

DONATION OF EXCESS EDUCATION-RELATED PROPERTY

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DONATION OF EXCESS EDUCATION-RELATED PROPERTY

HHS POLICY ON THE DONATION OF EXCESS EDUCATION-RELATED PROPERTY UNDER THE STEVENSON-WYDLER TECHNOLOGY INNOVATION ACT OF 1980 AND EXECUTIVE ORDER 12999, EDUCATIONAL TECHNOLOGY

I. PURPOSE

To establish HHS policy, authority, and procedures for the direct transfer of excess HHS-owned equipment to educational institutions and other non-profit educational organizations. This policy reflects the goals of the cited legislative authorities to expedite the current disposal of property process. Among the benefits of employing these authorities and procedures are the accomplishment of educational improvement goals; reduction of storage, handling and other processing costs; and improved identification/control of under utilized resources.

II. POLICY

- A. HHS will actively encourage and support the educational technology goals of the Stevenson-Wydler Act and Executive Order 12999 and other initiatives to transfer excess education-related equipment to educational institutions or eligible nonprofit organizations in a fair and equitable manner. (See Appendix A, "Eligible Education-Related Equipment" for a definition of such equipment.) HHS will give highest preference to elementary and secondary schools.**
- B. Before equipment can be considered for use in a school or non-profit educational program, an OPDIV shall first determine that its excess equipment is not needed; and then it shall offer the equipment to other HHS OPDIVs including any potential priority donee such as the Indian Tribes and Tribal organizations (Refer to Executive Order 13021 signed October 19, 1996) and shall take into account the needs of other potential recipients (e.g., donees under the McKinney Homeless Act).**
- C. OPDIVs may elect to use the GSA surplus property donation program as another avenue to get education-related equipment to existing eligible organizations. Although the program does not facilitate the direct transfer of equipment to schools, it does provide a means by which schools can obtain equipment through a system designed to ensure the fair and equitable distribution of Federal surplus property.**
- D. OPDIV property management staff are the experts concerning all personal property management issues, and they shall be responsible for the direct transfer of all excess education-related equipment in accordance with the provisions of the Stevenson-Wydler Technology Innovation Act and the E.O. 12999. There is no requirement for approval of transfers above the OPDIV level.**
- E. HHS will attempt to provide education-related equipment to those elementary and secondary schools with the greatest need, such as those in Federal enterprise**

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communities or empowerment zones. However, donations are not restricted in any way based on school location or community characteristics.

- F. **Equipment must be used for direct educational purposes. It cannot be transferred for administrative support of a school, school district or non-profit organization.**

III. AUTHORITY

This policy is based on the authority for the transfer of excess education-related equipment as contained in the following:

- A. **STEVENSON-WYDLER TECHNOLOGY INNOVATION ACT, Section 11 (i) Research Equipment.** The Act authorizes the direct transfer of excess research equipment to educational institutions or nonprofit organizations to promote technical and scientific education and research activities without reporting the property to GSA. This program is outside the Federal excess property program administered by GSA through the State Agencies for Surplus Property. All accredited public and private schools, including those with religious affiliations, are eligible. The education-related property is considered a gift, and title immediately passes to the school. Title is unconditional and there are no terms and conditions on the use of the property.
- B. **Executive Order 12999, Educational Technology: Ensuring Opportunity for All Children in the Next Century, signed April 17, 1996, provides additional flexibility in the areas of making direct transfers of computers and related equipment to schools and eligible nonprofit organizations, with particular preference given to those located in the Federal enterprise communities and empowerment zones, to help ensure opportunities for all children in the next century.**

IV. ELIGIBLE ORGANIZATIONS

Eligible organizations for the transfer of educationally useful Federal equipment are schools/non-profit organizations that meet the requirements of the Stevenson-Wydlar Technology Innovation Act and E.O. 12999 and this policy. This includes elementary schools, middle schools, colleges, and universities. These educational institutions may be public, private or parochial. In addition, school/non-profit organization should have a well-planned education program established or envisioned. The following should be used to evaluate which schools/non-profits should be offered available equipment:

