

Classification and Pay Administration

Environmental Differential Pay/Hazardous Duty Differential Pay

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Applicability. California National Guard Full-time Personnel Regulation (CNGFPR) applies to all California Army and California Air National Guard technicians and to commanders, managers and supervisors (military or civilian) with authority or responsibility over technician personnel management.

Proponent and Exception Authority. The proponent of this regulation is the Joint Force Headquarters, J-1, Directorate for Human Resources. The proponent has authority to approve exceptions to this regulation when they are consistent with controlling laws and regulations.

Supplementation. Supplementation of this regulation is prohibited.

Suggested Improvements. Users of this regulation are invited to send comments and suggested improvements to Joint Force Headquarters, Directorate for Human Resources, 9800 Goethe Road, Sacramento, CA 95826-9101.

Distribution. Distribution of the regulation is Army - A and Air Force - AF.

History. None

Summary of Changes. This regulation establishes policies, responsibilities, and procedures governing the Environmental Differential Pay (EDP) and Hazardous Duty Differential Pay (HDP) Program. Provides efficient management of these programs to ensure EDP/HDP requests are reviewed in a timely manner and authorized EDP/HDP categories are applied equally to all technicians in identical work situations within the State.

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1. Purpose.

a. To establish procedures for the review of work situations that may warrant Environmental Differential Pay (EDP) or Hazardous Duty Pay (HDP).

b. Management philosophy within the California National Guard has always been to eliminate or alleviate the hazard so that the work place (working environment) meets or exceeds prevailing safety standards. The object is to assure that all hazards, physical hardship and working conditions of an unusually severe nature are eliminated or reduced to the lowest level possible.

2. References.

- a. 5 USC 5343 (c) (4) – Hazard Duty: Proper differentials for duty involving severe working conditions/hazards.
- b. 5 USC 5545 (d) – Hazardous Duty Differential.
- c. 5 USC 5548 (b) – Authorization for Hazard Duty Regulations.
- d. 5 CFR 532.511, Appendix A, subpart E – Environmental Differential Pay.
- e. 5 CFR 550.901, Appendix A, subpart I – Pay for involving physical hardship or hazard.
- f. 5 CFR, Part 532, Sections 532.501 and 532.511, Part I Payment for actual exposure and Part II Payment on basis of hour in pay status for subpart E and appendix A – Environmental differentials paid for exposure to various degrees of hazards, physical hardships, and working conditions of an unusually severe nature.

3. Objectives.

a. To provide the basis for orderly and efficient management of EDP/HDP. An EDP/HDP Workgroup will be established to aid in this management. This workgroup, at a minimum of annually, will assist the Human Resource Office (HRO) by reviewing requests(s) or situations of EDP/HDP that are requested from the field.

b. Identify and eliminate or reduce to the lowest level possible severe working conditions, physical hardships and hazards.

c. Assure that situations are promptly reviewed and determinations made on EDP/HDP entitlements.

4. Responsibilities.

By law, federal agencies are required to follow OSHA safety and health standards in order to protect employees from a significant risk of material health or functional impairment that may be experienced because of hazard in the workplace. EDP/HDP shall be discontinued when safety precautions reduce or practically eliminate the hazard. EDP/HDP Program responsibility is delegated from The Adjutant General to the Human Resources Office.

a. Human Resource Office (HRO).

(1) Appoint an EDP/HDP Workgroup consisting of management and bargaining unit members, as needed.

(2) Assure compliance with governing directives.

(3) Provide advisory support to managers, supervisors, and technicians.

(4) Act on recommendations of the EDP/HDP workgroup.

(5) Insure that the appropriate technician payroll offices are promptly informed of approved work situations and the corresponding authorized EDP/HDP rates.

(6) Approve or disapprove work situations for EDP based upon evaluations against defined categories in Appendix A of 5 CFR, Part 532, Section 532.511 and subpart E, and recommendations of EDP/HDP committee.

(7) Approve or disapprove work situations for HDP based upon evaluation against defined categories in appendix A of 5 CFR, Part 550, Section 550.901 through 907, and recommendations of EDP/HDP committee.

b. Installation/Base/Wing/Unit Commanders.

