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UNITED STATES CODE SERVICE
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*** CURRENT THROUGH PL 110-455, APPROVED
 12/19/2008 ***

TITLE 5. GOVERNMENT ORGANIZATION AND EMPLOYEES
 PART III. EMPLOYEES
 SUBPART D. PAY AND ALLOWANCES
 CHAPTER 55. PAY ADMINISTRATION
 SUBCHAPTER V. PREMIUM PAY

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5 USCS § 5545

§ 5545. Night, standby, irregular, and hazardous duty differential

(a) Except as provided by subsection (b) of this section, night work is regularly scheduled work between the hours of 6:00 p.m. and 6:00 a.m., and includes--

- (1) periods of absence with pay during these hours due to holidays; and
- (2) periods of leave with pay during these hours if the periods of leave with pay during a pay period total less than 8 hours.

Except as otherwise provided by subsection (c) of this section, an employee is entitled to pay for nightwork at his rate of basic pay plus premium pay amounting to 10 percent of that basic rate. This subsection and subsection (b) of this section do not modify section 5141 of title 31, or other statute authorizing additional pay for nightwork.

(b) The head of an agency may designate a time after 6:00 p.m. and a time before 6:00 a.m. as the beginning and end, respectively, of nightwork for the purpose of subsection (a) of this section, at a post outside the United States where the customary hours of business extend into the hours of nightwork provided by subsection (a) of this section.

(c) The head of an agency, with the approval of the Office of Personnel Management, may provide that--

- (1) an employee in a position requiring him regularly to remain at, or within the confines of, his station during longer than ordinary periods of duty, a substantial part of which

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> 8 [Immigration Law and Procedure \(rev. ed.\)](#), ch 111, Civil Liabilities and Criminal Offenses § 111.03.

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consists of remaining in a standby status rather than performing work, shall receive premium pay for this duty on an annual basis instead of premium pay provided by other provisions of this subchapter [5 USCS §§ 5541 et seq.], except for irregular, unscheduled overtime duty in excess of his regularly scheduled weekly tour. Premium pay under this paragraph is determined as an appropriate percentage, not in excess of 25 percent, of such part of the rate of basic pay for the position as does not exceed the minimum rate of basic pay for GS-10 (including any applicable locality-based comparability payment under section 5304 [5 USCS § 5304] or similar provision of law and any applicable special rate of pay under section 5305 [5 USCS § 5305] or similar provision of law) (or, for a position described in section 5542(a)(3) of this title [5 USCS § 5542(a)(3)], of the basic pay position), by taking into consideration the number of hours of actual work required in the position, the number of hours required in a standby status at or within the confines of the station, the extent to which the duties of the position are made more onerous by night, Sunday, or holiday work, or by being extended over periods of more than 40 hours a week, and other relevant factors; or

(2) an employee in a position in which the hours of duty cannot be controlled administratively, and which requires substantial amounts of irregular, unscheduled overtime duty with the employee generally being responsible for recognizing, without supervision, circumstances which require the employee to remain on duty, shall receive premium pay for this duty on an annual basis instead of premium pay provided by other provisions of this subchapter [5 USCS §§ 5541 et seq.], except for regularly scheduled overtime, night, and Sunday duty, and for holiday duty. Premium pay under this paragraph is an appropriate percentage, not less than 10 percent nor more than 25 percent, of the rate of basic pay for the position, as determined by taking into consideration the frequency and duration of irregular, unscheduled overtime duty required in the position.

(d) The Office shall establish a schedule or schedules of pay differentials for duty involving unusual physical hardship or hazard, and for any hardship or hazard related to asbestos, such differentials shall be determined by applying occupational safety and health standards consistent with the permissible exposure limit promulgated by the Secretary of Labor under the Occupational Safety and Health Act of 1970. Under such regulations as the Office may prescribe, and for such minimum periods as it determines appropriate, an employee to whom chapter 51 and subchapter III of chapter 53 of this title [5 USCS §§ 5101 et seq. and 5331 et seq.] applies is entitled to be paid the appropriate differential for any period in which he is subjected to physical hardship or hazard not usually involved in carrying out the duties of his position. However, the pay differential--

(1) does not apply to an employee in a position the classification of which takes into account the degree of physical hardship or hazard involved in the performance of the duties thereof, except in such circumstances as the Office may by regulation prescribe; and

(2) may not exceed an amount equal to 25 percent of the rate of basic pay applicable to the employee.

History:

(Sept. 6, 1966, P.L. 89-554, § 1, 80 Stat. 487; Sept. 11, 1967, P.L. 90-83, § 1(27), 81 Stat. 200; Dec. 16, 1967, P.L. 90-206, Title II, § 217, 81 Stat. 638; Oct. 10, 1968, P.L. 90-556, § 2, 82 Stat. 969; April 15, 1970, P.L. 91-231, § 8, 84 Stat. 198; Dec. 31, 1975, P.L. 94-183, § 2(23), 89 Stat. 1058; Oct. 13, 1978, P.L. 95-454, Title IX, § 906(a)(2), (3), 92 Stat. 1224; Aug. 14, 1979, P.L. 96-54, § 2(a)(32), 93 Stat. 383; Sept. 13, 1982, P.L. 97-258, 3(a)(13), 96 Stat. 1063; Nov. 27, 1989, P.L. 101-173, § 1(a), 103 Stat. 1292; Nov. 5, 1990, P.L. 101-509, Title V, § 529 [Title I, § 101(b)(3)(E), Title II, § 203], 104 Stat. 1439, 1456; Oct. 2, 1992, P.L. 102-378, § 3(2), 106 Stat. 1355.)

(As amended Nov. 24, 2003, P.L. 108-136, Div A, Title XI, Subtitle C, § 1122(b), 117 Stat. 1637.)

History; Ancillary Laws and Directives:

- 1. Prior law and revision
- 2. References in text
- 3. Amendments
- 4. Other provisions

1. Prior law and revision:

1966 Act

Derivation	U.S. Code	Revised Statutes and Statutes at Large
(a), (b)	<u>5 USC Sec. 921</u>	June 30, 1945, ch 212, Sec. 301, <u>59 Stat. 298</u> . May 24, 1946, ch 270, Sec. 10, <u>60 Stat. 218</u> . Sept. 1, 1954, ch 1208, Sec. 206, <u>68 Stat. 1110</u> .
(c)	<u>5 USC Sec. 926</u>	Sept. 1, 1954, ch 1208, Sec. 208(a), <u>68 Stat. 1111</u> . July 18, 1958, P.L. 85- 525, <u>72 Stat. 363</u> .

In subsec. (b), the words "head of an agency" are substituted for "head of any department, independent establishment, or agency, including Government-owned or controlled corporations" because of the definition of "agency" and the application stated in 5 USCS § 5541. The words "the United States" are substituted for "the several States and the District of Columbia".

In subsec. (c), the words "head of an agency" are substituted for "head of any department, independent establishment, or agency, including Government-owned or controlled corporations, or of the municipal government of the District of Columbia" because of the definition of "agency" and the application stated in 5 USCS § 5541. The word "officer" is omitted as included in "employee". The word "scheduled" is omitted since Act Oct. 11, 1962, P.L. 87-793, § 603, 76 Stat. 847, eliminated the necessity of referring to rates as scheduled or longevity. Reference to the "Classification Act of 1949, as amended" is omitted as unnecessary.

Standard changes are made to conform with the definitions applicable and the style of this title.

1967 Act

Section of title 5	Source (U.S. Code)	Source (Statutes at Large)
5545(c)	5 App.: 926	July 18, 1966, P.L. 89- 504 Secs. 404(c), 405(d), (e), <u>80 Stat. 297, 298</u> .
5545(d)	5 App.: 1134	July 19, 1966, P.L. 89- 512, Sec. 1, <u>80 Stat. 318</u> .

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12/19/2008 ***TITLE 5. GOVERNMENT ORGANIZATION AND EMPLOYEES
PART III. EMPLOYEES
SUBPART D. PAY AND ALLOWANCES
CHAPTER 53. PAY RATES AND SYSTEMS
SUBCHAPTER IV. PREVAILING RATE SYSTEMS**Practitioner's Toolbox** ?↓ [History](#)↓ [Interpretive Notes and Decisions](#)↓ [History; Ancillary Laws and Directives](#)↓ [Code of Federal Regulations](#)**Resources & Practice Tools**⊕ [Related Statutes & Rules](#)**[Go to the United States Code Service Archive Directory](#)***5 USCS § 5343*

§ 5343. Prevailing rate determinations; wage schedules; night differentials

(a) The pay of prevailing rate employees shall be fixed and adjusted from time to time as nearly as is consistent with the public interest in accordance with prevailing rates. Subject to section 213(f) of title 29, the rates may not be less than the appropriate rates provided by section 206(a)(1) of title 29. To carry out this subsection--

(1) the Office of Personnel Management shall define, as appropriate--

(A) with respect to prevailing rate employees other than prevailing rate employees under paragraphs (B) and (C) of section 5342(a)(2) of this title [5 USCS § 5342(a)(2)], the boundaries of--

(i) individual local wage areas for prevailing rate employees having regular wage schedules and rates; and

(ii) wage areas for prevailing rate employees having special wage schedules and rates;

(B) with respect to prevailing rate employees under paragraphs (B) and (C) of section 5342(a)(2) of this title [5 USCS § 5342(a)(2)], the boundaries of--

(i) individual local wage areas for prevailing rate employees under such paragraphs having regular wage schedules and rates (but such boundaries shall not extend beyond the immediate locality in which the particular prevailing rate employees are employed); and

(ii) wage areas for prevailing rate employees under such paragraphs having special wage schedules and rates;

(2) the Office of Personnel Management shall designate a lead agency for each wage area;

(3) subject to paragraph (5) of this subsection, and subsections (c)(1)-(3) and (d) of this

section, a lead agency shall conduct wage surveys, analyze wage survey data, and develop and establish appropriate wage schedules and rates for prevailing rate employees;

(4) the head of each agency having prevailing rate employees in a wage area shall apply, to the prevailing rate employees of that agency in that area, the wage schedules and rates established by the lead agency, or by the Office of Personnel Management, as appropriate, for prevailing rate employees in that area; and

(5) the Office of Personnel Management shall establish wage schedules and rates for prevailing rate employees who are United States citizens employed in any area which is outside the several States, the District of Columbia, the Commonwealth of Puerto Rico, the territories and possessions of the United States, and the Trust Territory of the Pacific Islands.

(b) The Office of Personnel Management shall schedule full-scale wage surveys every 2 years and shall schedule interim surveys to be conducted between each 2 consecutive full-scale wage surveys. The Office may schedule more frequent surveys when conditions so suggest.

