the appropriate legal office for the DoD Component. *The appropriate legal office and requirements may differ across Components.*
8. The DoD CIO ITEP POC must review the three-party agreement before the ITEP detail begins.
9. Begin ITEP detail.
10. If an extension is required, the Component ITEP POC must provide the DoD ITEP POC written justification for the extension and receive approval from the DoD ITEP POC before the extension can be implemented. All parties must review and sign the written justification.

APPENDIX A: National Defense Authorization Act FY 2014 ITEP PILOT AUTHORITY

SEC. 1106. EXTENSION OF PROGRAM FOR EXCHANGE OF INFORMATION-
TECHNOLOGY PERSONNEL.

(a) IN GENERAL.-Section 1110(d) of the National Defense Authorization Act for Fiscal Year 2010 (5 U.S.C. 3702 note) is amended by striking "2013." and inserting "2018."

(b) REPORTING REQUIREMENT.-Section 1110(i) of such Act is amended by striking "2015," and inserting "2019,".

APPENDIX B: National Defense Authorization Act FY 2010

ITEP PILOT AUTHORITY

SEC. 1110. PILOT PROGRAM FOR THE TEMPORARY EXCHANGE OF INFORMATION TECHNOLOGY PERSONNEL.

(a) **ASSIGNMENT AUTHORITY.**—The Secretary of Defense may, with the agreement of the private sector organization concerned, arrange for the temporary assignment of an employee to such private sector organization, or from such private sector organization to a Department of Defense organization under this section. An employee shall be eligible for such an assignment only if—

(1) the employee—

(A) works in the field of information technology management;

(B) is considered by the Secretary of Defense to be an exceptional employee;

(C) is expected to assume increased information technology management responsibilities in the future; and

(D) is compensated at not less than the GS–11 level (or the equivalent); and

(2) the proposed assignment meets applicable requirements of section 209(b) of the E-Government Act of 2002 (44 U.S.C. 3501 note).

(b) **AGREEMENTS.**—The Secretary of Defense shall provide for a written agreement among the Department of Defense, the private sector organization, and the employee concerned regarding the terms and conditions of the employee's assignment under this section.

The agreement—

(1) shall require that employees of the Department of Defense, upon completion of the assignment, will serve in the civil service for a period equal to the length of the assignment; and

(2) shall provide that if the employee of the Department of Defense or of the private sector organization (as the case may be) fails to carry out the agreement, such employee shall be liable to the United States for payment of all expenses of the assignment, unless that failure was for good and sufficient reason, as determined by the Secretary of Defense.

5 USC 3702 note.

An amount for which an employee is liable under paragraph (2) shall be treated as a debt due the United States.

(c) **TERMINATION.**—An assignment under this section may, at any time and for any reason, be terminated by the Department of Defense or the private sector organization concerned.

(d) **DURATION.**—An assignment under this section shall be for a period of not less than 3 months and not more than 1 year,

and may be extended in 3-month increments for a total of not more than 1 additional year; however, no assignment under this section may commence after September 30, 2013.

(e) **TERMS AND CONDITIONS FOR PRIVATE SECTOR EMPLOYEES.**—

An employee of a private sector organization who is assigned to a Department of Defense organization under this section—

(1) may continue to receive pay and benefits from the private sector organization from which such employee is assigned;

(2) is deemed to be an employee of the Department of Defense for the purposes of—

(A) chapter 73 of title 5, United States Code;

(B) sections 201, 203, 205, 207, 208, 209, 603, 606, 607, 643, 654, 1905, and 1913 of title 18, United States Code;

(C) sections 1343, 1344, and 1349(b) of title 31, United States Code;

(D) the Federal Tort Claims Act and any other Federal tort liability statute;

(E) the Ethics in Government Act of 1978;

(F) section 1043 of the Internal Revenue Code of 1986; and

(G) section 27 of the Office of Federal Procurement Policy Act; and

(3) may not have access to any trade secrets or to any other nonpublic information which is of commercial value to the private sector organization from which such employee is assigned.

(f) **PROHIBITION AGAINST CHARGING CERTAIN COSTS TO THE FEDERAL GOVERNMENT.**—A private sector organization may not charge the Department of Defense or any other agency of the Federal Government, as direct or indirect costs under a Federal contract, the costs of pay or benefits paid by the organization to an employee assigned to a Department of Defense organization under this section for the period of the assignment.