(1) Understand the goals of the EDP/HDP program and actively participate in accomplishing these goals.

(2) Create a work environment to ensure compliance with EDP/HDP program.

c. Supervisors.

- (1) Ensure that safety practices and acceptable work procedures are followed.
 - (2) Periodically inform employees of the EDP/HDP program.
 - (3) Annually review approved EDP/HDP work situations.
 - (4) Continually review the work environment for work situations that present a hazard or unusually severe working conditions.
 - (5) Ensure that pay entitlements to EDP/HDP are recorded on Time and Attendance cards only when authorized and performed.
- d. Technician: Each technician is required to abide by all sound safety regulation, rules, practices and procedures. In instances where this cannot be accomplished, the technician must take steps to report the situation and, if appropriate, initiate a request to establish an EDP/HDP situation.

5. Definitions.

- a. Environmental Differential. A differential paid, that has been authorized only for wage system technicians as specified in 5 CFR, Part 532, Appendix A, for a duty involving unusually severe hazards and/or working conditions.
- b. Hazard Duty Pay Differential. A differential paid, that has been authorized only for general schedule technicians as specified in 5 CFR, Part 550, Appendix A for the performance of hazardous duty or duty involving physical hardship.
- c. Environmental Differential rate. The hourly rate payable and computed by multiplying the percentage for the described exposure times the second step/hourly rate for grade WG-10 on the current non-supervisory wage schedule for the area regardless of the grade of the individual. The rate will be rounded to the nearest cent.
- d. Hot work category. Work in a confined space which creates cramped working conditions such as: jet engine intake and exhaust, fuel cells or fuel cell compartments, crawlways inside of wings, tail booms or empennage sections where movement is severely restricted. If an employee is in an area where he/she can readily step outside or otherwise remove himself/herself from the high temperature at the first signs of distress, he/she is not confined in the sense intended by the EDP and is not entitled to the differential.
- e. Close proximity. Employee subject to the same degree of personal injury as the person who is actually conducting the hazardous operation.
- f. Practically Eliminated. The term “practically eliminated” does not require a complete or absolute elimination of potential injury. This term does not mean “virtually”, which would require that a higher standard is to be applied than is required in the regulation. The term is more correctly defined as “almost” and is more consistent with the intent of the language of the regulation. The regulation only requires that potential injury be “practically eliminated” and as such, total elimination of the hazard is not required, nor expected. (Arbitration decision, FMCS Case No. 95-07381)

6. Procedures.

Any Commander, Supervisor, manager, or technician who is aware of a possible EDP/HDP work situation may initiate the CNG Form 690-13, EDP/HDP Situation Request. The request and supporting documentation including any accident report, environmental health report, injury report, safety reports, regulations or technical orders, must be forwarded directly to the Directorate for Human Resources, Attention: Classification. The Directorate for Human Resources will forward only complete and fully documented situations to the EDP/HDP workgroup for review, recommendation, and comments. Normally EDP/HDP work situations under consideration will have a two week open comment period. The Directorate for Human Resources, Classification, will collect the workgroup member’s recommendations and comments. The EDP/HDP situation approving official (Director/Deputy Director for Human Resources) will review the recommendations and comments when making determinations.

7. EDP/HDP Workgroup Organization and Function.

- a. The EDP/HDP workgroup will consist of the following members: Safety Officer from each CA ANG Wing/Group, Environmental Protection Specialist from each CA ANG Wing/Group, State Safety Manager (CA ARNG), Environmental Protection Specialist (CA ARNG), Union President (Army - LIUNA Local 2163, 129 RQW – ACT Local 109, 144 FW – ACT Local 118, 146 AW – ACT Local 105, 162CCG – NAGE Local R12-120, and 163 ARW – ACT Local), Human Resource Specialist (Labor Relations), Human Resource Specialist (Classification).
- b. The workgroup will be headed by Human Resources Specialist (Classification).
- c. EDP/HDP Workgroup Functions.
 - (1) Evaluate situations submitted for review against appropriate criteria.
 - (2) Explore possibilities for elimination or reduction of the hazardous or severe working conditions that exist.
 - (3) Make timely recommendations on eligibility for EDP or HDP to the Director/Deputy Director for Human Resources.

