

HRO: Classification

# **Environmental Differential Pay (EDP) and Hazardous Duty Pay (HDP) Plan**

DEPARTMENTS OF THE ARMY AND AIR FORCE  
OFFICE OF THE ADJUTANT GENERAL  
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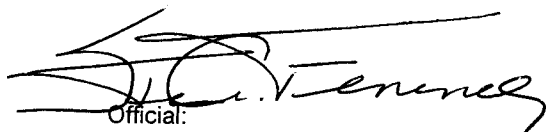
Human Resources

Environmental Differential Pay (EDP) and Hazardous Duty Pay (HDP) Plan

For the Adjutant General:



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**History.** This printing converts a Support Personnel Management Manual to a TAGMA Pamphlet. This publication has been reorganized to make it compatible with an electronic publishing format.

**Summary.** This pamphlet provides procedures for payment of Environmental Differential Pay (EDP) and Hazardous Duty Pay (HDP).

**Applicability.** This pamphlet applies to all full time technicians in the Massachusetts Army and Air National Guard.

**Proponent and exception authority.** Not applicable.

**Supplementation.** Supplements to this publication are not authorized without express written consent of the MA-HRO.

5 CFR 550, Appendix A and 5 CFR 532, Subpart E, Appendix A

**Suggested Improvements.** Users of this publication are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) direct to Director, Human Resources at HQ STARC MAARNG, Milford, MA 01757-3604

**Distribution.**  
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This pamphlet supersedes HRM 1-5 dated 15 Jun 95.

## **CHAPTER 1**

### **ENVIRONMENTAL DIFFERENTIAL PAY**

**1-1. INTRODUCTION.** This chapter outlines the procedures necessary to implement the Massachusetts Environmental Differential Pay Program for Federal Wage System employees as authorized by 5 CFR 532 governing EDP.

**1-2. PURPOSE.** The purpose of this plan is to establish policies and procedures for the determination and identification of local work situations that provide for the payment of additional compensation to any Wage Grade technician exposed to a hazard, a physical hardship, or a working condition of an unusually severe nature. This will enable program managers and supervisors to identify those local situations that have been determined to meet the requirements for Environmental Differential Pay (EDP).

**1-3. OBJECTIVES.** The objectives of this program are to:

- a. Eliminate or reduce to the lowest possible level, all hazards, physical hardships, and working conditions of an unusually severe nature.
- b. Initiate continuing, positive action to eliminate danger and risk that can contribute to or cause a hazard, physical hardship, or working condition of an unusually severe nature.
- c. Notify all eligible technicians of their entitlements to EDP under current situations.

#### **1-4. DEFINITIONS.**

a. Environmental Differential Pay (EDP): Additional compensation paid to a Wage Grade technician when exposed to a hazard, physical hardship, or a working condition of an unusually severe nature when such condition cannot be practically eliminated by use of protective clothing, equipment, or operational methods.

b. Unusually severe nature:

(1) Exposure to a hazard which could result in significant injury, illness, or death. An example of this is working on a tall or an open structure when adverse conditions such as darkness, lightning, steady rain, snow, ice, or high wind velocity exists.

(2) Exposure to a hardship under circumstances which can cause significant physical discomfort or distress not practically eliminated by protective devices or methods of operation.

(3) A working condition involving exposure to fumes, vapors, dust, or noise which cause significant distress or discomfort in the form of nausea, skin, eye, ear, or nose irritation or conditions which cause

abnormal soil of the body or clothing, and where the distress or discomfort can not be practically eliminated.

c. Practically eliminated:

– Through the use of mechanical or other devices, agency-approved written procedures, or the use of protective clothing, the risk to the employee is reduced to a negligible level. Alternately, there has been no historical accident data attributing occurrence to other than human error for the situation described when these devices are used or the approved procedures are followed.

#### **1-5. RESPONSIBILITIES.**

a. The Adjutant General:

– Responsible for the safety, health and welfare of all Massachusetts National Guard Technicians during their hours of employment.

b. Director, Human Resources:

– Responsible for developing, publishing, and administering the EDP plan. The Director has been designated as the Approving Authority for work situations that warrant payment of EDP.

c. Deputy Director, Human Resources:

– Responsible for reviewing all EDP situations prior to any EDP committee meeting.

– Ensures that the safety or environmental offices review all situations.

– Acts as Chairman of the EDP meetings and signs the minutes certifying the contents. After the meetings, informs the Director, HR, of the efforts the agency is making to eliminate the risk to employees.

d. Position Classification Specialist:

– Notifies all EDP committee members thirty days prior to any meeting and provides copies of all situations (or synopses thereof) to each member.