(g) **CONSIDERATIONS.**—In carrying out this section, the Secretary of Defense—

(1) shall ensure that, of the assignments made under this section each year, at least 20 percent are from small business concerns (as defined by section 3703(e)(2)(A) of title 5, United States Code); and

(2) shall take into consideration the question of how assignments under this section might best be used to help meet the needs of the Department of Defense with respect to the training of employees in information technology management.

(h) **NUMERICAL LIMITATION.**—In no event may more than 10 employees be participating in assignments under this section at any given time.

(i) **REPORTING REQUIREMENT.**—For each of fiscal years 2010 through 2015, the Secretary of Defense shall submit to the congressional defense committees, not later than 1 month after the end of the fiscal year involved, a report on any activities carried out under this section during such fiscal year, including information concerning—

- (1) the respective organizations (as referred to in subsection (a)) to and from which any employee was assigned under this section;
- (2) the positions those employees held while they were so assigned;
- (3) a description of the tasks they performed while they were so assigned; and
- (4) a discussion of any actions that might be taken to improve the effectiveness of the program under this section, including any proposed changes in law.

APPENDIX C: Sample ITEP Three-Party Agreement

Three-Party Agreement

INFORMATION TECHNOLOGY EXCHANGE PROGRAM (ITEP) AGREEMENT

Name of Department of Defense (DoD) Component

(DoD Component)

AND

XYZ Company
(Private Sector Organization)

AND

(Employee's Name, Title, Series and Grade (or Equivalent) and Work Phone Number)
(ITEP Participant)

DoD Component Name/Address:

Civilian Personnel Management Service
1400 Key Blvd
Arlington, VA 22209-5144

**Private Sector Organization
Name/Address:**

XYZ Company
1250 Eisenhower Avenue
Sterling, VA 23222-2939

**Name and Title of DoD
Component Authorized Approving Official:**

John Doe, Director

**Name and Title of Private Sector
Authorized Approving Official:**

Jane Doe, Chief of Federal Relations

E-mail Address:

john.doe@xxxx.osd.mil

Phone:

(703) xxx-xxxx

E-mail Address:

jane.doe@xyz.com

Phone:

(703) xxx-xxxx

Detailed position: IT Specialist

Overview of organization:

Duties to be performed:

Name and title of supervisor while on ITEP detail:

Mary Jane Smith, Director of Information Assurance Operations

Length of detail:

From: _____

To: _____

Employee performance: Employees must maintain a satisfactory level of performance to successfully participate in ITEP. An initial performance assessment shall be completed in a minimum of 30 days after the start date of the assignment. Either the DoD Component or Private Sector Organization may recommend withdrawal of an employee whose progress or conduct proves unsatisfactory for the purpose of ITEP.

Terms and conditions:Private Sector employees only:*

1. Any party to this agreement, may, at any time and for any reason terminate the agreement with notice to the other parties;
2. All private sector employees shall return to their employer of record (lending organization);
3. If a private sector employee fails to carry out the agreement, such employee shall be liable to the United States for payment of all expenses of the assignment, unless that failure was for good and sufficient reason, as determined by the Secretary of Defense;
4. May continue to receive traditional pay and benefits from the private sector organization from which such employee is assigned, so long as they do not constitute illegal supplementation of salary under 18 U.S.C. § 209, an illegal gratuity pursuant to 18 U.S.C § 201, or otherwise violate applicable law;
5. Is deemed to be an employee of the DoD for the purposes of—
 - (A) chapter 73 of title 5, United States Code;
 - (B) sections 201, 203, 205, 207, 208, 209, 603, 606, 607, 643, 654, 1905, and 1913 of title 18, United States Code;
 - (C) sections 1343, 1344, and 1349(b) of title 31, United States Code;
 - (D) the Federal Tort Claims Act and any other Federal Tort liability statute;
 - (E) the Ethics in Government Act of 1978;
 - (F) section 1043 of the Internal Revenue Code of 1986; and
 - (G) section 27 of the Office of Federal Procurement Policy Act;
6. Pursuant to 5(E) above, must comply the criminal conflict of interest statutes, the Government-wide Standards of Conduct regulations, the DoD supplemental ethics requirements, and the requirements detailed in DoD 5500.7-R, the Joint Ethics Regulation, as well as comply with all ethics program requirements, including:
 - (A) completing initial ethics orientation immediately upon arrival, to include discussion of the likely post-government employment restrictions which will apply upon termination of the detail;
 - (B) completing financial disclosure documentation (as required);
 - (C) completing a disqualification statement recusing the employee from any official duties which will financially impact the private sector organization from which such employee is assigned;
 - (D) completing annual ethics training (as required); and