(4) Annually review all current approved situations to determine whether the hazard or physical hardship has been practically eliminated to the degree which would preclude continuance of payment of the differential.

8. EDP/HDP Workgroup Processing Actions.

a. The EDP/HDP Workgroup will review all situations annually. To operate the program more economically, all documents will be electronically provided to HR Classification Specialist who will develop the workgroup and forward documents to committee members for their review and recommendations. After thorough examination of the situations, criteria and other related facts, final approval will be made by the Director/Deputy Director for Human Resources.

b. EDP/HDP Workgroup members will review the situation form(s) and related criteria. The Human Resources Specialist (Classification) will notify the requester of any inadequate requests and/or additional information required.

c. Members of the EDP/HDP Workgroup may ask the requestor specific questions regarding the situation.

d. All EDP/HDP requests may be subject to an on-site visit by members of the workgroup.

f. A case file will be established for each situation. A negative determination will be documented and maintained in the HRO files. Parties who submitted the CNG Form 690-13 will be notified formally of any denial. Approved EDP/HDP work situations may be announced by TAAI and will be included in this regulation.

9. Official File Copies of EDP/HDP Program.

The Human Resource Office, Classification Branch, will maintain the official records to document authorization of EDP/HDP work situations.

10. Documentation of EDP/HDP for Pay Purposes.

The supervisor documents EDP on the CNG Form 690-14, Certification of Authorization for EDP/HDP, which will be attached to time and attendance form. This process is required in order to calculate payment of EDP/HDP. The CNG form 690-14 will be completed as follows:

a. Enter name, SSN, unit and location of the technician involved.

b. List the category number of exposure. Show all exposures as they occur each workday. When exposure occurs under more than one category, list each individual exposure separately to include actual clock times.

c. Duration of exposure. List the date, inclusive clock time in the "from" and "to" columns, and actual elapsed time in hours and minutes of each category of exposure shown in the preceding column.

d. The signature and title of the authorizing official.

11. Termination of EDP/HDP.

When safety precautions have reduced the element of hazard to practically eliminate the risk, or when protective or mechanical devices have adequately alleviated physical discomfort or distress, EDP/HDP is not authorized.

12. Computing EDP Payments.

a. Environmental differential is paid on the basis of *actual exposure* or on the basis of *hours in a pay status*. A wage grade technician who is exposed to a situation for which an environmental differential is authorized is entitled to the appropriate differential regardless of whether the technician has a full-time, part-time, or intermittent tour of duty; on regular assignment or detail; or serving under a temporary appointment or under an appointment without time limitation. However, to receive a differential, there must be actual exposure to the environmental condition and it must be one of the approved situations in paragraphs 14-21. The following will aid in computing environmental differentials:

(1) Payment for actual exposure. The amount of environmental differential which is payable is calculated as follows: Multiply the percentage rate authorized by the pay for a WG-10 step 02; round one half cent and over as a full cent. This will equal the amount of EDP payable. This formula will result in a uniform payment to each wage technician who is authorized environmental differential for like situations.

(2) Payment based on hours in pay status. When a technician is exposed to a situation for which an environmental differential is authorized on the basis of hours in a pay status, the agency shall pay the technician the differential for all hours in a pay status on the day he/she is exposed to the situation.

(3) When a technician is entitled to a differential which is paid on an actual exposure basis, they shall be paid a minimum of one hour differential for each exposure. However, when more than one exposure occurs in the same hour, the technician shall be paid for only the exposure which results in the highest differential. When an entitlement continues beyond one hour, the technician will be paid in one quarter hour increments for each 15 minutes and portion thereof in excess of 15 minutes.

b. All exposures occurring during the period of entitlement must be considered; however, payment is computed for the period on the basis of the highest differential rate authorized during the period of entitlement.

c. Environmental Differential Pay during Absences on Leave. Environmental differential is included as part of a technician's basic rate of pay for periods of paid leave (annual, sick, etc) under the following circumstances:

(1) When a technician is exposed to a situation for which an environmental differential is authorized on the basis of hours in a pay status, that differential will be paid during a period of absence on the day in which the exposure occurs.