(c) The Office of Personnel Management, by regulation, shall prescribe practices and procedures for conducting wage surveys, analyzing wage survey data, developing and establishing wage schedules and rates, and administering the prevailing rate system. The regulations shall provide--

(1) that, subject to subsection (d) of this section, wages surveyed be those paid by private employers in the wage area for similar work performed by regular full-time employees, except that, for prevailing rate employees under paragraphs (B) and (C) of section 5342(a)(2) of this title [5 USCS § 5342(a)(2)], the wages surveyed shall be those paid by private employers to full-time employees in a representative number of retail, wholesale, service, and recreational establishments similar to those in which such prevailing rate employees are employed;

(2) for participation at all levels by representatives of organizations accorded recognition as the representatives of prevailing rate employees in every phase of providing an equitable system for fixing and adjusting the rates of pay for prevailing rate employees, including the planning of the surveys, the drafting of specifications, the selection of data collectors, the collection and the analysis of the data, and the submission of recommendations to the head of the lead agency for wage schedules and rates and for special wage schedules and rates where appropriate;

(3) for requirements for the accomplishment of wage surveys and for the development of wage schedules and rates for prevailing rate employees, including, but not limited to--

(A) nonsupervisory and supervisory prevailing rate employees paid under regular wage schedules and rates;

(B) nonsupervisory and supervisory prevailing rate employees paid under special wage schedules and rates; and

(C) nonsupervisory and supervisory prevailing rate employees described under paragraphs (B) and (C) of section 5342(a)(2) of this title [5 USCS § 5342(a)(2)];

(4) for proper differentials, as determined by the Office, for duty involving unusually severe working conditions or unusually severe hazards, and for any hardship or hazard related to asbestos, such differentials shall be determined by applying occupational safety and health standards consistent with the permissible exposure limit promulgated by the Secretary of Labor under the Occupational Safety and Health Act of 1970;

(5) rules governing the administration of pay for individual employees on appointment, transfer, promotion, demotion, and other similar changes in employment status; and

(6) for a continuing program of maintenance and improvement designed to keep the prevailing rate system fully abreast of changing conditions, practices, and techniques both in and out of the Government of the United States.

(d)

(1) A lead agency, in making a wage survey, shall determine whether there exists in the local wage area a number of comparable positions in private industry sufficient to establish wage schedules and rates for the principal types of positions for which the survey is made.

The determination shall be in writing and shall take into consideration all relevant evidence, including evidence submitted by employee organizations recognized as representative of prevailing rate employees in that area.

(2) When the lead agency determines that there is a number of comparable positions in private industry insufficient to establish the wage schedules and rates, such agency shall establish the wage schedules and rates on the basis of--

(A) local private industry rates; and

(B) rates paid for comparable positions in private industry in the nearest wage area that such agency determines is most similar in the nature of its population, employment, manpower, and industry to the local wage area for which the wage survey is being made.

(e)

(1) Each grade of a regular wage schedule for nonsupervisor prevailing rate employees shall have 5 steps with--

(A) the first step at 96 percent of the prevailing rate;

(B) the second step at 100 percent of the prevailing rate;

(C) the third step at 104 percent of the prevailing rate;

(D) the fourth step at 108 percent of the prevailing rate; and

(E) the fifth step at 112 percent of the prevailing rate.

(2) A prevailing rate employee under a regular wage schedule who has a work performance rating of satisfactory or better, as determined by the head of the agency, shall advance automatically to the next higher step within the grade at the beginning of the first applicable pay period following his completion of--

(A) 26 calendar weeks of service in step 1;

(B) 78 calendar weeks of service in step 2; and

(C) 104 calendar weeks of service in each of steps 3 and 4.

(3) Under regulations prescribed by the Office of Personnel Management, the benefits of successive step increases shall be preserved for prevailing rate employees under a regular wage schedule whose continuous service is interrupted in the public interest by service with the armed forces or by service in essential non-Government civilian employment during a period of war or national emergency.

(4) Supervisory wage schedules and special wage schedules authorized under subsection (c)(3) of this section may have single or multiple rates or steps according to prevailing practices in the industry on which the schedule is based.

(f) A prevailing rate employee is entitled to pay at his scheduled rate plus a night differential--

(1) amounting to 7 1/2 percent of that scheduled rate for regularly scheduled nonovertime work a majority of the hours of which occur between 3 p.m. and midnight; and

(2) amounting to 10 percent of that scheduled rate for regularly scheduled nonovertime work a majority of the hours of which occur between 11 p.m. and 8 a.m.

A night differential under this subsection is a part of basic pay.

History:

(Added Aug. 19, 1972, P.L. 92-392, § 1(a), 86 Stat. 566; Oct. 13, 1978, P.L. 95-454, Title IX, § 906(a)(2), (3), 92 Stat. 1224; Sept. 27, 1979, P.L. 96-70, Title III, Ch 3, § 3302(e) (10), 93 Stat. 498; Nov. 8, 1985, P.L. 99-145, Title XII, Part D, § 1242(a), 99 Stat. 735.)

(As amended Sept. 23, 1996, P.L. 104-201, Div C, Title XXXV, Subtitle B, § 3548(a)(3)(B), 110 Stat. 2868; Dec. 28, 2001, P.L. 107-107, Div A, Title XI, Subtitle B, § 1113(a), 115 Stat. 1239; Nov. 24, 2003, P.L. 108-136, Div A, Title XI, Subtitle C, § 1122(a), 117 Stat. 1636.)

History; Ancillary Laws and Directives:

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U.S. Office of Personnel Management

Ensuring the Federal Government has an effective civilian workforce

Frequently Asked Questions About Hazardous Duty Pay For Federal Employees

Based on letters and phone calls, the Office of Personnel Management's Office of Compensation Policy prepared selected questions and answers dealing with pay, leave, and hours of work. These will be updated as circumstances warrant and may be referenced on OPM's "What's Hot." If you require further information on any of the covered subjects, we request that you first consult the applicable regulations and/or appropriate personnel officials or specialists in your own agency. Of course, agency headquarters personnel policy staff may contact the Office of Compensation Policy directly, using established points of contact.

Hazardous Duty Pay***Q - Who can receive hazardous duty pay?***

A - 5 U.S.C. 5545(d) provides that if an employee is covered by chapter 51 (Classification) and subchapter III of chapter 53 (General Schedule Pay Rates) of title 5, United States Code, then he or she may be eligible to receive hazardous duty pay. To receive hazardous duty pay, a General Schedule (GS) employee must also meet the requirements in 5 CFR 550.904.

(Note: Prevailing rate (wage) employees may be eligible to receive environmental differential pay under the separate provisions of 5 U.S.C. 5343(c)(4).)

Q - Can title 38 employees receive hazardous duty pay?

A - Some title 38 employees are not covered by chapter 51 and are classified under the title 38 qualification-based grading system. Such employees are not covered by the hazardous duty pay authority.

Q - Where are the hazard pay differentials established?

A - Appendix A of 5 CFR part 550, subpart I (as provided by 5 CFR 550.903(a)).

Q - Can an employee be paid hazardous duty pay for performing a type of duty not listed under appendix A of 5 CFR part 550, subpart I?

A - No. 5 U.S.C. 5545(d) requires the Office of Personnel Management to establish a schedule or schedules of hazard duty differentials and to prescribe regulations governing payment of the differentials. If a duty or type of work is not listed in appendix A, the employee cannot be paid a hazard duty differential.

Q - Who can establish a hazard pay differential?

A - Amendments to appendix A may be made by OPM on its own motion or at the request of an agency, as defined in 5 U.S.C. 5102(a)(1). (See 5 CFR 550.903(b).) The request for a hazard pay differential must be made by the head of an agency or an official who has been delegated the authority to act for the head of the agency in the matter concerned.

Q - What information are agencies required to submit with requests to amend appendix A?

A - 5 CFR 550.903(b) requires agencies to submit the following information with their amendment request:

1. the nature of the duty;
2. the degree to which the employee is exposed to the hazard or physical hardship;
3. the length of time during which the duty will continue to exist;
4. the degree to which control may be exercised over the hazard or physical hardship; and
5. the estimated annual cost to the agency if the request is approved.

Q - What additional information does OPM typically ask agencies to submit with requests to amend appendix A?

A - OPM typically asks agencies to submit the following information with amendment requests, as applicable:

1. a detailed description of the hazardous duty or physical hardship (i.e., explain what causes the hazard);
2. specific wording of the proposed category (as it would appear in appendix A), including the threshold for payment and the recommended percentage to be paid;
3. information on ways to mitigate the hazard (e.g., training, use of safety procedures and equipment);
4. information on the measures the agency has taken to practically eliminate the hazard;
5. an explanation of why the hazard is "unusual;"
6. information on Occupational Safety and Health Administration standards or other published material on safety for the work situation. Information on how the agency will determine whether the hazard is reduced to a less than significant level;
7. descriptions of and statistics on actual accidents or injuries that have occurred because of exposure to the hazard or physical hardship;
8. information on when a decision is made not to expose an employee to the hazard or physical hardship;
9. information about other Federal agencies that may be affected by such a category;
10. information on Federal Wage System employees in the agency that may be exposed to the hazard or physical hardship in the same manner; and
11. whether and in what manner the hazard has affected the classification of the position.

Q - Can OPM provide some examples of the reasons proposed categories have been denied in the past?

A - OPM has denied requests for new hazardous duty pay categories when--

1. the duties would involve remote or potential hazards rather than present or actual hazards--i.e., when the duty is not inherently hazardous and an accident or injury is unlikely;
2. adequate safeguards would reduce the risk to a less than significant level;
3. overseas post differentials already compensate or take into account the hardships and hazards encountered in overseas assignments, such as presence in a war zone;
4. the risk of exposure to the hazard is not directly connected with the performance of assigned duties;
5. the hazard would not be "unusual" and would be hard to distinguish from the ongoing hazards that

are inherent in the job; or

6. the hazardous duty or physical hardship is already listed in appendix A.

Q - Explain the changes OPM made in the regulations in 1991 concerning taking a hazard into account in the classification of the position.

A - 5 CFR 550.904 allows an agency to approve payment of hazardous duty pay when the hazardous duty or physical hardship has not been taken into account in the classification of the position (i.e., the knowledge, skills, and abilities required to perform the duty are not considered in the classification of the position). If the hazardous duty has been taken into account in the classification of the position, an agency may authorize payment of hazardous duty pay only when the actual circumstances of the specific hazard or physical hardship have changed from that taken into account and described in the position description; and, when using the knowledge, skills, and abilities required for the position and described in the position description, the employee cannot control the hazard or physical hardship; thus, the risk is not reduced to a less than significant level.

Q - Can an employee be paid hazardous duty pay for voluntarily performing a hazardous duty listed in appendix A?

A - Hazardous duty pay may be paid only to employees who are assigned hazardous duties or duties involving physical hardship for which a differential is authorized. It may not be paid to an employee who undertakes to perform a hazardous duty on his or her own, without proper authorization, either expressed or implied. (5 CFR 550.904(a))

Q - If an employee performs a hazardous duty (as listed in appendix A) for a hour during the work shift, does he or she receive the hazard pay differential for only that hour?

A - No. When an employee performs a duty for which a hazard pay differential is authorized, the agency must pay the hazard pay differential for all of the hours in which the employee is in a pay status on the day on which the duty is performed. (5 CFR 550.905)

Q - What is the maximum amount of hazardous duty pay an employee may receive?

A - An employee may receive no more than 25 percent of his or her rate of basic pay. (5 U.S.C. 5545(d)(2))

Q - May an employee be paid hazardous duty pay for a hazard or physical hardship encountered on the way to work?

A - No. Hazardous duty pay is paid only for the hours in which the employee is in a pay status on the day on which the hazardous duty is performed. (5 CFR 550.905)

Q - May an employee receive hazardous duty pay during overtime hours?

A - Yes, because an employee is in a pay status during overtime hours. However, the hazardous duty pay is computed on the employee's hourly rate of basic pay, not his or her hourly overtime rate. (5 CFR 550.905 and 5 U.S.C. 5545(d)(2))

Q - Can hazardous duty pay be paid during hours of paid leave?

A - Yes, if a hazardous duty is performed on a day on which paid leave is taken. For example, if an employee performs a hazardous duty for 1 hour and then takes annual leave for the 7 hours remaining in his or her workday, the employee is paid hazardous duty pay for the entire 8-hour workday. (5 CFR 550.905)

Q - May hazardous duty pay be paid for periods of leave without pay?

A - No. Hazardous duty pay may only be paid while an employee is in a pay status. (5 CFR 550.905)

Q - Is hazardous duty pay included in the aggregate limitation on pay?