- (E) obtaining and/or seeking post-government employment advice at the end of the detail;
7. May not have access to (or disclose to his lending organization) trade secrets or to any other nonpublic information which is of commercial value to the private sector organization from which such employee originates;
 8. May not charge the DoD or any other agency of the Federal Government, as direct or indirect costs under a Federal contract, the costs of pay or benefits paid by the organization to an employee assigned to a DoD organization under this section for the period of the assignment;
 9. Does not have any right or expectation for DoD employment solely on the basis of his or her assignment;
 10. Private sector employees must also be U.S. citizens and may be required to obtain and retain a security clearance, depending on the nature of the detail. The sponsoring DoD Component is responsible for determining the appropriate level of clearance.

*The terms and conditions for DoD employees are outlined in Addendum 1 to the Three-Party Agreement. All DoD employees are required to sign Addendum 1 before participating in ITEP.

Details of Assignment:

TTEP Detail Goals and Objectives:
Description of Duties/Project/Work:
Required Level of Security Clearance for Duties Prescribed:
Desired Skills/Competencies:
Benefits of the TTEP Detail:

Signature	Date
DOD COMPONENT AUTHORIZED	
APPROVING OFFICIAL	

Signature	Date
PRIVATE SECTOR AUTHORIZED	
APPROVING OFFICIAL	

Signature
EMPLOYEE

Date

Reviewed and Approved:

Signature

Date

LEGAL REVIEWER

DOD COMPONENT OFFICE of GENERAL COUNSEL

Reviewed:

Signature

Date

DOD ITEP POC

OFFICE OF THE DOD CIO

PRIVACY STATEMENT: *The information contained in this three-party agreement will be used to document the ITEP detail to or from DoD Component and private sector organization. This information may also be used to address reporting requirements to congressional committees.*

Addendum 1 to Three-Party Agreement – DoD Employee Terms and Conditions

INFORMATION TECHNOLOGY EXCHANGE PROGRAM (ITEP) AGREEMENT

DoD employees participating in ITEP must sign an addendum agreeing to specific terms and conditions.

Terms and conditions:

1. Any party to this agreement, may, at any time and for any reason terminate the agreement with notice to the other parties.
2. All DoD employees shall return to their employer of record.
3. If a DoD employees fails to carry out the agreement, such employee shall be liable to the United States for payment of all expenses of the assignment, unless that failure was for good and sufficient reason, as determined by the Secretary of Defense.
4. Retains employee rights and benefits associated with his/her status, e.g., leave accrual; promotion consideration; retirement benefits; health, life and long-term care insurance benefits; and pay increases;
5. Retains coverage for purposes of the Federal Tort Claims Act and any other Federal tort liability statute;
6. Must adhere to the Ethics and Government Act of 1978 while on detail;
7. Is subject to any action that may impact the employee's position while he/she is assigned; and
8. Upon completion of the ITEP detail serve in the civil service for a period equal to the length of the assignment period (i.e., original assignment plus all extensions) with the DoD Component.

I have read and understand the above statement and agree to abide by the defined terms and conditions while participating in ITEP.

Signature

DoD EMPLOYEE

Date

Addendum 2 to Three-Party Agreement – Extension Request

INFORMATION TECHNOLOGY EXCHANGE PROGRAM (ITEP) AGREEMENT

Extensions (in 3-month increments): ITEP details shall be for a period of not less than 3 months and not more than 1 year, and may be extended in 3-month increments for not more than 1 additional year.

If an extension is required, the Component ITEP POC should provide the DoD ITEP POC written justification for the extension and receive approval from the DoD ITEP POC before the extension can be implemented. All parties in the original three-party agreement should review and sign the written justification.

Justification for Extension/Dates of Extension:

Signature _____ Date _____
**DOD COMPONENT AUTHORIZED
APPROVING OFFICIAL**

Signature _____ Date _____
**PRIVATE SECTOR AUTHORIZED
APPROVING OFFICIAL**

Signature _____ Date _____
EMPLOYEE

Reviewed and Approved:

Signature _____ Date _____
**DOD ITEP POC
OFFICE OF THE DOD CIO**