(2) When a technician is exposed to a situation for which an environmental differential is authorized for an actual exposure, that differential will be paid during a period of absence on paid leave only to the extent that the leave is within the minimum payment period (1 hour) or beyond that in increments of one quarter hours.

(3) A technician will not be paid an environmental differential during a period of absence on paid leave on any day in which they would not have been exposed to a situation.

d. EDP is paid only for days on which a technician is in a pay status and is exposed to a situation for which the differential is authorized. EDP is not included in a lump sum payment for annual leave or in computing severance pay. In addition, the technician may not be paid EDP while in a compensatory status.

13. Office of Personnel Management Requirements.

Office of Personnel Management (OPM) specifies two conditions that must exist before payment of EDP/HDP may be approved by an agency:

a. The actual circumstances of the specific hazard or physical hardship have changed from that taken into account and described in the position description; and

b. Using the knowledge, skills and abilities that are described in the position description, the employee cannot control the hazard or physical hardship; thus the risk is not reduced to a significant level.

14. Approved HDP Situations.

There are currently no approved Hazardous Duty Pay situations in the California National Guard.

15. Approved EDP Situation – Based on Actual Exposure – High Work at Lesser Height.

Title: Inspection and Maintenance of Fixed Wing or Rotary Aircraft

The majority of all required maintenance is done from the top of the fuselage. The top of the fuselage has many fluid lines, electrical wires and major components mounted to the fuselage creating hazardous footing. Work platforms and work areas built into the airframe range from 5-15 feet above the ground.

Rotary: Scheduled and unscheduled maintenance require personnel to walk on the fuselage to make visual inspections of rotor systems, engines, and power train components.

Fixed: Require personnel to walk on the fuselage out to the wing tip to make visual inspection of the wing, engine nacelle, skin for damage, security of panels, caps, doors, and life raft replacement.

Applies to: All Army Aviation and all Air Bases.

Percentage: 25%

Determination: Personnel may only be compensated when directed to perform these tasks during adverse weather conditions, such as, darkness, rain, high winds, icing or any combination thereof. Winds are considered high when above 15 mph, steady or in gusts.

Date of Determination: June 1998

Approving Authority: Maintenance Officer or Aircraft Mechanic Foreman

Category Code: I-B

16. Approved EDP Pay Situation – Based on Actual Exposure – High Work.

Title: Communications Installation

The communication systems used by the California Air National Guard includes towers of varying height not to exceed 100 feet. Technicians may be required to accomplish communications installation on these towers.

Applies to: 162nd CCG and 144th FW

Percentage: 25%

Determination: Personnel may be compensated when directed to perform duties under the following conditions:

The height of the working level versus the height of the pole is the basis of pay.

If the footing is unsure and the structure is unstable.

If safe scaffolding, enclosed ladders or other similar protective facilities are not adequate (for example: working from a swinging stage, boatswain chair or a similar support).

If adverse conditions such as, darkness, steady rain, high wind, icing, lightening or similar environmental factors render working at such heights hazardous.

Date of Determination: June 1998

Approving Authority: Communications Detachment Commander or Electronic Mechanic Foreman

Category Code: I-B.

17. Approved EDP Situation – Based on Actual Exposure – Hot Work.

Title: Weather Conditions in Maintenance Area

During the summer months, technicians are required to work in confined spaces where they are subject to temperatures in excess of 110 degrees Fahrenheit. Confined and closed areas inside aircraft and other vehicles exceed 110 degrees Fahrenheit whenever the ambient air temperature outside exceeds 110 degrees Fahrenheit.

No adequate measures are available to reduce the temperature.

There are not adequate shop/hanger bays to move vehicles into shop area.

Applies to: All Air and Army Maintenance Sections

Percentage: 4%

Determination: Personnel may be compensated accordingly when directed to work in confined spaces inside aircraft/vehicles wherein technician is subjected to temperatures in excess of 110 degrees Fahrenheit.

Date of Determination: June 1998

Approving Authority: Chief of Maintenance or Heavy Mobile Equipment General Foreman

Category Code: I-D

18. Approved EDP Situation – Based on Actual Exposure – Work at Extreme Height.

Title: Communications Installation

The communication systems used by the California Air National Guard includes towers and telephone poles over 100 feet in height from the ground, deck, floor or roof.