- A. **Schools/non-profits that are requesting excess personal property as part of an existing or anticipated collaboration with an HHS organization. Examples include the following:**
 - 1. **Adopt-A-School/Partnership Schools.**
 - 2. **Schools in Education Reform Initiatives to Promote Excellence.**
- B. **Schools with the greatest need such as those in Enterprise Communities/Empowerment Zones. These schools serve the poorest students**

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and lack access to adequate outside resources. These schools include:

1. Schools in economically depressed areas.
 2. Inner city schools.
 3. Rural schools.
- C. Educational organizations that emphasize, math, science, or technology. Examples include:
1. Magnet schools.
 2. Schools with Federally funded research and development projects.
- D. GSA maintains information on the Chief State School Officers and the Empowerment Zone points-of-contact.
- E. Questions on eligibility of specific organizations should be referred to the Office of Grants and Acquisition Management for resolution.
- V. **PROCEDURES FOR TRANSFER PROGRAM**

The following procedures shall be used to establish a direct transfer program. The program should be conducted in a fair and equitable manner.

A. **ESTABLISHING THE PROGRAM**

1. Reasonable efforts should be made to notify local schools/non-profit organizations when equipment will be available. Methods to promote availability of equipment may include newspapers, community announcements, electronic bulletin boards, and the Internet. Schools should be requested to advise HHS of their interest in the program, the types of equipment in which they have an interest, their plan on how they will use the equipment, and who is authorized to accept (on behalf of the school or non-profit organization) any property which may be transferred.
2. OPDIVs should establish a mechanism (e.g., a review committee) to determine which schools/non-profits should be offered available equipment. Also, OPDIVs should work with members of the Federal Executive Boards¹, and GSA to promote and facilitate the transfer of equipment to eligible recipients.
3. Each OPDIV will assign a point of contact from within its IRM and its Personal Property Management Offices (PPMOs) to handle any inquiries relating to the transfer of available excess equipment. In the case of specialized research equipment, close coordination is required between the potential recipients and the OPDIV's technical expert for the specialized equipment. This will help ensure that the specific uses for the specialized equipment are known and help determine whether any special

¹ Federal Executive Boards, as identified in 5 C.F.R. Part 960, are regional organizations of each Federal agency's highest local officials.

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electrical/other installation-related requirements must be met to ensure effective use of the equipment.

B. OPERATING THE PROGRAM

- 1. OPDIV PPMOs should maintain information on schools/non-profit organizations which indicate an interest in participating in the program, and the types of equipment in which they are interested. Before property is available for transfer, it should first be screened within the HHS for possible reuse. Transfers can be made to an individual school, a school district, or eligible non-profit educational organization. No formal agreement is necessary to transfer equipment under this Act. For HHS personal property accountability purposes, use either the HHS-22, Request for Property Action, the SF-122, Transfer Order for Excess Property, or transact electronically through the HHS Consolidated Unrequired Property Information Disposal System (CUPIDS).**
- 2. OPDIV program offices and PPMOs should coordinate any notification to interested schools/non-profits whenever equipment becomes available. Notification should also include a cut-off date for the school to indicate interest in available items.**

C. SCREENING OF AVAILABLE EXCESS EQUIPMENT

Representatives (possessing appropriate identification) from eligible organizations should visit the OPDIV PPMOs, including the servicing utilization and disposal facilities, to determine the specific equipment that is available at any specific time. These representatives may review and select any available excess equipment. Property that is desired will be frozen by the OPDIV PPMO. A freeze may be registered at any stage of the disposal process, except during HHS internal screening. In the event of competing requests, HHS shall be given preference for the equipment.

D. TRANSFER OF EDUCATION-RELATED EQUIPMENT

The following actions should be taken to transfer equipment:

- 1. Organizations should submit to OPDIV PPMOs a completed transfer document (HHS-22, Request for Property Action, Standard Form 122, Transfer Order for Excess Personal Property; or other suitable transfer document), within 14 calendar days from the date the freeze was placed on the property. Transactions can also be done electronically through CUPIDS.**
- 2. The transfer document should include information containing the signature of the appropriate official from the eligible organization acknowledging the purpose of the transfer. See Appendix B, "Information to Representatives of Schools/Non-Profit Organizations."**
- 3. Each OPDIV Property Management Officer will sign the transfer document and approve the transfer to the eligible organization. Requests for transfer**

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by HHS activities or other Federal agencies take precedence over transfers to eligible activities under the provisions of section 203 (j) of the Federal Property and Administrative Services Act. The OPDIV Property Management Officer may request assistance from the OPDIV points of contact (mentioned in part V. A. (3) to resolve any competing transfers.

