

NJDMAVA Technician Personnel Regulation 500

Environmental and Hazardous Duty Pay Differentials

**Joint Force Headquarters
New Jersey National Guard
Joint Base McGuire Dix Lakehurst, NJ
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UNCLASSIFIED

Joint Force Headquarters
New Jersey National Guard
3650 Saylor's Pond Road
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ENVIRONMENTAL AND HAZARDOUS (EDP/HDP) DUTY PAY DIFFERENTIALS

By Order of the Governor

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History. This regulation supersedes TPR 500, New Jersey National Guard Environmental Differential Pay Plan dated 13 October 1989. Its content is consistent with 5 CFR 532.511 and 5 CFR 550.901-907.

Summary. NGNJ TPR 500 contains the requirements of the New Jersey National Guard Environmental Differential and Hazardous Duty (EDP/HDP) Pay plans. The revisions provide clarification for the Environmental and Hazardous Duty Differential Pay compensation process for NJ National Guard Technicians.

Applicability. This regulation applies to all New Jersey Army and Air National Guard Technicians and is intended for internal management use only.

Supplementation. Do not supplement this regulation or establish command without prior approval from the J1-HRO.

Suggested Improvements. Users of this regulation are invited to send comments and suggested improvements directly to NGNJ J1-HRO, 3650 Saylor's Pond Road, JBMDL, New Jersey 08640.

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CHAPTER 1

GENERAL

1-1 References

- a. 5 CFR 532.511
- b. 5 CFR Part 532, Subpart E, Appendix A, Part I and II
- c. 5 CFR 550.901-907
- d. 5 CFR Part 550, Subpart I, Appendix A
- e. NGB-J1-TN Classification and Position Management Guide, Chap 25

1-2 Purpose

- a. The purpose of this regulation is to establish policies and procedures for the implementation and administration of Environmental and Hazard Duty (EDP/HDP) pay differentials. Federal Technicians whether full-time, part-time, intermittent, temporary, and detailed may receive a differential.
- b. This regulation is to ensure that decisions concerning EDP/HDP are made in a timely manner and applied equitably to all technicians in identical work situations within the state. All technicians should be aware of their rightful entitlement to EDP or HDP in accordance with referenced CFRs.
- c. The existence of differential compensation is not intended to condone work practices which circumvent safety laws, rules, and regulations. When a potential hazard, physical hardship or working condition is identified in a work assignment, first consideration must be given to the protection of the technician. Protective measures which reduce the hazard to the technician and/or tend to relieve discomfort must be made available and the application of these measures enforced. The payment is a measure that identifies that no available protective/safety means are currently available to eliminate or reduce the hazard.

1-3 Definitions

- a. Environmental Pay Differential: A method of payment to a Federal Wage (WG, WL, or WS) Technician who is exposed to a hazard, physical hardship, or working condition of an unusual nature listed under the categories in 5 CFR Part 532, Subpart E, Appendix A, Parts I and II.

- b. Hazardous Pay Differential: Additional pay for a General Schedule (GS) employee for the performance of irregular or intermittent hazardous duty or duty involving physical hardship listed under the categories in 5 CFR Part 550, Subpart I, Appendix A.
- c. Payment for Actual Exposure: Payment is paid to a technician for the actual hours of exposure to the condition.
- d. Hazardous Duty: A duty performed under circumstances in which an accident could result in serious injury or death.
- e. Physical Hardship: A duty which may not in itself be hazardous but which causes extreme physical discomfort or distress and which is not adequately alleviated by protective clothing or mechanical devices.
- f. Working with: Physically handling explosives, incendiary material or other hazardous items.
- g. In close proximity: Technician is subject to the same degree of personal injury as the person who is "working with" the hazardous material.
- h. Practically eliminated: Reduction of the exposure to hazards, physical hardship, or undesirable working conditions to a level consistent with accepted standards in accordance with Army and Air Force safety regulations. If there are no accepted standards, "practically eliminated" requires reduction of exposure to a level no greater than an average industrial employee would experience in his or her work environment.