– Acts as technical advisor to the committee.

– Responsible for taking minutes of the meeting, which will include a report to the Director, HR indicating the efforts the agency is taking to eliminate the risk to employees. At a minimum, the minutes will contain attendees, approved situations, disapproved situations and reasons why, and any outstanding issues. A copy of the approved minutes will be sent to each committee member.

e. Safety/Industrial Hygiene representative:

- Responsible for conducting tests, studies, or evaluations to determine if a hazard exists.

- If a hazard is found to exist, submits suggestions as to how it can be practically eliminated. The plan will cite procedures to follow, equipment to be used and protective clothing to be worn. Recommends the equipment that the agency must purchase.

f. Supervisors

- Responsible for evaluating the duties of their subordinates to determine if a situation warrants consideration for EDP. When the supervisor has determined that a situation may warrant EDP, procedures in paragraph 1-12 will be followed.

- Prior to the annual EDP committee meeting, the supervisor must submit documentation detailing what efforts management has made to remove the hazard.

- The supervisor is responsible for completing all necessary paperwork needed to report the situation to the EDP committee. The supervisor will annotate the Time and Attendance sheet and complete NGB Form 104

g. EDP Committee:

- At least annually or on the call of the chairman, the committee will meet to review existing approved situations and determine if the situation still exists. The EDP committee will consist of the following members:

- (1) Deputy Director, Human Resources – Chair
- (2) Position Classification Specialist
- (3) Labor Relations Specialist
- (4) State Safety Officer (ARNG)/Wing Safety Officer (ANG)
- (5) Industrial Hygiene Specialist
- (6) OWCP Representative
- (7) Chief of Maintenance (ANG)
- (8) Labor organization representative(s)
- (9) Technical experts, as required

h. ARNG/ANG Comptroller:

- Responsible for processing only payments recommended by the EDP committee and authorized by the Director, Human Resources.

**1-6. GENERAL.** When reviewing work situations for the inclusion in this plan, the EDP committee and supervisors will consider the following key factors:

a. Environmental differentials are for work situations when the technician is exposed to a potential hazard which has a real probability of occurrence and when no fully adequate precautions are possible to minimize or practically eliminate the physical damage, injury, or discomfort to the worker should the potential of the situation be actualized. Differential for discomfort must involve actual and severe discomfort.

b. Environmental situations do not qualify for differential simply on the basis that an element of hazard or discomfort has been identified in a work situation. The hazard must involve a real probable threat or actual discomfort without effective measures available to protect a technician from injury or discomfort. The hazard or discomfort must be such that the technician is exposed to unrelieved (continuous) discomfort or to potential injury or harm significantly beyond that experienced by other technicians or the general population from the same source or from similar environmental conditions.

c. When potential hazards or actual discomforts are identified in a work assignment, the first consideration is to protect the technician. Protective measures to reduce the hazard must be made available and the (their use) application of this measure must be enforced. The payment of an environmental differential is a measure that admits that no available means can practically eliminate the hazard or reduce discomfort to reasonably tolerable levels.

d. If no effective measures are available to protect the technician from the effects of the work environment, and the technician is exposed to a real threat of injury or serious discomfort, then appropriate compensation must be provided. Appendix A of 5 CFR 532 will be used as a guide for setting the degree of hazard. However, the supervisor must:

- first determine the essential requirements for the work assignments which involve potential hazard or serious discomfort

- next, ensure that protection is applied if it is available in order to reduce the effect of the adverse environmental conditions to whatever minimum is possible

- lastly, limit the number of technicians exposed to the potential hazard or severe discomfort to the absolute minimum required to complete the work assignment.

**1-7. TYPES OF EXPOSURE.** There are two types of exposure, Actual Exposure Basis and Hours in a pay status.

a. An employee entitled to an environmental differential on an actual exposure basis shall be

paid a minimum of one hour's differential pay for the actual exposure beginning with the first instance. For exposure beyond one hour, the employee shall be paid in increments of one quarter hour for each 15 minutes or portion thereof in excess of 15 minutes. (Entitlement begins with the first instance of exposure and ends one hour later, except when that exposure continues beyond the hour, it shall be considered ended at the end of the quarter hour in which exposure actually terminated.

b. An employee entitled to an environmental differential on the basis of hours in a pay status shall be paid for all hours in a pay status on the day on which he/she is exposed to the situation.