4. OPDIV Property Management Officers will notify the eligible organizations of the property that has been approved for transfer to their organization by providing a copy of the transfer document to the organization. The PPMO will also advise the acquiring organization when the property is available for pickup and removal.
5. The acquiring organization is responsible for the packing, shipping, or transportation costs associated with the transfer. HHS will not act as the shipping agent for the acquiring organization.

If no action is taken by the acquiring organization within 14 days, the PPMO will begin the usual procedures for reporting and disposal to GSA.

E. SOFTWARE TRANSFER

Within the scope of the school/non-profit donation program, software may also be transferred, either on diskettes or installed on the computer hard drive. The specifics vary for each item of software, and by company owning the software. The following are general conditions for donation:

1. Software may be transferred based on the terms and conditions of the software license agreement. Offices will have to consult with the OPDIV IRM office for assistance in this regard.²
2. Some software development corporations sponsor software donation programs which permit organizations purchasing upgrades to donate software products to schools/non-profit organizations. By doing so, programs like this enable selected schools/non-profits to acquire useful copies of software products at no charge. However, the licenses for the software are not transferable, and as such, the organization will not be eligible for technical support or upgrades.

VI. ANNUAL REPORTS TO GSA OF TRANSFER

OPDIV PPMOs shall report transfers to eligible organizations during the previous fiscal year as part of the Annual Report of Property Furnished to Non-Federal Recipients. These reports shall be sent to the Office of Grants and Acquisition Management (OGAM) which will consolidate this information and submit it to GSA.

² Refer to the HHS Guide "Reuse or Disposition of Personal Computer (PC) Software."

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EMPLOYEE VOUNTEERS

The following guidance is provided to assist OPDIVs and employees in dealing with several issues that may arise in relation to volunteer activities related to EO 12999. OPDIVs must also review any applicable internal regulations or policies and collective bargaining agreements before making any determinations on related matters.

1. Leave and Work Scheduling

a. General

The Federal personnel system provides the HHS with considerable flexibility in scheduling leave and hours of work. OPDIVs are encouraged to make appropriate use of this flexibility in responding to requests for leave or changes in work schedules to allow employees to engage in volunteer activities. However, before approving such requests, OPDIVs should give due consideration to the effect of the employee's absence or change in duty schedule on work operations and productivity.

b. Alternative Work Arrangements

As discussed below, OPDIVs have the flexibility to approve a variety of alternative work arrangements for employees seeking to engage in volunteer activities during normal work hours.

Alternative Work Schedules (AWS)- In many cases, flexible or compressed work schedules may be established for employees who wish to engage in volunteer activities during normal work hours. To determine whether an employee is eligible for AWS, OPDIVs should review their internal AWS policies, applicable collective bargaining agreed provisions, and the regulations in 5 CFR part 610, subpart D, Flexible and Compressed Work Schedules.

c. Leave Scheduling

Employees seeking to participate in volunteer activities during work hours may be granted annual leave, leave without pay, or, in very limited circumstances, excused absence, as discussed below.

Annual Leave--When employees request annual leave to perform volunteer service, it is recommended that OPDIVs be as accommodating as possible in reviewing and approving such requests consistent with the regulations in CFR part 630, subpart C, Annual Leave.

Leave Without Pay--At the discretion of each OPDIV, leave without pay (LWOP) may be granted to employees who wish to engage in volunteer activities during normal work hours. As with annual leave, OPDIVs, whenever possible, should act favorably upon request by employees for LWOP to perform volunteer services. However, LWOP is appropriate for extended periods only if the employee is expected to return to his or her job at the end of the LWOP. OPDIVs should review their internal policies on LWOP and applicable collective bargaining agreements.