CHAPTER 2

EDP/HDP PROGRAM RESPONSIBILITIES

2-1. Responsibilities

a. The Adjutant General

1. Appoints the EDP/HDP committee.
2. Has overall responsibility for the EDP/HDP program.
3. Approval authority to authorize situations for EDP/HDP may be delegated to the Human Resources Office (HRO).

b. Human Resources Office

1. Approve or disapprove work situations for EDP/HDP.
2. Designate a representative to be the program manager and advisor for the state committee. The Classification Specialist is most commonly selected for this role. Any additional HRO members or Wing HRO Remotes will serve as administrative facilitators for committee operations.
3. Ensure all EDP/HDP situations are reviewed and recertified at least annually by the EDP/HDP Committee.

c. Committee

1. Appointed by The Adjutant General and will include, but is not limited to representatives from:
 - a. Air and Army Safety Offices
 - b. Aircraft Flight Instructor (Safety)
 - c. Environmental Specialists
 - d. Logistics Management Office
 - e. Comptroller
 - f. Occupation and Public Health Specialist

2. The committee is responsible for reviewing existing approved situations that originally warranted payment and to determine whether the situation still exists. Representatives from applicable labor organizations are encouraged to attend and invited to participate at any meeting in connection with EDP/HDP and technician personnel. The Committee Chairperson will be the senior officer serving on the committee. The findings and recommendations of the committee are forwarded to the HRO for final approval.
3. Non-voting members may include but are not limited to HRO representatives, employee management, HR remotes, and the HRO Labor Relations Specialist.

CHAPTER 3

ENVIRONMENTAL DIFFERENTIAL PAY

3-1. Basis for EDP

- a. Environmental differentials are paid for those work situations in which a wage technician (WG, WL, and WS) is exposed to a hazard. This is likely to occur where no adequate precautions or protection is available to minimize or eliminate physical injury, illness or death to the worker should the hazard occur.
- b. Examples of hazards for which EDP could be authorized are:
 1. Work on high structures when the hazard is not practically eliminated by protective equipment such as scaffolding, enclosed ladders, etc.
 2. Work on high open structures when adverse conditions exist such as darkness, lightning, steady rain, snow, sleet, ice, or high winds exist.
 3. Working with or in close proximity to explosives and/or incendiary material where the potential for personal injury or death cannot be practically eliminated by safety devices, procedures, or protective equipment.
 4. Exposure to a physical hardship under circumstances that cause significant physical discomfort or distress which cannot be practically eliminated by protective devices.
 5. Exposure to working conditions involving exposure to fumes, dust, or noise that cause significant distress or discomfort in the form of nausea, skin, eye, ear, or nose irritation; or conditions which cause abnormal soiling of the body.

- c. Environmental situations do not qualify for differential compensation solely because an element of hazard or discomfort has been identified in a work situation. The hazard involved must have no effective measure available to protect the technician from hazardous working conditions.
- d. If no effective measures are available to protect the technician from the effects of the work environment, and the worker experiences discomfort, appropriate compensation through environmental differential pay must be provided. The essential requirement for the work assignment which involved potential hazard or discomfort must be determined first. Available protection must be used to reduce the effect of the adverse environmental conditions as much as possible. The number of technicians exposed to the potential hazard or discomfort should be limited to the absolute minimum necessary to accomplish the work assignment.
- e. Potential human error is not a valid justification for authorizing EDP for a given work situation.

3-2. Limitations on use of EDP

- a. Environmental differentials are stated as percentage amounts and are authorized for categories of exposures as defined in 5 CFR 532.511, Subpart E, Appendix A, Parts I and II.
 - 1. In 5 CFR 532.511, Subpart E, Appendix A, Parts I situations (Actual Exposure Basis) states, a technician shall be paid a minimum of one hour's differential pay for the actual exposure. For exposure beyond one hour, the technician 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. When that exposure continues beyond the hour, it shall be considered ended at the end of the quarter hour in which exposure actually terminated.
 - 2. In 5 CFR 532.511, Subpart E, Appendix A, Parts II situations (Hours in Pay Status), a technician is entitled to an environmental differential on the basis of hours in a pay status (differential pay not authorized in a compensatory status) and shall be paid for all hours he/she is exposed to the Part II situation.

3-3. Payment of EDP

- a. If more than one exposure occurs within the same hour, then the technician shall be paid only the exposure that results in the highest differential.

- b. The servicing pay office (ANG Comptroller Office or USPFO) is authorized to pay when there is an approved EDP situation as determined by the EDP/HDP Committee and J1-HRO.

CHAPTER 4

HAZARDOUS DUTY PAY

4-1. Basis for HDP

- a. Hazardous Duty Pay (HDP) is only paid to General Schedule (GS) technicians for the performance of irregular or intermittent hazardous duty or duty involving physical hardship.
- b. Examples of hazards for which HDP could be authorized are:
 1. Duty involving physical hardship that may not in itself be hazardous, but causes extreme physical discomfort or distress, and is not adequately alleviated by protective or mechanical devices.
 2. Duty requiring exposure to extreme temperatures for an excessive period of time.
 3. Duty involving hard physical exertion, such as a duty which must be performed in cramped conditions.
 4. Duty involving exposure to fumes, dust or noise, which may cause nausea, skin, eye, ear or nose irritation.