#### **1-8. RELATIONSHIP TO OTHER TYPES OF PAY.**

a. Environmental differential pay is part of basic pay and shall be used to compute:

- Premium pay (holiday or Sunday work).
- The amount on which retirement deductions are made.
- The amount on which group like insurance is based.

b. EDP is not part of basic pay for purposes of lump-sum annual leave payments and severance pay nor is it an adverse action.

**1-9. TECHNICIANS ELIGIBLE FOR EDP.** A wage grade technician who is exposed to a situation for which environmental differential is authorized, is entitled to the appropriate differential regardless of whether he has a full-time, part-time, or intermittent tour of duty or is under an appointment without a time limitation. However, to receive a differential, either under Actual Exposure or Hours in a Pay Status, there must be an actual exposure to the environmental condition.

#### **1-10. PAYMENT OF EDP.**

a. An employee entitled to an environmental differential shall be paid an amount equal to the percentage rate authorized for the category in which the working condition or hazard falls, multiplied by the rate for the second step of WG-10 on the regular non-supervisory wage schedule for which the differential is payable. Counting one-half cent and over as a whole cent.

b. An employee may not be paid more than one environmental differential for a particular period of work.

c. The payment of environmental differential pay is computed on the basis of the highest environmental differential is authorized during the period of entitlement.

d. The number of hours an employee is paid environmental differential shall not exceed the number

of hours of duty performed by the employee on the day of exposure.

#### **1-11. EDP DURING ABSENCES.**

a. An environmental differential is included as part of an employee's basic rate of pay for periods of paid leave (annual leave, sick leave, administrative leave, etc) under the following circumstances:

(1) When an employee is exposed to a situation for which an environmental differential is authorized on the basis of hours in a pay status (per shift exposure), that differential will be paid during a period of absence (less than 8 hours) on paid leave on the day on which exposure occurs. Example: If an employee works half a day and is exposed to an EDP situation while at work the employee will be paid EDP for the entire shift including the hours absent on paid leave during the same workday.

(2) When an employee is exposed to a situation for which an environmental differential is authorized on an actual exposure basis, that differential will be paid during a period of absence (less than 8 hours) on paid leave only to the extent that leave is within the minimum payment period specified in paragraph 1-7. Example: If an employee is exposed to a situation which qualifies for an actual exposure differential for 10 minutes and then spends the rest of the hour on paid leave they will be paid one hour of EDP, even though they had only worked for 10 minutes.

#### **1-12. PROCEDURES FOR IDENTIFYING EDP SITUATIONS.**

a. Supervisors of technicians are responsible for evaluating the duties of their subordinates to determine if a situation warrants consideration for EDP. If the situation is determined to be eligible, a written request will be submitted to the Deputy Director, Human Resources through the chain of command to include the Safety/Industrial Hygiene Office. Each request must contain as a minimum, the following information:

(1) The category, differential rate, and category number under 5 CFR 532, Appendix A, that appears to cover the hazardous situation.

(2) A complete description of the hazard, physical hardship, or working condition being performed.

(3) A complete description of the safety devices/measures provided to eliminate the hazardous situation to include Technical Orders/Manuals, Regulations and safety procedures that describe how the work is performed.

(4) A statement as to why the available safety devices/measures are not satisfactory to eliminate the potential hazard.

(5) A list by position description number, grade and title of the technician positions involved in the performance of the hazardous duty.

(6) A list by position description number, grade and title of the management officials/supervisors who are authorized to certify NGB Form 104. Unless they are also the Supervisor of the employee receiving EDP timekeepers **ARE NOT** authorized to certify exposure to EDP for pay purposes.

b. Upon receipt of the request for eligibility determination for EDP, the Deputy Director, HR will review the request, and if appropriate will convene the EDP committee to evaluate the request to determine its eligibility. If the request meets the criteria, the committee will prepare an endorsement and forward it to the Director, Human Resources with the recommendation that it be approved. The effective date will be the date the request is approved by the Director of Human Resources. If the request does not meet the criteria, the committee will return it to the supervisor for additional justification.

c. Upon the receipt of the committee's endorsement, the Director, Human Resources will approve or disapprove the request. If approved, the director will return it to the Position Classification Specialist, who will forward it to the appropriate comptroller.

d. Eligibility determination that cannot be resolved by the EDP committee will be forwarded to the Adjutant General for determination.