A - Yes. Hazardous duty pay is included in the aggregate limitation on pay (5 U.S.C. 5307), which limits an employee's aggregate compensation to the rate payable for level I of the Executive Schedule at the end of a calendar year. (See the definition of "aggregate compensation" in 5 CFR 530.202(4).)

Q - May an employee receiving annual premium pay (for regularly scheduled standby duty or administratively uncontrollable overtime work), or a criminal investigator receiving availability pay, receive hazardous duty pay?

A - 5 U.S.C. 5545(c)(1) & (2) authorize the payment of annual premium pay for regularly scheduled standby duty and administratively uncontrollable overtime work, and 5 U.S.C. 5545a(c) authorizes availability pay, instead of some other types of premium pay, including hazardous duty pay. Thus, hazardous duty pay may not be paid for hours of work for which an employee is paid these types of premium pay.

Q - Is hazardous duty pay included in the biweekly maximum limitation on premium pay?

A - No. The limitation on premium pay in 5 U.S.C. 5547(a) does not include hazardous duty pay.

Q - What does "Do." mean, as listed in the "Effective Date" column of appendix A?

A - "Ditto."

Q - May employees who have been incidentally exposed to asbestos (i.e., not directly connected with their assigned duties) receive hazardous duty pay for asbestos?

A - No. As stated in the description of asbestos duty in appendix A, agencies may pay hazardous duty pay for asbestos when the risk of exposure is directly connected with the performance of assigned duties. Employees should not be paid hazardous duty pay after being exposed to asbestos (or any other hazard) when the exposure is not triggered by their job duties. It cannot be paid because of an accidental exposure.

Q - Why do the provisions for hazardous duty pay for white-collar employees and environmental differential pay for blue-collar employees have different rules and rates?

A - Hazardous duty pay and environmental differential pay have separate legal authorities. The authority for hazardous duty pay is found in 5 U.S.C. 5545(d). The legal authority for environmental differential pay is found in 5 U.S.C. 5343(c)(4).

Q - If a Federal Wage System (FWS) employee receiving environmental differential pay (EDP) moves

to a GS position that involves the performance of the same duty that prompted the payment of EDP, may the employee receive hazardous duty pay?

A - Yes, as long as the hazardous duty is listed in appendix A and exposure to the hazard meets the requirements of 5 CFR 550.904, the employee may receive the percentage authorized in appendix A for the hazardous duty.

Q - If an employee who occupies an FWS position retains a GS grade and performs a duty listed in appendix A, is he or she entitled to hazardous duty pay?

A - Yes. By law (5 U.S.C. 5362(c)), the retained grade of an employee must be treated as the grade of the employee's position for all purposes, including pay setting and pay administration. Thus, the agency must pay the employee under the rules that apply to the General Schedule pay system during the grade retention period. This includes any hazard pay differential that is appropriate for a GS employee who performs the actual duties assigned to the employee (i.e., in this case, the FWS duties). The employee is not entitled to an environmental differential paid to wage employees during the period of GS grade retention.



- [Appendix A to Subpart I of Part 550--Schedule of Pay Differentials Authorized for Hazardous Duty](#)  [122KB]
- [Appendix A to Subpart E of Part 532--Schedule of Environmental Differentials Paid for Exposure to Various Degrees of Hazards, Physical Hardships, and Working Conditions of an Unusual Nature](#)  [1.7MB]
- [Update - Appendix A to Subpart E of Part 532, April 27, 2005](#)  [53KB]

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Ensuring the Federal Government has an effective civilian workforce

Pay Questions and Answers

Grade and Pay Retention

Grade and Pay Retention: Miscellaneous

- 1. Q - If an employee with a permanent appointment accepts a temporary or term appointment at a lower grade as a result of reduction-in-force procedures, is the employee entitled to grade retention, provided all other requirements are met? If an employee already under grade retention converts from a permanent to a temporary or term appointment, is the entitlement to grade retention affected?**

A - An employee is not eligible for grade retention if the employee was serving under a term or temporary appointment in the position **from which** he or she was downgraded. See 5 CFR 536.102(b)(2) and definition of *employee* in 5 U.S.C. 5361. However, the fact that the employee accepts a temporary or term appointment in conjunction with being downgraded does not affect the employee's entitlement to grade retention.

Similarly, if an employee who is already under grade retention receives a temporary or term appointment via reassignment or transfer, the employee would remain entitled to grade retention, unless one of the terminating events specified in law and regulation occur. (See 5 U.S.C. 5362(d) and 5 CFR 536.208. See also question 2, below.)

- 2. Q - How is an employee's preexisting entitlement to grade and pay retention affected by transfer to another agency?**

A - If an employee is already under grade or pay retention prior to transferring to another agency, the gaining agency must continue the employee's grade or pay retention entitlement, absent the occurrence of one of the terminating events set forth in law and regulation, such as a break in service of 1 workday or more or reduction in grade at the employee's request. (See 5 U.S.C. 5362 (d) and 5 CFR 536.208 regarding termination of grade retention and 5 U.S.C. 5363(c) and 5 CFR 536.308 regarding termination of pay retention. See also question 3, below.)

- 3. Q - When an employee who is already under grade or pay retention transfers to a new agency, how does that agency determine whether a reduction in grade at the employee's request occurred in conjunction with the transfer?**

Since a reduction in grade at the employee's request is a terminating event, a determination as to whether such a reduction occurred must be made at the time an employee under grade or pay retention is transferred. This determination must be made based on the actual grade of the employee's position rather than the employee's retained grade. For example, if the true grade of the employee's position is GS-12 and his or her retained grade is GS-13, then acceptance of a GS-12 position upon transfer to another agency is not considered a reduction in grade at the employee's request.

In addition, the term *reduced in grade or pay at the employee's request* is defined in 5 CFR 536.103 to exclude any reduction in grade that is directly "caused or influenced by a management

action." Thus, while a reduction in grade resulting from transfer to another agency may appear to be a voluntary movement, if that transfer was directly caused or influenced by a management action at the losing agency, the gaining agency **must** continue the employee's grade or pay retention.

4. **Q - Can an employee establish initial entitlement to grade or pay retention upon transfer to another agency?**

A - If an employee is reduced in grade or pay in conjunction with a transfer to another agency, there is no **mandatory** entitlement to grade or pay retention. However, the gaining agency **may** grant grade or pay retention under its **optional** authority (5 CFR 536.202 or 536.302), as long as the employee is otherwise qualified.

One of the eligibility conditions is that the reduction in grade or pay not be "at the employee's request" (5 CFR 536.102(b)(1)). If the transfer is initiated by the employee for his or her benefit, convenience, or personal advantage (including a transfer to avoid adverse action based on personal cause), it would be considered to be at the employee's request, thus barring grade or pay retention. However, if the transfer was directly caused or influenced by a management action (not based on personal cause), then even though the transfer appeared to be voluntary, it would not be "at the employee's request." (See definitions of *management action* and *reduced in grade or pay at the employee's request* in 5 CFR 536.103.)

For purposes of providing **optional grade retention** to a transferring employee, the management action must be either a specific RIF notice or a written announcement of a reorganization or reclassification that might result in reduction of the employee's grade. For purposes of **optional pay retention**, the management action must be an action that would result in a pay reduction (after the application of any applicable geographic conversion under 5 CFR 536.303(a) and in the absence of pay retention).

Note: A movement between subcomponents of an Executive department or other Executive agency cannot be considered a transfer. Under the law, the term "agency" includes Executive departments and certain other agencies. (See 5 U.S.C. 101-105, 5102(a), and 5361(2).) Thus, it is possible for mandatory grade and pay retention to apply to an employee who moves between subcomponents of an Executive department or other Executive agency--e.g., if the employee is placed in a lower-graded position at management initiative as a result of reduction-in-force procedures.

5. **Q - Is it possible for an employee to retain a grade in which he or she has served for less than 52 consecutive weeks?**

A - Under the law, an employee does not necessarily have to have 52 consecutive weeks at the grade held immediately before being downgraded in order to retain that grade under the grade retention provisions. Under 5 U.S.C. 5362(a), any employee who is placed as a result of reduction-in-force (RIF) procedures into a lower grade and who has served for 52 consecutive weeks or more in "one or more positions . . . at a grade **or grades** higher than that of the new position, is entitled to have the grade of the position held **immediately** before such placement" as the retained grade. [Emphasis added.] See also 5 CFR 536.203(a) and (c).

Thus, for example, assume an employee has 2 years of service at GS-12 and 10 weeks of service at GS-13 immediately prior to being downgraded to GS-11 as a result of RIF procedures. Even

though he or she has only 10 weeks of service at the GS-13 level, the GS-12 service plus the GS-13 service gives the employee more than 52 consecutive weeks at one or more grades higher than that of the position to which the employee is being reduced (i.e., GS-11). Thus, the employee meets the 52 consecutive week requirement and is entitled to retain the grade of GS-13.

In contrast, if this employee were being reduced to a GS-12 position rather than a GS-11 position, the employee would not meet the 52 consecutive week requirement and could not retain the GS-13.

Grade and Pay Retention and Severance Pay Eligibility for Veterans Readjustment Appointees

- 1. Q - Is an employee holding a Veterans Readjustment Appointment (VRA) eligible for grade or pay retention upon reduction in grade or pay, or to severance pay upon involuntary separation (not for cause)?**

A - Employees holding VRAs are not eligible for grade or pay retention upon reduction in grade or pay, or to severance pay upon involuntary separation (not for cause).

By law, grade and pay retention apply only to employees whose employment is on other than a temporary or term basis. (See the definition of *employee* in 5 U.S.C. 5361(1).) The grade and pay retention regulations define *employed on a temporary or term basis* as employment under an appointment having a definite time limitation or designated as temporary or term. (See 5 CFR 536.103.)

Similarly, the severance pay law does not apply to an employee serving under an appointment with a definite time limitation, unless the time-limited appointment is made effective within 3 calendar days after separation from a qualifying appointment without time limitation. (See the definition of *employee* in 5 U.S.C. 5595(a)(2)(ii) and the definition of *non-qualifying appointment* in 5 CFR 550.703.)

Under 5 CFR part 307, a VRA is limited to 2 years. Although employees are entitled to convert to a career or career-conditional appointment upon completion of the 2 years, this conversion right is contingent upon meeting the terms of the VRA--i.e., employees must satisfactorily complete (1) 2 years of substantially continuous service and (2) any education and training required under the VRA program. If employees do not complete these requirements, they are not converted to career or a career-conditional appointment, and their VRA ends. Therefore, for the purposes of grade and pay retention and severance pay, the VRA must be viewed as having a definite 2-year limitation. Because the VRA is time-limited, employees holding such appointments are not eligible for grade and pay retention or severance pay.

Hazardous Duty Pay (18 June 1997)

- 1. Q - Who can receive hazardous duty pay?**

A - 5 U.S.C. 5545(d) provides that if an employee is covered by chapter 51 (Classification) and subchapter III of chapter 53 (General Schedule Pay Rates) of title 5, United States Code, then he or she may be eligible to receive hazardous duty pay. To receive hazardous duty pay, a General Schedule (GS) employee must also meet the requirements in 5 CFR 550.904.

(Note: Prevailing rate (wage) employees may be eligible to receive environmental differential pay under the separate provisions of 5 U.S.C. 5343(c)(4).)

2. Q - Can title 38 employees receive hazardous duty pay?

A - Some title 38 employees are not covered by chapter 51 and are classified under the title 38 qualification-based grading system. Such employees are not covered by the hazardous duty pay authority.

3. Q - Where are the hazard pay differentials established?

A - Appendix A of 5 CFR part 550, subpart I (as provided by 5 CFR 550.903(a)).