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Excused Absence--Since there are no general HHS policies covering excused absence (sometimes called "Administrative leave"), each OPDIV has the authority for determining the situation in which excusing employees from work without charge to leave is appropriate. This is because under law, an agency is authorized to pay the salaries only of employees who perform work related to the Department's or agency's mission. Further, pay levels for employees are determined by the official duties they perform for the employing agency. As a general rule, therefore, it is appropriate to pay an employee while engaged in volunteer service. Also, the Office of Personnel Management (OPM) has advised all agencies that if an employee is paid his or her regular salary while performing services on a voluntary basis the employee, in essence, would no longer be a "volunteer."

Notwithstanding these considerations, OPM has also advised agencies that it may be appropriate, under limited conditions,, to excuse employees from duty for brief periods of time without loss of pay or charge to leave, to participate in volunteer activities. OPM also advises that the granting of such excused absence should be limited to those situations in which the employee's volunteer service, in the agency's determination, satisfies one or more of the following criteria: is directly related to the Department's or agency or will clearly enhance the professional development or skills of the employee in his or her current position. Before granting excused absence under these criteria provided by OPM, OPDIVs should ensure that an employee's absence will not have an adverse impact on work operations or productivity. Agencies should review their internal guidance on excused absence and applicable collective bargaining agreements.

2) Coercion

While managers, supervisors, and other HHS officials may encourage employees to become involved in volunteer activities, coercion is strictly prohibited. (See also 5 U.S. C., 2302, Prohibited Personnel Practices.)

3) Conflict of Interest/Hatch Act Restrictions

OPDIVs and employees are reminded that conflict of interest laws and regulations and limitations on outside employment for compensation apply to Federal employees who engage in volunteer activities. Hatch Act restrictions apply to employees who are on duty, as well as to those on paid or unpaid leave. 5 CFR part 734, contains additional information pertaining to conflict of interest guidelines and Hatch Act restrictions.

4) Liability for Work--Related Injuries

OPDIVs need to be aware of liability issues related to employee participation in volunteer activities. The Department of Labor advises that, in most instances, employees who perform mission-related agency, sponsored/sanctioned, or skills-enhancing volunteer activities while they are on excused absence are covered by 5 U.S.C. chapter 81, Compensation for Work Injuries.

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5) Consultation with Unions and Other Employee Organizations

OPDIVs should attempt to involve the partnership of unions and other appropriate employee organizations in the design and implementation of employee recognition for community service related initiatives. Unions and other employee organizations have assisted in establishing several such programs already underway in Federal agencies and the communities they serve. When establishing or changing official policies regarding employee community service, OPDIVs should ensure that any bargaining and consultation obligations under 5 U.S.C. chapter 71 are met.

Configuring Equipment to Donation Standards

A minimum standard for configuring equipment should be established to ensure ease of use by the school/nonprofit organization to ensure a favorable impression of DHHS:

- 1. Install operating system (or protect it during the wiping of the hard drive)- If possible, install the highest version operating system that the machine can use.**
- 2. Install free educational software (freeware)- Call the local IRM support office.**
- 3. Analysis/Testing- Make sure that the equipment selected matches the intended requirement. Test the equipment to make sure it works. The school or nonprofit organization should be cautioned to ensure that their electrical system and HVAC equipment can handle the increased load. Some electrical systems at schools have blacked out on the day of the press event due to the additional power drain.**
- 4. Long Term Assistance- HHS staff and volunteers should be available to lead, identify and or arrange for long term support to help the recipient be self supporting.**

Getting the Equipment to Schools

HHS personnel, teachers, and parents are all ideal candidates to serve as volunteers for the donation program. Local transportation companies might also be willing to donate a suitable vehicle, for a share in the press release. Be creative!

Installation

Participation in this aspect of the donation program depends largely on the willingness of a DHHS organization to field suitable volunteers to participate, and the expressed desires and needs of the school or nonprofit organization. Options will include:

- Some schools will like assistance for immediate installation;**
- Some will like to wait until they have a free day, and can really watch and understand what is being done;**
- Some schools will like to handle the entire installation on their own.**

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Open up the opportunity to all personnel; don't solicit help just from people who already know it all. This is a great opportunity for administrative staff, and other non-technical personnel.

Maintenance and Support

This area is also open to the willingness of the volunteers and the needs of the school. Do not feel pressured to provide full-scale professional support. Most school systems have equipment support specialists to fall back on if needed. If the school is too small to have its own equipment support specialist, the school's administrative headquarter's office should have some expertise.