**1-13. LABOR ORGANIZATION PROCEDURES FOR IDENTIFYING EDP SITUATIONS.** Where there are negotiated agreements in effect, the contents of an agreement prevails when there are differences in the procedures. The Labor organizations may submit situations using the same criteria as paragraph 1-12.

**1-14. DOCUMENTATION FOR T&A CARDS.** Supervisors will be delegated authority to certify EDP. They will complete an NGB Form 104, "Certificate of Authorization for Environmental Differential Pay."

## CHAPTER 2

### HAZARDOUS DUTY PAY

**2-1. INTRODUCTION.** This chapter outlines the procedures necessary to implement the Massachusetts Hazardous Duty Program for General Schedule employees as authorized by section 5545(d) of Title 5, United States Code and 5 CFR 550 governing HDP.

**2-2. COVERAGE.** Hazardous pay differentials are authorized for any period of irregular or intermittent duty

in which a General Schedule technician is subject to hazardous duty or duty involving physical hardships not usually involved in carrying out the duties of the position. Hazardous duty is defined as a duty performed under the circumstances in which an accident could result in serious injury, or death. Duty involving physical hardship is defined as a duty which may not be hazardous but which causes extreme physical discomfort or distress and which is not adequately alleviated by protective or mechanical devices.

### 2-3. RESTRICTIONS.

a. Hazardous pay differentials may not be paid to a technician when the hazardous duty has been taken into account in the classification of the position. To be taken into account in the classification of a position the hazardous duty constitutes an element used in establishing the grade of the position. When hazardous duty is part of the technician's position description but is not performed with sufficient regularity to constitute an element in fixing the grade of the position, if is not taken into account in the classification of a position.

b. Exception to the General Rule in Paying Hazardous Pay Differentials: Individual agencies have been given the authority to grant hazardous duty pay to employees where the hazard already has been taken into account in the classification of the position. This was based on agencies best knowing their own workplaces, the job duties and the steps that might be taken to make the jobs safer. OPM has specified two conditions for the payment of the differential: the specific hazard or hardship must have changed from that taken into account in the job classification and the employee personally can't reduce the hazard or hardship of the job. The differential should be ended when changes have been made that reduce the hazard to less than a significant level of risk. This policy is an exception to the general rule that a differential isn't paid where a hazard already has been taken into account in the position classification HDP final rule: Payment of HDP if the hazard or hardship is different from the position description and beyond the employee's control. The classification function plays a vital role in the determination as to the propriety of paying HDP. Well-documented classification decisions and position descriptions form the nucleus for reviews in paying HDP.

### 2-4. DEFINITIONS.

a. Duty involving physical hardship means a duty that may not be hazardous but which causes extreme physical discomfort and which are not adequately alleviated by protective or mechanical devices. Situations that could qualify for HDP are:

(1) Duty requiring exposure to extreme temperatures for a long period of time.

(2) Duty involving arduous physical exertion, such as duty, which must be performed in, cramped conditions.

(3) A duty involving exposure to fumes, vapors, dust, or noise, which may cause nausea, skin, eye, ear, or nose irritation.

b. Hazardous duty is a duty performed under circumstances in which an accident could result in serious injury or death, such as a duty performed on a high structure when adverse conditions such as darkness, lightening, steady rain, or high wind velocity exists.

c. Hazard pay differential means additional pay for the performance of irregular or intermittent hazardous duty or duty involving physical hardship. This only applies to GS technicians and then only when the situation has been approved by the Director, Human Resources. HDP applies to those situations where the individual is not fully compensated for the duty in his current technician position description and the resulting GS grade.

## **2-5. ESTABLISHING HDP SITUATIONS.**

a. A request to the HPD committee must include: a brief description of the specific local situation, degree of control over the hazard, protective or mechanical devices available and the recommended officials authorized to approve assignments to the hazardous duty to include certification for pay.

b. The schedule of irregular or intermittent duty contained in 5 CFR 550, Appendix A may be amended by OPM on its own motion or at the request of an agency. The agency request must contain the following information:

(1) The nature of the duty to include particular identification of the hazard or hardship,

(2) The degree to which the employee is exposed to hazard or physical hardship,

(3) The length of time during which the duty will continue to exist and;

(4) The degree to which control may be exercised over the physical hardship or hazard, and may recommend the rate of hazard, pay differential to be established.

(5) The estimated annual cost to the agency if the request is approved.