4-2. Limitations on use of HDP

- a. Hazard differentials are stated as percentage amounts and are authorized for categories of exposures as defined in 5 CFR 550, Subpart I, Appendix A.
- b. HDP will not be paid for positions that include hazardous conditions that are recognized and compensated for in the technician's position description (usually identified in Factors 8 and 9 in the Position Evaluation Statement).

4-3. Payment of HDP

- a. Hazardous pay differentials may not exceed an amount equal to 25 percent of the rate of base pay applicable to the technician. HDP is in addition to any pay or allowances to which the technician becomes entitled. It shall not, however, be used to compute any additional pay or allowances payable under another statute. If a technician is being paid a retained rate, that rate is the rate of base pay for purposes of computing HDP. HDP is not subject to the limitations placed on premium pay by Section 5547, Title 5, USC. (This section limits other premium pay to an amount which will not cause total pay in any pay period to exceed the maximum rate for GS-15).
- b. When an employee performs duty for which a hazard pay differential is authorized, the agency must pay the hazard pay differential for the hours in a pay status on the day (a calendar day or a 24-hour period, when designated by the agency) on which the duty is performed, except as provided in paragraph (a) of this section. Hours in a pay status for work performed during a continuous period extending over 2 days must be considered to have been performed on the day on which the work began, and the allowable differential must be charged that day.
- c. HDP is authorized for technicians only while they are in a pay status (differential pay not authorized in a compensatory status) and shall be paid for all hours he/she is exposed to hazardous duty or duty involving physical hardship as outlined in Subpart I, Appendix A.
- d. The servicing pay office (ANG Comptroller Office or USPFPO) is authorized to pay when there is an approved HDP situation as determined by the EDP/HDP Committee and J1-HRO.

CHAPTER 5

EDP/HDP DETERMINATION REQUEST

5-1. Establishing EDP/HDP situations

- a. Individuals or supervisors may initiate request to establish EDP/HDP situations to the HRO Classification section. The recommending official or supervisor must initiate requests on the EDP/HDP Request Form (see Attachment 1) and will provide the following documentation if applicable.
 - 1. Current position descriptions
 - 2. Technical operating instructions for the hazardous situation
 - 3. Safety, industrial hygiene, and/or environmental health reports on the situation
- b. The request is forwarded to the HRO Classification section for processing and routing to the EDP/HDP committee chair to convene a board at the earliest opportunity to evaluate the request. If the request meets the eligibility criteria, the committee will prepare a category determination and forward with a recommendation to the HRO for approval or disapproval.
- c. If the situation is approved, the HRO will sign and date the category determination for payment of the differential for the particular hazardous situation. Approved category determinations will be incorporated as a separate appendix to this regulation.
- d. The committee is authorized to seek outside assistance (e.g. NGB, OSHA personnel, Bio Engineers) to resolve complex situations.

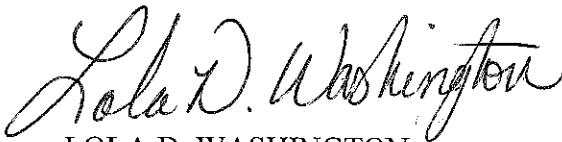
CHAPTER 6

TIME AND ATTENDANCE

6-1. Documentation for Time and Attendance Cards

- a. Technician pay offices will be provided a copy of approved situations by the J1-HRO office.
- b. Pay office must set up employees as eligible prior to employee or timekeeper having access to utilize EDP/HDP time and attendance codes.
- c. The technician supervisor will maintain a daily record of any technician entitled to differential pay that performed task included in the approved locally identified payable category. Performance of EDP/HDP will be reported on the NGB Form 104 (certification of authorization for EDP/HDP) and the individual time and attendance report. Employees enters hours of exposure in ATAAPS (ANG) or submit NGB form 104 to their individual Timekeeper (ARNG). The situation number will be entered in the column headed Cat Expo i.
- d. Certification of authorization for EDP/HDP pay is in accordance with DoD FMR Vol 5, Chapter 33 for certifying officials. DD Form 577 must be on file on for managers/supervisors with signature authority.

OFFICIAL:



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