4. Q - Can an employee be paid hazardous duty pay for performing a type of duty not listed under appendix A of 5 CFR part 550, subpart I?

A - No. 5 U.S.C. 5545(d) requires the Office of Personnel Management to establish a schedule or schedules of hazard duty differentials and to prescribe regulations governing payment of the differentials. If a duty or type of work is not listed in appendix A, the employee cannot be paid a hazard duty differential.

5. Q - Who can establish a hazard pay differential?

A - Amendments to appendix A may be made by OPM on its own motion or at the request of an agency, as defined in 5 U.S.C. 5102(a)(1). (See 5 CFR 550.903(b).) The request for a hazard pay differential must be made by the head of an agency or an official who has been delegated the authority to act for the head of the agency in the matter concerned.

6. Q - What information are agencies required to submit with requests to amend appendix A?

A - 5 CFR 550.903(b) requires agencies to submit the following information with their amendment request:

1. the nature of the duty;
2. the degree to which the employee is exposed to the hazard or physical hardship;
3. the length of time during which the duty will continue to exist;
4. the degree to which control may be exercised over the hazard or physical hardship; and
5. the estimated annual cost to the agency if the request is approved.

7. Q - What additional information does OPM typically ask agencies to submit with requests to amend appendix A?

A - OPM typically asks agencies to submit the following information with amendment requests, as applicable:

1. a detailed description of the hazardous duty or physical hardship (i.e., explain what causes the hazard);
2. specific wording of the proposed category (as it would appear in appendix A), including the threshold for payment and the recommended percentage to be paid;
3. information on ways to mitigate the hazard (e.g., training, use of safety procedures and

- equipment);
4. information on the measures the agency has taken to practically eliminate the hazard;
 5. an explanation of why the hazard is "unusual;"
 6. information on Occupational Safety and Health Administration standards or other published material on safety for the work situation. Information on how the agency will determine whether the hazard is reduced to a less than significant level;
 7. descriptions of and statistics on actual accidents or injuries that have occurred because of exposure to the hazard or physical hardship;
 8. information on when a decision is made not to expose an employee to the hazard or physical hardship;
 9. information about other Federal agencies that may be affected by such a category;
 10. information on Federal Wage System employees in the agency that may be exposed to the hazard or physical hardship in the same manner; and
 11. whether and in what manner the hazard has affected the classification of the position.

8. Q - Can OPM provide some examples of the reasons proposed categories have been denied in the past?

A - OPM has denied requests for new hazardous duty pay categories when--

1. the duties would involve remote or potential hazards rather than present or actual hazards-- i.e., when the duty is not inherently hazardous and an accident or injury is unlikely;
2. adequate safeguards would reduce the risk to a less than significant level;
3. overseas post differentials already compensate or take into account the hardships and hazards encountered in overseas assignments, such as presence in a war zone;
4. the risk of exposure to the hazard is not directly connected with the performance of assigned duties;
5. the hazard would not be "unusual" and would be hard to distinguish from the ongoing hazards that are inherent in the job; or
6. the hazardous duty or physical hardship is already listed in appendix A.

9. Q - Explain the changes OPM made in the regulations in 1991 concerning taking a hazard into account in the classification of the position.

A - 5 CFR 550.904 allows an agency to approve payment of hazardous duty pay when the hazardous duty or physical hardship has not been taken into account in the classification of the position (i.e., the knowledge, skills, and abilities required to perform the duty are not considered in the classification of the position). If the hazardous duty has been taken into account in the classification of the position, an agency may authorize payment of hazardous duty pay only when the actual circumstances of the specific hazard or physical hardship have changed from that taken into account and described in the position description; and, when using the knowledge, skills, and abilities required for the position and described in the position description, the employee cannot control the hazard or physical hardship; thus, the risk is not reduced to a less than significant level.

10. Q - Can an employee be paid hazardous duty pay for voluntarily performing a hazardous duty listed in appendix A?

A - Hazardous duty pay may be paid only to employees who are assigned hazardous duties or duties involving physical hardship for which a differential is authorized. It may not be paid to an employee who undertakes to perform a hazardous duty on his or her own, without proper authorization, either expressed or implied. (5 CFR 550.904(a))

11. **Q - If an employee performs a hazardous duty (as listed in appendix A) for a hour during the work shift, does he or she receive the hazard pay differential for only that hour?**

A - No. When an employee performs a duty for which a hazard pay differential is authorized, the agency must pay the hazard pay differential for all of the hours in which the employee is in a pay status on the day on which the duty is performed. (5 CFR 550.905)

12. **Q - What is the maximum amount of hazardous duty pay an employee may receive?**

A - An employee may receive no more than 25 percent of his or her rate of basic pay. (5 U.S.C. 5545(d)(2))

13. **Q - May an employee be paid hazardous duty pay for a hazard or physical hardship encountered on the way to work?**

A - No. Hazardous duty pay is paid only for the hours in which the employee is in a pay status on the day on which the hazardous duty is performed. (5 CFR 550.905)

14. **Q - May an employee receive hazardous duty pay during overtime hours?**

A - Yes, because an employee is in a pay status during overtime hours. However, the hazardous duty pay is computed on the employee's hourly rate of basic pay, not his or her hourly overtime rate. (5 CFR 550.905 and 5 U.S.C. 5545(d)(2))

15. **Q - Can hazardous duty pay be paid during hours of paid leave?**

A - Yes, if a hazardous duty is performed on a day on which paid leave is taken. For example, if an employee performs a hazardous duty for 1 hour and then takes annual leave for the 7 hours remaining in his or her workday, the employee is paid hazardous duty pay for the entire 8-hour workday. (5 CFR 550.905)

16. **Q - May hazardous duty pay be paid for periods of leave without pay?**

A - No. Hazardous duty pay may only be paid while an employee is in a pay status. (5 CFR 550.905)

17. **Q - Is hazardous duty pay included in the aggregate limitation on pay?**

A - Yes. Hazardous duty pay is included in the aggregate limitation on pay (5 U.S.C. 5307), which limits an employee's aggregate compensation to the rate payable for level I of the Executive Schedule at the end of a calendar year. (See the definition of "aggregate compensation" in 5 CFR 530.202(4).)

18. **Q - May an employee receiving annual premium pay (for regularly scheduled standby duty or administratively uncontrollable overtime work), or a criminal investigator receiving availability pay, receive hazardous duty pay?**

A - 5 U.S.C. 5545(c)(1) & (2) authorize the payment of annual premium pay for regularly scheduled standby duty and administratively uncontrollable overtime work, and 5 U.S.C. 5545a(c) authorizes availability pay, instead of some other types of premium pay, including hazardous duty

pay. Thus, hazardous duty pay may not be paid for hours of work for which an employee is paid these types of premium pay.

19. **Q - Is hazardous duty pay included in the biweekly maximum limitation on premium pay?**

A - No. The limitation on premium pay in 5 U.S.C. 5547(a) does not include hazardous duty pay.

20. **Q - What does "Do." mean, as listed in the "Effective Date" column of appendix A?**

A - "Ditto."

21. **Q - May employees who have been incidentally exposed to asbestos (i.e., not directly connected with their assigned duties) receive hazardous duty pay for asbestos?**

A - No. As stated in the description of asbestos duty in appendix A, agencies may pay hazardous duty pay for asbestos when the risk of exposure is directly connected with the performance of assigned duties. Employees should not be paid hazardous duty pay after being exposed to asbestos (or any other hazard) when the exposure is not triggered by their job duties. It cannot be paid because of an accidental exposure.

22. **Q - Why do the provisions for hazardous duty pay for white-collar employees and environmental differential pay for blue-collar employees have different rules and rates?**

A - Hazardous duty pay and environmental differential pay have separate legal authorities. The authority for hazardous duty pay is found in 5 U.S.C. 5545(d). The legal authority for environmental differential pay is found in 5 U.S.C. 5343(c)(4).

23. **Q - If a Federal Wage System (FWS) employee receiving environmental differential pay (EDP) moves to a GS position that involves the performance of the same duty that prompted the payment of EDP, may the employee receive hazardous duty pay?**

A - Yes, as long as the hazardous duty is listed in appendix A and exposure to the hazard meets the requirements of 5 CFR 550.904, the employee may receive the percentage authorized in appendix A for the hazardous duty.

24. **Q - If an employee who occupies an FWS position retains a GS grade and performs a duty listed in appendix A, is he or she entitled to hazardous duty pay?**

A - Yes. By law (5 U.S.C. 5362(c)), the retained grade of an employee must be treated as the grade of the employee's position for all purposes, including pay setting and pay administration. Thus, the agency must pay the employee under the rules that apply to the General Schedule pay system during the grade retention period. This includes any hazard pay differential that is appropriate for a GS employee who performs the actual duties assigned to the employee (i.e., in this case, the FWS duties). The employee is not entitled to an environmental differential paid to wage employees during the period of GS grade retention.

Holiday Premium Pay and Travel (PQA 99-2, February 4, 1999)

Q - Are employees entitled to holiday premium pay for the time they spend in work-related travel on a Federal holiday?

A - Employees generally are **not** entitled to holiday premium pay for the time they spend in work-related travel during holiday hours of their tours of duty. Holiday premium pay is paid only to employees who perform work on a holiday. (See 5 U.S.C. 5546(b).) The Comptroller General has ruled that the criteria in 5 U.S.C. 5542(b)(2) must be used to determine whether travel time is hours of work for holiday premium pay purposes. (These are the same criteria that are used to determine travel time as hours of work for title 5 overtime pay purposes. The criteria are also found in 5 CFR 550.112(g).) Time spent in a travel status is not hours of work for the purpose of paying premium pay, including holiday premium pay, unless it meets one of the criteria in 5 U.S.C. 5542(b)(2)(B) for crediting irregular or occasional hours of work for travel. The criteria state that time spent in a travel status away from the official duty station is not hours of employment unless the travel--

- involves the performance of work while traveling (such as employment as a truck driver);
- is incident to travel that involves the performance of work while traveling (such as "deadhead" travel performed by a truck driver to return an empty truck after unloading);
- is carried out under arduous and unusual conditions (e.g., on unpaved roads); or
- results from an event which could not be scheduled or controlled administratively by any individual or agency in the executive branch of the Government (such as training scheduled solely by a private firm or a job-related court appearance required by a court subpoena).

(See Comptroller General opinions B-82637, March 28, 1949; B-168726, January 28, 1970; and 50 Comp. Gen. 519 (1971).) Note that this guidance applies to both Fair Labor Standards Act (FLSA) exempt and nonexempt employees. The provisions on travel time as hours of work for FLSA overtime pay purposes under 5 CFR 551.422 do **not** apply to the payment of holiday premium pay. Although most employees do not receive holiday premium pay for time spent traveling on a holiday, they continue to be entitled to pay for the holiday in the same manner as if the travel were not required.

Note: Under 5 U.S.C. 5542(b)(2)(A), time spent traveling away from the official duty station is also hours of employment if the time spent is within the days and hours of an employee's regularly scheduled administrative workweek. However, this does not apply to travel time on a holiday for holiday premium pay purposes because an employee's regularly scheduled administrative workweek includes only periods of time in which an employee is regularly scheduled to work. The Comptroller General has ruled that travel time during holiday hours (whether driving or riding) is not work time and, therefore, does not fall within an employee's regularly scheduled administrative workweek. (See Comptroller General opinion B-160094, October 12, 1966, and the definition of "regularly scheduled administrative workweek" in 5 CFR 610.102.)