## **2-6. AUTHORIZATION TO PAY HDP.**

a. The authority to pay a hazard differential for duties included in 5 CFR 550, Appendix A presupposes

that adequate safeguards do not exist. When adequate safety precautions taken have reduced the degree of risk to a negligible level, a technician is not performing a duty described in 5 CFR 550, Appendix A and therefore is not authorized differential pay.

b. Hazard pay will be paid at the designated rate only to those technicians who are assigned hazardous duty or duty involving physical hardship for which a differential is authorized as specified in 5 CFR 550 Appendix A. The differential shall not be paid to a volunteer, that is, a technician who undertakes to perform a hazardous duty on his or her own without proper authorization either expressed or implied.

## **2-7. PAYMENT OF HDP.**

a. Hazardous pay differentials may not exceed an amount equal to 25% of the rate of basic pay applicable to the technician. Hazard pay is in addition to any additional pay or allowance to which the technician becomes entitled. It shall not, however, be used to compute any additional pay or allowance payable under another statute. If a technician is being paid a retained rate, that rate is the rate of basic pay for purposes of computing hazard pay. HPD is not subject to the limitation placed on premium pay by section 5547 of Title 5 USC.

b. When a technician performs duty for which hazard pay differential is authorized, he/she will be entitled to hazard differential for the hours in a pay status on the day in which the duty was performed. If the technician is on a paid leave status on the same day that he/she performs hazardous duty, he/she is entitled to hazard differential for the full day. If the technician is on a non-paid leave for part of the same day that he/she performs hazardous duty, he/she is entitled to hazard differential for the paid hours only. Hours in a pay status for work performed during a continuous period extending over two days shall be considered to have been performed on the day on which the work began and allowable differential shall be charged to that day.

c. Payment of hazard differential is authorized to technicians only while they are in a pay status.

**2-8. Labor Relations. Chapter 71 of Title V governs federal employer and employee labor relations.** The scope of mandatory collective bargaining for federal employees is limited to personnel employment practices only. Basic working conditions such as wages, hours of work and employee benefits are subject to statutory provisions.

# APPENDIX A

<b>REQUEST FOR ENVIRONMENTAL DIFFERENTIAL PAY</b>			
<b>I. REQUEST FOR APPROVAL</b>			
1. TO: Human Resources Office 50 Maple Street Milford, MA 01757	2. FROM:	3. DATE OF REQUEST	
4. POSITION TITLE, SERIES AND GRADE OF ALL POSITIONS AFFECTED		5. POSITION NUMBER(S)	
6. DESCRIPTION OF WORK SITUATION <i>(Continue on reverse if additional space is required)</i>			
7. DESCRIPTION OF CORRECTIVE ACTION TAKEN TO ELIMINATE OR REDUCE SITUATION <i>(e.g., if protective clothing, devices or equipment are provided, specify type, etc.) (Continue on reverse if additional space is required)</i>			
8. TITLE OF APPLICABLE CATEGORY REQUESTED <i>(See OPM Operating Manual 532-1, Appendix J.)</i>			
9. DIFFERENTIAL RATE <i>(See OPM Operating Manual 532-1, Appendix J.)</i>			
10. OFFICIAL AUTHORIZED TO ASSIGN WORK <i>(Type name, title and signature)</i>			
11. OFFICIAL AUTHORIZED TO APPROVE PAYROLL DOCUMENTATION <i>(Type name, title and signature)</i>			
12. RECOMMENDING OFFICIAL <i>(Type name, title and signature)</i>			13. DATE
<b>II. COORDINATION AND CONCURRENCE</b>			
TO: <i>(See Below)</i>		FROM: HRO	
DATE			
The above described hazard, physical hardship and/or working condition of an unusual nature has been reviewed.			
OFFICE	NAME AND TITLE OF REVIEWER	SIGNATURE/DATE	
EDP COMMITTEE			CONCUR <input type="checkbox"/> NONCONCUR <input type="checkbox"/>
SAFETY			CONCUR <input type="checkbox"/> NONCONCUR <input type="checkbox"/>
MEDICAL			CONCUR <input type="checkbox"/> NONCONCUR <input type="checkbox"/>
UNION REPRESENTATION			CONCUR <input type="checkbox"/> NONCONCUR <input type="checkbox"/>
<b>III. FINAL DISPOSITION</b>			
<input type="checkbox"/> ACCOUNTING AND FINANCE <input type="checkbox"/> SUPERVISOR <input type="checkbox"/> MEDICAL	<input type="checkbox"/> UNION <input type="checkbox"/> SAFETY	FROM: HRO  Approve <input type="checkbox"/> Disapprove <input type="checkbox"/>	DATE