This area can be an excellent training opportunity for HHS staff. E.O. 12999 encourages Federal employees to "provide ongoing maintenance of and technical support for the educationally useful Federal equipment transferred pursuant to this order." In addition to being technically challenging, troubleshooting can be awkward with respect to the regular work schedules of volunteers. If an HHS organization has agreed to provide support when possible, ensure the school understands that the support is at the discretion of the volunteers and must be coordinated with their supervisors. You can also draw upon HHS staff at other locations for assistance over the phone, and solicit local computer companies to join in a partnership effort, and share the maintenance work.

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Appendix A: Eligible Education Related Equipment

Excess or surplus Federal equipment which can be used for math or science or other educational purposes should be considered for transfer. In addition to computers, the following equipment is considered "education-related."

- (1) Electrical and electronic equipment components.**
- (2) Instruments and laboratory equipment.**
- (3) Medical, dental, veterinary equipment and supplies.**
- (4) Photographic equipment.**
- (5) Communications, detection, and coherent radiation equipment.**
- (6) General purpose data processing equipment and related peripheral tools such as printers, modems, routers, and servers, and software (dependent on the manufacturer's license/terms), supplies, and support equipment.**
- (7) Pumps and compressors, and valves.**
- (8) Books/manuals.**
- (9) Technical/vocational type materials.**
- (10) Furniture (computer stands, tables)**
- (11) School supplies (pencils, paper, binders)**

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Appendix B: Information to Representatives of Schools/Non-Profit Organizations

The following information can be made available to potential recipients interested in equipment. The information includes an HHS point-of-contact list, sample school letter, and a certification statement:

- Call for an appointment, make sure the appointment is confirmed before you plan your trip.
- The Personal Property Management Office (PPMO) and/or property servicing facility is open for screening of equipment from 8:00 A.M. to 3:00 P.M., Monday through Friday. These facilities are closed on all Federal holidays.
- Upon arrival, please check in at the front office for verification.
- The HHS Personal Property Management Office (PPMO) and/or excess property facility is located at address ... Please refer to the map.
- In order to expedite the removal of equipment from the excess facility, please ensure that you have the following:
 - Transfer Document signed by the authorizing official
 - Certification statement signed by the authorizing official
- Several test stations are/may be provided. We recommend you bring a copy of a diagnostic diskette, 3.5 and 5.25, both high and low density.
- If you plan to have someone other than the authorized screener pick up the equipment, i.e., a trucking company, technical experts, etc., please submit a letter of authorization.
- A picture identification (e.g., school badge or driver's license) is required to remove equipment from the HHS PPMO or excess property facility.

HHS Point-of-Contact List

NAME	POSITION	PHONE#
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Insert applicable information here.

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Sample School Letterhead

Name of School
Jones Creek Middle School
North Junction, ND 90777

Date

Dear Mr/Ms:

I would like to request permission for name of school, county school district, or non-profit organization to screen the Department of Health and Human Services, Personal Property Management Office and/or Excess Property Facility with the purpose of obtaining excess Federal property in accordance with the Stevenson-Wydler Technology Innovation Act and The Executive Order 12999: Educational Technology.

The following people are authorized to perform such screening:

Name of School/Non-Profit Organization

Jones Creek Middle School

Name(s) of Screeners

Harry Jones School Property Officer
Marcia McCall Computer Sciences Instructor

The authorizing signature for all transfer documents for the issuance of property to our school/non-profit organization will be:

Name and Title

Sample Signature

Harry Jones, Property Officer

The address for our organization is as follows:

Name of School/Non-Profit

Address:

City, State, Zip Code

Phone number:

Voice:

Fax:

E-Mail:

Signature/Title Mason Hare, Principal

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Certification Statement

Terms and Conditions

I certify that the personal property listed on the transfer document is being obtained by an educational institution or nonprofit organization and will be placed into use at the organization for the conduct of scientific education or research activities or general education support.

My organization hereby releases and agrees to hold the the Department of Health and Human Services (DHHS), and persons acting on behalf of DHHS, harmless from any liability resulting from the receipt, shipping, installation, operation, handling, use, and maintenance of the equipment, after said equipment is physically removed from the DHHS facility.

Name of Organization

Transfer No.

**Signature and Title
of Official**

Date