Questions and Answers on Compensatory Time Off for Travel

Order of Deductions from Pay (PQA 97-1, August 19, 1997)

Q - What is the proper order of precedence for applying deductions from the gross pay of Federal civilian employees when an employee's gross pay is not sufficient to cover all deductions?

A - Previously, the General Accounting Office (GAO) published a comprehensive order of precedence for salary deductions in title 6 of the GAO Policy and Procedures Manual for the Guidance of Federal Agencies. However, in March 1996, GAO eliminated the comprehensive order of precedence in

response to the requirements of the Hatch Act Amendments of 1993 (Public Law 103-94). (See GAO transmittal sheet no. 6-33, March 22, 1996.)

Each employing agency is now responsible for establishing an order of precedence for applying deductions from the gross pay of its civilian employees when gross pay is not sufficient to cover all authorized deductions. The established order of precedence must comply with any applicable laws, regulations, or other legal authority, including the following regulations in title 5 of the Code of Federal Regulations (CFR): section 550.805(e) (dealing with back pay awards), section 550.1104 (dealing with debt collection via salary offset), section 581.105 (dealing with garnishments for child support and/or alimony), and section 582.103 (dealing with garnishments for commercial debt). Consistent with 5 U.S.C. 8334(a)-(c) and 8422(a)-(c), retirement deductions under the Civil Service Retirement System or the Federal Employees Retirement System must be made before any other deduction (except in the case of back pay as provided in 5 CFR 550.805(e)). Also, as required by 5 U.S.C. 5514(d), a levy pursuant to the Internal Revenue Code takes precedence over salary offsets under 5 U.S.C. 5514 (dealing with offsets to recover a debt due the United States Government).

Pay Setting: Expiration of a Temporary Appointment

Q - How is an employee's pay set when a temporary promotion is made permanent? How is the pay set if the employee's temporary promotion expires and the employee is returned to the lower grade and then subsequently promoted?

A - If a temporary promotion is made permanent immediately after the temporary promotion ends, the employee is not returned to the lower grade in order to process the permanent promotion. See 5 CFR 531.214(e). The agency must convert the employee's temporary promotion to a permanent promotion without a change in pay. The appropriate action is to process the promotion (nature of action code 702) showing the higher grade as the grade before and after promotion. (See rules 5 and 6, Table 14-B, chapter 14, Office of Personnel Management's Guide to Processing Personnel Actions.) In effect, the promotion increase granted at the time of the temporary promotion is ratified and made permanent by the removal of the not-to-exceed-date limitation on the temporary promotion.

If there is any period of time between the end of a temporary promotion and the beginning of a permanent promotion, the employee must be returned to the lower grade. As required by 5 CFR 531.215 (c), the agency must recompute the employee's rate of basic pay for the lower grade as if the employee had never been temporarily promoted. Also, the agency may choose, at its discretion, to apply the maximum payable rate rule in 5 CFR 531.221 if that would yield a higher rate. Whatever method is used, the resulting rate is the basis for any subsequent promotion.

With respect to the "maximum pay rate" rule, please note that an employee's highest previous rate may not be based on a rate received in a position to which the employee was temporarily promoted for less than 1 year, except upon permanent placement in a position at the same or higher grade. (See 5 CFR 531.223(b).) If an agency chooses to apply the maximum payable rate rule, it may set pay at any step equal to or less than the maximum payable rate, but not less than the rate to which the employee is entitled under the normal pay-setting rules.

Severance Pay: Effect of Reemployment by the U.S. Postal Service (PQA 97-1, August 19, 1997)

Q - If a separated employee is receiving severance pay under 5 U.S.C. 5595 and is reemployed by the Postal Service, is there any effect on his or her severance pay?

A - Yes. By law, severance payments must be discontinued when the recipient is "reemployed by the Government of the United States." (See 5 U.S.C. 5595(d).) The U.S. Postal Service is part of the U.S. Government. The fact that Postal Service employees are not entitled to receive severance pay under section 5595 (due to the exclusion at 5 U.S.C. 2105(e)) is irrelevant. (We note that past Postal Service employment is creditable service for purposes of computing an employee's severance pay fund. See 5 CFR 550.708(b).)

If the Postal Service job is without time limitation, severance payments are terminated. However, if the Postal Service job carries a definite time limitation, then severance payments are merely suspended for the duration of the time-limited appointment and may be resumed after separation. (See 5 CFR 550.710-711. Note: We plan to revise these regulations to clarify that, consistent with the law, any Federal employment terminates or suspends severance payments.)

Severance Pay: Resignation Qualifying for Severance Pay (January 23, 1996; revised April 2001)

Q - Under what circumstances may employees who resign before being involuntarily separated be treated as "involuntarily separated" for purposes of qualifying for severance pay?

A - Under current severance pay regulations (5 CFR 550.706), employees who resign because they expect to be involuntarily separated are considered to have been involuntarily separated for severance pay purposes ONLY IF they resign after receiving-

1. a specific written notice stating that the employee will be involuntarily separated by a particular action (e.g., reduction in force) on a particular date (see 5 CFR 550.706(a)(1)); or
2. a general written notice of reduction in force or transfer of function that announces that all positions in the competitive area will be abolished or transferred to another commuting area by a particular date no more than 1 year after the date of the notice (see 5 CFR 550.706(a)(2)).

However, if the specific or general notice is cancelled before the resignation is effected, the resignation would not be qualifying for severance pay purposes. (See 5 CFR 550.706(c).)

If the specific notice deals with involuntary separation by reduction-in-force (RIF) procedures, the notice must meet the conditions in 5 CFR part 351, subpart H. A general notice has no standing under the RIF program and is not subject to RIF rules. A general notice cannot be used to meet the RIF notice requirements in 5 CFR part 351, subpart H.

A Certification of Expected Separation under 5 CFR 351.807 is not a qualifying specific or general notice under the severance pay regulations.

Entitlement to certain benefits--such as training assistance, priority placement rights, appeal rights, etc.--may be affected by an employee's decision to resign in advance of an actual involuntary separation action. The employing agency should inform affected employees of these implications before they accept a resignation.

Even if a resignation is considered an "involuntary separation" under the severance pay rules, the employee may not be eligible for severance pay under 5 U.S.C. 5595 and 5 CFR part 550, subpart G, for other reasons. The employee must meet all applicable eligibility requirements.

Severance Pay: Separation for Medical Inability to Perform Duties (PQA 98-2, July 23, 1998)

Q - Does an employee who has been removed for medical inability to perform his or her duties have an entitlement to severance pay?

A - The applicable statute authorizes severance pay for employees who are "involuntarily separated from the service, not by removal for cause on charges of misconduct, delinquency, or inefficiency." (See 5 U.S.S. 5595(b).) A medical inability to perform one's duties is neither "misconduct" nor "delinquency;" therefore, the precise question is whether removal for such inability constitutes "inefficiency" for severance pay purposes.

The legislative history of the severance pay statute suggests at least two guidelines for interpreting its provisions. First, severance pay is intended to help individuals who lose their Federal jobs through no fault of their own. Second, severance pay benefits should be construed liberally in favor of the employee. Accordingly, an employee who is removed for inability to perform his or her duties may receive severance pay if the inability is caused by a medical condition that is beyond the employee's control. This determination should be made by the employing agency based on acceptable medical documentation provided by the employee.

Severance Pay: Temporary Appointments (PQA 98-3, July 23, 1998)

Q - If an employee receives a time-limited appointment that is qualifying for severance pay (i.e., effected within 3 days after separation from a qualifying permanent appointment), who is responsible for making severance payments--the agency at which the employee had a permanent appointment or the agency at which the employee had the time-limited appointment?

A - Severance pay liability rests with the agency employing the employee at the time of the involuntary separation that triggers the severance pay entitlement. In the scenario set forth in the question, the agency employing the employee in the time-limited job will be responsible for making severance payments when the time-limited appointment ends.

Any severance pay entitlement that an employee may have based on an involuntary separation from a permanent appointment is immediately terminated (not suspended) when the employee receives a qualifying temporary appointment. (See 5 CFR 550.711.) Severance pay for an employee in a qualifying temporary appointment is triggered by the involuntary separation from that appointment (including expiration of the appointment as provided in the definition of "involuntary separation" in 5 CFR 550.703) and is computed using the rate of basic pay at the time of separation from that temporary job. (See 5 CFR 550.709(b).) Thus, the agency employing the individual in a time-limited job is liable for any severance payments.

In contrast, if a temporary appointment is not qualifying for severance pay because the employee is hired 4 or more days after involuntary separation from a qualifying permanent appointment, the severance pay liability rests with the agency in which the employee had a permanent appointment. Severance payments by that agency are merely suspended during the temporary appointment.

Special Rates: Student Trainees

Q - Under what circumstances may student trainees be eligible for a special rate under 5 U.S.C. 5305?

A - Student trainees may be eligible for a special rate even though their series is not listed in a special

rate authorization.

Student trainees are required to be officially classified in an occupational series ending in "99" for the appropriate occupational group. (See 5 CFR 213.3202(b)(14).) All student trainee positions should be titled "Student Trainee" followed by the parenthetical title consistent with the occupational field involved (e.g., GS-899 Student Trainee (Civil Engineering)).

Student trainees classified in a "99" occupational series are covered by a special rate table if (a) their officially classified parenthetical titles link directly to an official title for a covered series, (b) their positions are classified at one of the covered grades, (c) they fully meet the qualification requirements for the covered series and grade, and (d) they meet all other coverage requirements for the special rate table in question (e.g., official worksite location). In other words, a student trainee who is fully qualified to be classified in a series and grade that is covered by special rates is entitled to the appropriate special rate if the student trainee otherwise would be eligible but for the use of the "99" occupational series code.

This has been OPM's policy since 1988, when the requirement to classify all student trainees in "99" series was put into effect. (This policy was communicated to agencies via an OPM memorandum to agency personnel directors dated August 3, 1988.) Each agency should ensure that it is following this policy. If an agency determines that it has not been paying a student trainee a special rate to which the student trainee was entitled, back pay would be appropriate, consistent with 5 CFR part 550, subpart H.

Please note that for occupations with a positive educational requirement, student trainees must meet or exceed the minimum educational requirements for the given special rates-covered occupational series and grade, as well as any other criteria specified for that particular occupational series. For example, the minimum educational requirement at the GS-5 grade level may include a bachelor's degree in a specific field of study. In this situation, only those students who meet this requirement will be eligible for the special rate.

As part of a request for new or revised special rates, agencies may ask that student trainees in a covered occupational category be covered by special rates without regard to the qualification requirements that apply to employees in a regular occupational series (i.e., a series other than a student trainee series). OPM has authority to expressly provide in the special rate authorization that all student trainees in a given "99" occupational series with qualifying parenthetical titles are covered by the special rate table, if they are otherwise eligible. Absent such express authorization, coverage must be determined as described in the above paragraphs.

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RULES and REGULATIONS

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 550

RIN 3206-AE31

Pay Administration (General); Hazard Pay Differentials

Wednesday, June 29, 1994

*33415 AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The Office of Personnel Management (OPM) is issuing final regulations on the hazardous duty pay differential program for General Schedule employees, as amended by the Federal Employees Pay Comparability Act of 1990 (FEPCA). The final rule delegates authority to agencies to authorize payment of a differential to an employee when the hazardous duty has been taken into account in the classification of his or her position, clarifies when a hazard has been taken into account in the classification of a position, and clarifies the circumstances under which a hazard pay differential may be terminated.

EFFECTIVE DATE: The final rule is effective on July 29, 1994.

FOR FURTHER INFORMATION CONTACT: Frank Hong, (202) 606-2858.