Applies to: 162nd CCG

Percentage: 50%

Determination: Personnel may be compensated when directed to perform these duties under the following conditions:

The height of the working level versus the height of the base is the basis of pay.

If the footing is unsure and the structure is unstable.

If safe scaffolding, enclosed ladders or other similar protective facilities are not adequate (for example: working from a swinging stage, boatswain chair or a similar support).

If adverse conditions such as, darkness, steady rain, high wind, icing, lightening or similar environmental factors render working at such heights hazardous.

Date of Determination: June 1998

Approving Authority: Communications Station Detachment Commander

Category Code: I-M

19. Approved EDP Situation – Based on Actual Exposure – Ground Work Beneath Hovering Helicopters.

Title: Hazard Created by the Rotor

During external cargo missions a requirement exists to hook loads onto the aircraft cargo hook. This task is accomplished using a ground support man alongside the load or on the load.

Applies to: Army Aviation and the 129th RQW

Percentage: 15%

Determination: The hovering helicopter creates a dual hazard; there is a hazard created by the rotor down-wash and a hazard resulting from the proximity of the helicopter to the ground support man while it is being maneuvered over the load. Personnel may be compensated when directed to perform duties within the scope of stated criteria.

Date of Determination: June 1998

Approving Authority: Aircraft Maintenance Officer or Aircraft Mechanic Foreman

Category Code: I-C

20. Approved EDP Situation – Based on Hours in a Pay Status – Work in Fuel Storage Tanks.

Title: Confined Space – Breathing Hazard

The fuel tanks of the C-130 and KC-135 aircraft are an integral part of the Wing commonly referred to as a wet wing. The wing structure is in effect the fuel tank. Normal stresses imposed at the seams, rivets, and fasteners during flying cause leaks which must be repaired.

Frequent inspection of the fuel tanks are required to determine condition of the sealant, location of leaks, removal of deteriorated sealant, and resealing of the area.

A de-fueling, de-puddling, and purging process is required to remove fuel and vapors from the tanks. Access to the fuel tank must be gained by personnel making the repair.

Technicians performing such duties must work in a cramped and strained body position to gain access to areas within the tanks. The atmosphere within the tank is both toxic and flammable from the fuel and chemicals involved. Protective clothing and equipment must be used to reduce damage to skin and inhalation of toxic vapors.

Applies to: Operational Aircraft at the 129th RQW, 146th AW, 163rd ARW, 144th FW

Percentage: 8%

Determination: When technicians work under the conditions requiring a breathing apparatus because all or part of the oxygen in the atmosphere has been displaced by toxic vapors and failure of the breathing apparatus would result in serious injury or death within the time required to leave the fuel cell, EDP would be appropriate. When there is ready access to oxygen and no danger or serious injury of death, EDP would not be appropriate.

Date of Determination: June 1998

Approving Authority: Aircraft Maintenance Officer or Aircraft Mechanic Foreman

Category Code: II-N

21. Approved EDP Situation – Based on Hours in a Pay Status – Explosives and Incendiary Material – Low Degree Hazard.

Title: Handling, Hauling, and Storage of Explosive and Incendiary Material

Working with or in close proximity to explosives and incendiary material, such as:

Air – loading, unloading, and hauling of explosive and incendiary material.

Army – storage of explosive and incendiary material.

Arming/disarming or the installation/removal of any squib, explosive device, or component thereof.

Applies to: ARNG Training Site Camp Roberts, and FC's 23D1 at the 163rd ARW, 144th FW, FC's 23B1 and 42C1 at the 146th AW and 129th RQW.

Percentage: 4%

Determination: When using Class A and B explosives only, personnel may be compensated accordingly when directed to perform duties within the scope of stated criteria.

Date of Determination: June 1998

Approving Authority: First Line Supervisor or Shop Foreman

Category Code: II-O

22. Addition of Approved Situations.

This regulation will be updated when additional EDP/HDP situations are approved or, if the applicability of an EDP/HDP situation changes or is no longer needed.