SUPPLEMENTARY INFORMATION: On May 3, 1991, (56 FR 20343) the Office of Personnel Management (OPM) published interim regulations to implement section 203 of the Federal Employees Pay Comparability Act of 1990 (FEPCA), Public Law 101-509, November 5, 1990. Section 203 amended section 5545(d) of title 5, United States Code, which contains the legal basis for paying General Schedule employees a differential for duty involving unusual physical hardship or hazard.

The 60-day comment period ended on July 1, 1991. An employees' professional association commented favorably on the FEPCA changes in general. Other more specific comments were received from five Federal agencies, one labor organization, and three individuals. Following are summarized comments and revisions in the interim regulations.

Delegation of Authority

In response to draft interim regulations, two agencies recommended that OPM

delegate authority to agencies to authorize payment of a hazardous duty pay (HDP) differential to an employee even though the hazardous duty has been taken into account in the classification of his or her position. As part of our effort to delegate decisionmaking authority to Federal managers and supervisors where appropriate, OPM has decided to delegate authority to agencies to authorize payment of an HDP differential under these circumstances for the following reasons.

First, I11OPM has specified two conditions in §550.904(b) that must exist before payment of an HDP differential may be approved by an agency:

- (1) The actual circumstances of the specific hazard or physical hardship have changed from that taken into account and described in the position description; and
- (2) 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 less than significant level.

The qualifying conditions for payment of a differential may be present even though the hazardous duty may be performed with considerable frequency. When the two conditions are met, payment for the hazardous duty would be authorized (provided other regulatory requirements are met). The final regulations also include certain minimal recordkeeping and reporting requirements related to the delegation of this authority.

Hazardous Duty and Classification of the Position

In most situations, payment of a differential is prohibited when the hazardous duty has been taken into account in the classification of the employee's position. The interim regulations added the phrase "without regard to whether the hazardous duty or physical hardship is grade controlling, unless a waiver has been approved by OPM." Three agencies and two individuals believed that the differential should be payable unless the hazardous duty serves as the primary basis for grade level in the classification process. Adopting this recommendation would overturn OPM's long-standing interpretation of the statutory phrase "the classification of which takes into account."

The commenters provided the following example. When a hazard is recognized in Factor Evaluation System (FES) factors 8, physical demands, and/or 9, work environment, the hazard is a factor considered in establishing the grade of the position. In this example, the commenters noted, the hazard typically has a limited effect on the overall classification of the position and usually does not increase the grade level of the position.

However, OPM notes that limited consideration of a hazardous duty in FES factors 8 and/or 9 may be appropriate where the hazard is at a low level. Moreover, factors 8 and/or 9 may not describe in great detail how a hazard relates to the whole position. Furthermore, in some cases, a hazardous duty may be considered in the narrative standard for the occupation and may be the same for all job levels, and, therefore, may not require further consideration in the classification of the position. In other cases, a hazardous duty may be classified by analogy to an existing described and classified hazard and documented accordingly in the

evaluation statement.

Nevertheless, the FES example illustrates some of the difficulties with *33416 the classification process in regard to the HDP program. Eligibility for payment of a differential is no longer restricted to the performance of an irregular or intermittent hazardous duty. Therefore, the determination that payment of a differential is not warranted depends on the classification of the position (provided that the agency involved has determined that the hazardous work situation involved does match one of the categories in appendix A).

In OPM's view, a hazardous duty is taken into account in the classification of a position when the duty is a part of the knowledge, skills, and abilities required of the incumbent of the position. In other words, the incumbent of the position is able to influence the hazardous duty--i.e., exercise knowledge, skill, and ability to reduce the risk of the hazard. Therefore, OPM has clarified §550.904(c) by adding the following phrase: "that is, the knowledge, skills, and abilities required to perform that duty are considered in the classification of the position."

Termination of a Differential

The labor organization requested that a differential not be discontinued when the hazard has been reduced to a negligible level or the physical discomfort or distress has been adequately alleviated, but that the differential be discontinued only when the hazard or hardship is completely eliminated. OPM cannot make such a change because the statute authorizes payment of a differential for duty involving unusual physical hardship or hazard, but not for negligible hazard or adequately alleviated discomfort or distress.

An agency requested that OPM clarify the term "negligible level" used in §550.906(b) of the interim regulations to describe the level of risk at which the differential shall be discontinued. The agency requested that the HDP regulations incorporate terms used in the Occupational Safety and Health Administration's (OSHA's) health standards or other generally accepted standards that are required in the workplace. 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.

OPM agrees that the term "negligible level" should be clarified by substituting a term closely related to the term "significant risk" used in the OSHA standards. Therefore, the final rule has been amended to provide that hazard pay shall be discontinued when "(s)afety precautions have reduced the element of hazard to a less than significant level of risk, consistent with generally accepted standards that may be applicable, such as those published by the Occupational Safety and Health Administration, Department of Labor." This change in regulatory language is intended to clarify rather than change the meaning of the regulations.

Miscellaneous Comments

Concerning the establishment of hazard pay differentials, the labor organization

requested that employees and their representatives be provided with standing to request amendments to part 550, subpart I, appendix A-- Schedule of Pay Differentials Authorized for Hazardous Duty. Since an individual or organization may request that OPM establish a new differential on OPM's own motion, it is not necessary to amend the regulations to accomplish this objective.

The labor organization and one individual requested that employees and their representatives be provided with standing to request payment of a differential in unusual situations when the hazard has been taken into account in classification. No changes in the regulations are needed. An individual or organization may request that an agency consider such action.

One agency and the labor organization objected to the requirement in § 550.903(b)(5) that an agency include an estimate of annual cost with a request for an additional category under appendix A. The agency believed that preparation of the estimate would delay the request for no apparent value. The labor organization believed that consideration of cost is not authorized by the law and that the requirement for such an estimate is arbitrary and an abuse of administrative discretion. OPM is retaining this provision because the information is needed to evaluate the cost of the HDP program.

One agency requested that a study be conducted of non-Federal pay practices to determine how inconsistencies between the separate Federal programs for General Schedule and prevailing rate employees could be eliminated. OPM recognizes that significant disparities exist between these programs and will attempt to address these disparities as its resources permit. However, such a study is not required prior to the issuance of final rules governing the program changes made by FEPCA.

Two individuals questioned the way the phrase "irregular or intermittent" was defined in the past in the HDP program and maintained that the use of the correct dictionary definitions would have made it unnecessary to delete this phrase. OPM believes the statute as amended by FEPCA removes any possible ambiguity attributable to this phrase in the previous statute.

Regulatory Flexibility Act

I certify that these regulations will not have a significant economic impact on a substantial number of small entities because they apply only to Federal agencies and employees.

List of Subjects in 5 CFR Part 550

Administrative practice and procedure, Claims, Government employees, Wages.

U.S. Office of Personnel Management.

James B. King,

Director.

Accordingly, the interim rule published at 56 FR 20343 on May 3, 1991, amending 5 CFR part 550, is adopted as a final rule with the following changes:

PART 550--PAY ADMINISTRATION (GENERAL)

Subpart I--Pay for Duty Involving Physical Hardship or Hazard

1. The authority citation for subpart I continues to read as follows:

Authority: 5 U.S.C. 5545(d), 5548(b).

5 CFR § 550.902

2. In §550.902, a definition of head of an agency is added in alphabetical order to read as follows:

5 CFR § 550.902

§550.902 Definitions.

* * * * *

Head of an agency means the head of an agency or an official who has been delegated the authority to act for the head of the agency in the matter concerned.

5 CFR § 550.904

3. Section 550.904 is revised to read as follows:

5 CFR § 550.904

§550.904 Authorization of hazard pay differential.

(a) An agency shall pay the hazard pay differential listed in appendix A of this subpart to an employee who is assigned to and performs any duty specified in appendix A of this subpart. However, hazard pay differential may not be paid to an employee when the hazardous duty or physical hardship has been taken into account in the classification of his or her position, without regard to whether the hazardous duty or physical hardship is grade controlling, unless payment of a differential has been approved under paragraph (b) of this section.

(b) The head of an agency may approve payment of a hazard pay differential when--

*33417 (1) The actual circumstances of the specific hazard or physical hardship have changed from that taken into account and described in the position description; and

(2) 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 less than significant level.

(c) For the purpose of this section, the phrase "has been taken into account in the classification of his or her position" means that the duty constitutes an element considered in establishing the grade of the position--i.e., the knowledge, skills, and abilities required to perform that duty are considered in the classification of the position.

(d) The head of the agency shall maintain records on the use of the authority described in paragraph (b) of this section, including the specific hazardous duty or duty involving physical hardship; the authorized position description(s); the number of employees paid the differential; documentation of the conditions described in paragraph (b) of this section; and the annual cost to the agency.

(e) So that OPM can evaluate agencies' use of this authority and provide the Congress and others with information regarding its use, each agency shall maintain such other records and submit to OPM such other reports and data as OPM shall require.

5 CFR § 550.906

4. In §550.906, paragraph (b) is revised to read as follows:

5 CFR § 550.906

§550.906 Termination of hazard pay differential.

* * * * *

(b) Safety precautions have reduced the element of hazard to a less than significant level of risk, consistent with generally accepted standards that may be applicable, such as those published by the Occupational Safety and Health Administration, Department of Labor; or

* * * * *

(FR Doc. 94-15695 Filed 6-28-94; 8:45 am)

BILLING CODE 6325-01-M

59 FR 33415-01, 1994 WL 284126 (F.R.)

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PERMISS

Category: Employee Benefits Information & Advice

Environmental Differential and Hazardous Duty Pay

Environmental differential pay (EDP) for Federal Wage System employees and hazardous duty pay (HDP) for General Schedule employees are additional pay for exposure to hazards, physical hardship or working conditions of an unusually severe nature that cannot be eliminated or significantly reduced by preventive measures, including the use of safety equipment and protective clothing.

EDP and HDP are not substitutes for safe practices, not paid for the customary hazards of a trade or craft, nor authorized if the employee refuses to apply the safety measures provided by management.

Management is responsible for determining whether the additional pay is warranted. Whenever unsafe or unhealthy working conditions are identified, the first course of action must be an attempt to eliminate or reduce the hazards, and occupational health, safety and environmental engineering personnel are available to help. If these efforts are not successful, management submits a Request for Approval of Environmental Differential Pay or Hazard Duty Pay. Before approval by the commander, the request is reviewed by safety and occupational health personnel to assure the work situation meets payment criteria, that preventive measures do not adequately protect employees' health and safety, and that the compensation is warranted. Regardless, management must continue its efforts to eliminate or reduce the hazardous working conditions.

Danger pay or hostile fire pay may be paid concurrently with either EDP or HDP.

The criteria for payment of EDP are in 5 CFR 532.511, and those for HDP are in 5 CFR Part 550, Subpart I.

Content last reviewed: 5/30/2006-RJM

Related Topics

References

5 CFR 532.511
5 CFR Part 550, Subpart I (Sec. 550.901-550.907)
Q&A, Hazardous Duty Pay

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This page was last revised: 5/30/2006

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DEPARTMENT OF THE ARMY
U. S. ARMY GARRISON, ABERDEEN PROVING GROUND
Aberdeen Proving Ground, Maryland 21005-5001

APG Regulation
No. 690-28

23 AUG 2000

Civilian Personnel
HAZARDOUS DUTY PAY FOR CLASS ACT EMPLOYEES

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Approval for Hazardous Duty Pay29

1. PURPOSE. The purpose of this regulation is to outline the provisions, requirements and procedures to be followed in order to pay hazard differentials to general schedule (GS) and general merit (GM) employees. This regulation supplements basic Hazard Pay (HP) program requirements outlined in references cited below.

2. SCOPE. This regulation applies to all activities at this installation that employ GS/GM employees (including full-time, part-time and intermittent personnel). This regulation does not cover any employee in the Federal Wage System or those covered by the Non-Appropriated Fund Personnel System.

3. POLICY. It is the policy of the Commanders/Directors of activities and organizations on this installation that:

a. Work environments will, to the maximum extent possible, be safe and healthful.

*This regulation supersedes APG Regulation 690-28, 3
November 1993.

b. Personnel will not be unnecessarily exposed to hazards.

c. Nothing in this regulation will be interpreted as permitting violation of any Federal or State law relevant to worker safety.

d. Hazard pay will only be authorized when all the requirements of this regulation and other applicable regulations and guidelines are fully met.

4. DEFINITIONS.

a. Taken into account in the classification of the position. The duty constitutes an element used in establishing the grade of the job. It does not mean that a higher grade has to occur as a result of the performance/recognition of hazardous duties. In order to constitute an element used in establishing the grade of the position, a particular duty must be performed with sufficient regularity and must be reflected in the knowledges, skills and abilities needed to perform the duties of the position.

b. In close proximity to. Being exposed to a potentially hazardous event against which the employee cannot be provided adequate protection from serious injury by use of distance, engineered controls or personal protective equipment.

5. GENERAL.

a. Appendix A lists the approved categories of hazardous duties or duties involving physical hardship for which a hazard pay differential may be warranted. This list, which is approved by the Office of Personnel Management (OPM), is from subpart I, part 550, Title 5, Code of Federal Regulations Appendix A. Any change to the OPM approved list will supercede appendix A of this regulation.

b. Hazardous Duty Pay (HDP) will not be paid if the hazardous duty has been taken into account in the classification of the employee's job; or the hazard has been practically eliminated by the use of protective clothing, device or procedures; or the employee undertakes a duty without proper authorization.

c. Only those situations, events and/or environments outlined

in appendix A will warrant payment of HDP. These situations are supplemented by locally developed certificates which outline conditions, environments and/or situations peculiar to APG and/or its tenants which have been determined to meet the requirements for payment of HDP. Local certificates are at appendix B.

d. Certificates in appendix B will be reviewed by management officials and their supporting safety, industrial hygiene and/or medical office(s) at least annually to ensure conditions continue to support payment of HDP. These offices are to notify the Civilian Personnel Advisory Center (CPAC), U.S. Army Garrison, Aberdeen Proving Ground(USAGAPG), immediately upon determination that a condition outlined in an existing certificate no longer supports and justifies payment of HDP.

6. RESPONSIBILITIES.

a. Supervisors and line management will:

(1) To the maximum extent possible, create and foster a work environment which is as free from hazards and unpleasant working conditions as is possible.

(2) Eliminate or reduce to the lowest level possible the kinds of duties, hazards, physical hardships, severe working conditions and environments which warrant HDP. To this end, use and deploy employees so as to limit assignments that warrant HDP to the least number of employees required for the assignment.

(3) Before assigning work which may be hazardous, ensure to the maximum extent possible that procedures, processes and/or devices are in place which will reduce and/or eliminate hazardous work environments.

(4) Before assigning work which is not covered by an existing certificate, confer with and/or request assistance from industrial hygiene, safety and/or medical activities in order to properly assess hazards and to gain assistance on practical elimination thereof.

(5) Periodically review and reevaluate work practices (at least annually), existing engineering/protective devices and controls, and existing standing operating procedures (SOPs) to ensure constant attention to hazardous work operation practices.

Coordinate and interact with safety, industrial hygiene and/or medical staff advisors as required.

(6) Carry out all tasks necessary to ensure proper payment of HDP differentials to subordinates. This includes evaluating work situations under their supervision and determining when payment of HDP differentials are warranted, authorizing payment of HDP when appropriate, and explaining to the work force the basis for approval and/or disapproval of the differential as appropriate.

(7) In keeping with the authority under the Delegated Classification Authority (DCA) program, make final determination on whether a particular duty has been "taken into account" in the classification process. Such determinations will be made after appropriate recommendations and advisories are provided by the Civilian Personnel Operations Center.

b. All safety officers on the installation and industrial hygiene and medical advisory staff will:

(1) Serve as primary staff advisor(s) to line management and supervisors on matters related to hazardous work environments, and hazardous tasks and risk analysis and assessment.

(2) Provide professional advice and assistance on matters related to the activity's HDP program, including serving on standing and ad hoc committees which oversee such programs.

(3) Evaluate specific work environments and work situations in order to determine whether they meet the requirements of the HDP program as defined in governing regulations.

(4) Provide advice and guidance to the Personnel Office on the safety/industrial hygiene/medical aspects of the activity's HDP program. This includes making final determinations as to whether a hazard actually exists and/or whether it has been practically eliminated through the use of engineered controls, personal protective equipment and/or other procedures and processes.

c. Director, CPAC, USAGAPG will:

(1) Provide for the administrative oversight and staff

supervision of the HDP Program on the installation, including development of pertinent implementing regulations and providing required training to installation supervisors.

(2) Ensure that appropriate, periodic information and feedback are provided to line managers and supervisors on the status of their HDP programs to include providing periodic statistical information on HDP costs and trends.

(3) Interpret and provide advice to line management on rules and regulations governing the HDP program, particularly those aspects which deal with classification-related matters such as "taken into account in the classification of the "position".

(4) Ensure that proper and timely coordination is effected with safety, payroll and other staff offices which contribute to efficient program administration.

(5) Participate on standing and ad hoc HDP oversight committees.

7. PROCEDURES.

a. Hazard Pay Authorization Certificates. At appendix B to this regulation are organization-specific work situations, job environments and/or job operation, which have been determined to meet the requirements for payment of HDP. Supervisors will compare the work situations and job environments under their supervision to these conditions to determine whether HDP is authorized.

(1) When a match is determined to exist, the supervisor will authorize the appropriate HDP differential either on the employee's timecard or via the electronic timekeeping system.

(2) In order for a match to occur, the work performed must be identical to that outlined on the certificate AND the certificate must be authorized for the major organizational element to which the supervisor is assigned (i.e., Aberdeen Test Center, Army Research Laboratory, etc). If there are questions as to the coverage of an existing certificate, the supervisor will seek guidance and assistance from the appropriate staff office (i.e., Safety, Industrial Hygiene, Civilian Personnel, etc.).

(3) When the work/environment does not match a certificate or if the work is certified for another organization on post, a request for approval of HDP must be initiated by the supervisor. Until approval is obtained, HDP will not be paid.

(4) Supervisors are responsible for reviewing the certificate(s) which pertain to their organization /work operations to ensure they are kept current.

(a) At lease annually, these certificates will be reviewed to ensure they continue to support HDP differentials and/or to authenticate that the work described continues to be performed.

(b) When new operations are begun which appear to be of a regular and/or recurring nature, supervisors will initiate requests to have a new certificate established. Procedures for establishing new certificates are outlined below.

b. Requests for Approval of HDP. If an existing certificate does not cover the work being performed and/or if the certificate does not cover that work in the organizational location of the supervisor involved, a request for approval of HDP must be initiated by the supervisor. It is envisioned that this will occur for "one-of-a-kind" work operations and/or for the first time a work operation is performed.

(1) The supervisor will initiate a request for approval following the format outlined in appendix C.

(2) The memorandum will be sent to the Director, CPAC who will then route it to the appropriate safety/industrial hygiene/medical offices for review.

(3) If the situation is approved for payment, the supervisor will be notified and a corrected time card for the employee(s) will be submitted via normal timekeeping channels. If it is disapproved, the reason for the disapproval will be provided to the supervisor in writing.

(4) Requests will be submitted in a timely fashion, normally within one work week of the event/task performance.

8. REFERENCE. Pay for Duty Subpart I, part 550, title 5, Code of Federal Regulations, Involving Physical Hardship or Hazard.

APPENDIX A

SCHEDULE OF PAY DIFFERENTIALS AUTHORIZED FOR HAZARDOUS DUTY

Duty	Rate of hazard pay differential (percent)	Effective date
Exposure to Hazardous Weather or Terrain:		
(1) Work in rough and remote terrain. When working on cliffs, narrow ledges, beginning after or near vertical mountainous slopes where a loss of footing would result in serious injury or death, or when working in areas where there is danger of rock falls or avalanches.	25	First pay period after July 1, 1969.
(2) Traveling under hazardous conditions. (a) When travel over secondary or unimproved roads to isolated mountain top installations is required at night, or under adverse weather conditions (such as snow, rain, or fog) which limits visibility to less than 30 meters (100 feet), when there is danger of rock, mud, or avalanches.	25	Do.
(b) When travel in the wintertime, either on foot or by means of vehicle, over secondary or unimproved roads or snow trails, in sparsely settled or isolated areas to isolated installations is required when there is danger of avalanches, or during whiteout phenomenon which limits visibility to less than 3 meters (10 feet).	25	Do.
(c) When work or travel in sparsely settled or isolated areas results in exposure to temperatures and/or wind velocity shown to be of considerable danger, or very great danger, on the windchill chart, and shelter (other than temporary shelter) or assistance is not readily available.	25	Do.
(3) Snow or ice removal operations. When participating in snowplowing or snow or ice removal operations, regardless of whether on primary, secondary or other class of roads, when (a) there is danger of avalanche, or (b) there is danger of missing the road and falling down steep mountainous slopes because of lack of snow stakes, white-out conditions, or sloping ice-pack covering the snow.	25	Do.

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<p>(4) Water search and rescue operations. Participating as a member of a water search and rescue team in adverse weather conditions when winds are blowing at 56 km/h (35 m.p.h.) (classified as gale winds) or in water search and rescue operations conducted at night.</p>	25	Do.
<p>(5) Travel on Lake Pontchartrain. (a) When embarking, disembarking or traveling in small craft (boat) on Lake Pontchartrain when wind direction is from north, northeast, or northwest, and wind velocity is over 7.7 meters per second (15 knots); or</p>	25	Do.
<p>(b) When travelling in small crafts, where craft is not radar equipped, on Lake Pontchartrain is necessary due to emergency or unavoidable conditions and the trip is made in a dense fog under fog run procedures.</p>	25	Do.
<p>(6) Hazardous boarding or leaving of vessels. When duties (a), (b), or (c) are performed under adverse conditions of foul weather, ice, or night and when the sea state is high (0.9 meter (3 feet) and above):</p>		
<p>(a) Boarding or leaving vessels at sea or standing offshore during lightering or personnel transfer operations. (b) Boarding, leaving, or transferring equipment between small boats or rafts and steep, rocky, or coral surrounded shorelines. (c) Transferring equipment between a small boat and rudimentary dock by improvised or temporary facility such as an unfastened plank leading from boat to dock.</p>	25	First pay period beginning after May 7, 1970.
<p>(7) Small craft tests under unsafe sea conditions. Conducting craft tests to determine the seakeeping, characteristics of small craft in a seaway when U.S. storm warnings normally indicate unsafe seas for a particular size craft.</p>	25	First pay period beginning on or after Sept. 28 1972.
<p>(8) Working on a drifting sea ice floe. When the job requires that the work be performed out on sea ice, e.g., installing scientific instruments and making observations for research purposes.</p>	25	First pay period beginning after March 16, 1973.
<p>Exposure to Physiological Hazards:</p>		
<p>(1) Pressure chamber subject. (a) Participating as a subject in diving research tests which seek to establish limits for safe pressure profiles by working in a pressure chamber simulating diving or, as an observer to the test or as a technician assembling underwater mock-up components for the test, when the observer or technician is exposed to high pressure gas piping systems, gas</p>	25	Do.

cylinders, and pumping devices which are susceptible to explosive ruptures.		
(b) Working in pressurized sonar domes. Performing checkout of sonar system beginning after sonar dome has been pressurized. This may include such duties as changing transducer elements, setting of transducer turntables, checking of cables, piping, valves, circuits, underwater telephone, and pressurization plugs.	8	First pay period after Feb. 16, 1975.
(c) Working in nonpressurized sonar domes that are a part of an underwater system. Performing certification pretrial inspections, involving such duties as calibrating, adjusting, and photographing equipment, in limited space and with limited egress.	4	First pay period beginning after Feb. 16, 1975.
(2) Simulated altitude chamber subjects. Observers. Participating in simulated altitude studies ranging from 5500 to 45,700 meters (18,000 to 150,000 feet) either as subject or as observer exposed to the same conditions as the subject.	25	Do.
(3) Centrifuge subjects. Participating as subject in centrifuge studies involving elevated G forces above the level of 49 meters per second $\sqrt{2}$ (5 G's) whether or not at reduced atmospheric pressure.	25	Do.
(4) Rotational flight simulator subject. Participating as a subject in a Rotational Flight Simulator in studies involving continuous rotation in one axis through 360 deg. or in a combination of any axes through 360 deg. at rotation rates greater than 15 r.p.m. for periods exceeding three minutes.	25	First pay period beginning after July 1, 1969.
Hot Work--Working in confined spaces wherein the employee is subject to temperatures in excess of 43 deg. C (110 deg. F).	4	First pay period beginning after Feb. 16, 1975.
Environmental thermal-chamber tests: Subjects and observers exposed to the hazards and physical hardships of an environmental chamber-thermal test which simulates adverse weather or sea conditions such as the exposure to subzero temperatures; high heat and humidity; and cold water, spray, wind, and wave action.	25	May 4, 1988.
Exposure to Hazardous Agents, work with or in close proximity to:		
(1) Explosive or incendiary materials. Explosive or incendiary materials which are unstable and highly sensitive.	25	First pay period beginning after July 1, 1969.

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(2) At-sea shock and vibration tests. Arming explosive charges and/or working with, or in close proximity to, explosive armed charges in connection with at-sea shock and vibration tests of naval vessels, machinery, equipment and supplies.	25	Do.
(3) Toxic chemical materials. Toxic chemical materials when there is a possibility of leakage or spillage.	25	Do.
(4) Fire retardant materials tests. Conducting tests on fire retardant materials when the tests are performed in ventilation restricted rooms where the atmosphere is continuously contaminated by obnoxious odors and smoke which causes irritation to the eyes and respiratory tract.	25	Do.
(5) Virulent biologicals. Materials of micro-organic nature which when introduced into the body are likely to cause serious disease or fatality and for which protective devices do not afford complete protection.	25	Do.
(6) Asbestos. Significant risk of exposure to airborne concentrations of asbestos fibers in excess of the permissible exposure limits in the (PELs) standard for asbestos provided in section 1001, part 1910, title 29, Code of Federal Regulations (29 CFR 1910.1001) when the risk of exposure is directly connected with the performance of assigned duties. Regulatory changes in 29 CFR 1910.1001 are hereby incorporated in and made a part of this category, effective on the first day of the first pay period beginning on or after the effective date of the changes.	8	June 8, 1993
Participating in Liquid Missile Propulsion Tests and Certain Solid Propulsion Operations:		
(1) Tanking and detanking. Tanking or detanking operations of a missile or the test stand run bottles with liquid propellants.	25	First pay period beginning after July 1, 1969.
(2) Hoisting a tanked missile. Hoisting a tanked missile or a solid propellant propulsion system into and/or over the test stand.	25	Do.
(3) Pressure tests. Pressure tests on loaded missiles, missile tanks, or run bottles during prefire preparations.	25	Do.
(4) Test stand tests. Test stand operations on loaded missiles under environmental conditions where the high or low temperatures could cause a failure of a critical component.	25	Do.
(5) Disassembly and breakdown. Disassembly and breakdown of a contaminated missile system or test stand plumbing after test.	25	Do.
(6) Go condition test stand work. Working on any test stand above the 15 meter (50foot) level or any stand work while the system is in a "go" condition.	25	Do.

(7) Arming and dearming propulsion systems. Arming, dearming or the installation and/or removal of any squib, explosive device, or a component thereof connected to, or part of, any live or potentially expended liquid or solid propulsion system.	25	Do.
(8) Demolition and destruct tests. Demolition, hazards classification, or destruct type tests where the specimen is nonstandard and/or unproven and the test techniques do not conform to standard or proven procedures.	25	Do.
Work in Fuel Storage Tanks:		
When inspecting, cleaning or repairing fuel storage tanks where there is no ready access to an exit, under conditions requiring a breathing apparatus because all or part of the oxygen in the atmosphere has been displaced by toxic vapors or gas, and failure of the breathing apparatus would result in serious injury or death within the time required to leave the tank.	25	Do.
Firefighting:		
(1) Forest and range fires. Participating as a member of a firefighting crew in fighting forest and range fires on the fireline.	25	Do.
(2) Equipment, installation, or building fires. Participating as an emergency member of a firefighting crew in fighting fires of equipment, installations, or buildings.	25	Do.
(3) In-water under-pier firefighting operations. Participating in in-water under-pier firefighting operations (involving hazards beyond those normally encountered in firefighting on land, e.g., strong currents, cold water temperature, etc.).	25	Do.
Work in Open Trenches:		
Work in an open trench 4.6 meters (15 feet) or more deep until proper shoring has been installed.	25	Do.
Underground Work:		
Work underground performed in the construction of tunnels and shafts, and the inspection of such underground construction, until the necessary lining of the shaft or tunnel has eliminated the hazard.	25	Do.
Underwater Duty:		
(1) Submerged submarine or deep research vehicle. Duty aboard a submarine or deep research vehicle when it submerges.	25	Do.
(2) Diving. Diving, including SCUBA (self-contained underwater breathing apparatus) diving, required in scientific and engineering pursuits, or search and rescue operations, when: (a) at a depth of 6 meters (20 feet) or more below the surface; or, (b) visibility is restricted; or, (c) in rapidly flowing or cold water; or, (d) vertical access to the surface is restricted by ice, rock, or	25	Do.

other structure; or, (e) testing or working with hardware which presents special hazards (such as work with high voltage equipment or work with underwater mockup components in an underwater space simulation study).		
Sea Duty Aboard Deep Research Vessels:		
Participating in sea duty wherein the team member is engaged in handling equipment on or over the side of the vessel when the sea-state is high (6.2 meter-per-second winds (12-knot winds) and 0.9 meter waves (3 foot waves) and the work is done on deck in relatively unprotected areas.	25	Do.
Collection of Aircraft Approach and Landing Environmental Data:		
When operating or monitoring camera equipment adjacent to flight deck in the area of maximum hazard during landing sequence while conducting photographic surveys aboard aircraft carriers during periods of heavy aircraft operations.	25	First pay period beginning after July 1, 1969.
Experimental Landing/Recovery Equipment Tests:		
Participating in tests of experimental or prototype landing and recovery equipment where personnel are required to serve as test subjects in spacecraft being dropped into the sea or laboratory tanks.	25	Do.
Land Impact or Pad Abort of Space Vehicle:		
Actual participating in dearming and safing explosive ordinance, toxic propellant and high pressure vessels on vehicles that have land impacted or on vehicles on the launch pad that have reached a point in the countdown where no remote means are available for returning the vehicle to a safe condition.	25	Do.
Height Work:		
Working on any structure of at least 15 meters (50 feet) above the base level, ground, deck, floor, roof, etc., under open conditions, if the structure is unstable or if scaffolding guards or other suitable protective facilities are not used, or if performed under adverse conditions such as snow, sleet, ice on walking surfaces, darkness, lightning, steady rain, or high wind velocity.	25	Do.
Flying, participating in:		
(1) Pilot proficiency training. Flights for pilot proficiency training in aircraft new to the pilot under simulated emergency conditions which parallel conditions encountered in performing flight tests.	25	Do.
(2) Delivery of new aircraft for flight testing. Flights to deliver aircraft which has been prepared for one-time flight without being test flown prior to delivery flight.	25	Do.

(3) Test flights of new modified, or repaired aircraft. Test flights of a new or repaired aircraft or modified aircraft when the modification may affect the flight characteristics of the aircraft.	25	Do.
(4) Reduced gravity--parabolic arc flights--subjects/observers. Reduced gravity flight testing in an aircraft flying a parabolic flight path and providing a testing environment ranging from weightlessness up through +20 meters per second $\sqrt{2}$ (+2 gravity conditions).	25	Do.
(5) Launch and recovery. Test flights involving launch and recovery aboard an aircraft carrier.	25	Do.
(6) Limited control flights. Flights undertaken under unusual and adverse conditions (such as extreme weather, maximum load or overload, limited visibility, extreme turbulence, or low level flights involving fixed or tactical patterns) which threaten or severely limit control of the aircraft	25	Do.
(7) Flight tests of expandable aircraft tires. Landing to test aircraft tires designed to deflate upon retraction, undertaken to appraise the normal deflate-reinflate cycle and also to evaluate the capability to make a satisfactory landing with the tires deflated.	25	Do.
(8) Landing and taking-off in polar areas. Landing in polar areas on unprepared snow or ice surfaces and/or taking-off under the same conditions.	25	Do.
Experimental Parachute Jumps:		
Participating as a jumper in field exercises to test and evaluate new types of jumping equipment and/or jumping techniques.	25	Do.
Ground Work Beneath Hovering Helicopter:		
Participating in ground operations to attach external load to helicopter hovering just overhead.	25	Do.
Sling-suspended transfers. When performance of duties requires transfer from a helicopter to a ship via a sling on the end of a steel cable or from a ship to another ship via a chair harness hanging from a highline between the ships when both vessels are underway.	25	First pay period beginning after Oct. 11, 1969.
Carrier suitability trials aboard aircraft carriers. Participating in carrier suitability trials aboard aircraft carriers when work is performed on the flight deck during launch, recovery, and refueling operations.	25	Do.
Cargo handling during lightering operations. Off-loading of cargo and supplies from surface ships to Landing Craft--Medium (LCM) boats involving exposure not only to falling cargo but such other hazards as shifting cargo within the LCM, swinging cargo hooks, and possibility of falling between the LCM and	25	Do.

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cargo vessel.		
Work in unsafe structures: Working within or immediately adjacent to a building or structure which has been severely damaged by earthquake, fire, tornado, flood, or similar cause, when the structure has been declared unsafe by competent technical authority, and when such work is considered necessary for the safety of personnel or recovery of valuable materials or equipment, and the work is authorized by competent authority.	25	First pay period beginning on or after Apr. 11, 1976.
Tropical Jungle Duty: Work outdoors in undeveloped jungle regions outside the continental United States. Work must involve both of the following: (1) An unusual degree of physical hardship caused by high heat, humidity, or other inclement conditions; and (2) An unusual danger of serious injury or illness due to: (a) Travel on unimproved roads or rudimentary trails in rugged terrain (e.g., walking on narrow trails in steep mountainous areas, fording deep, fast-moving rivers, and crossing deep crevasses via log or other unsafe means); (b) Immediate presence of dangerous wildlife (e.g., venomous snakes, poisonous insects, and large carnivores); or		
(c) Known exposure to serious disease for which adequate protection cannot be provided.	25	June 14, 1989.

APPENDIX B

APPROVED HDP CERTIFICATES

CERTIFICATE NUMBER: 1

APPLIES ONLY TO: U.S. ARMY ABERDEEN TEST CENTER

DUTY AND/OR EVENT WHICH GIVES RISE TO HP DIFFERENTIAL:

Working with or in close proximity to explosives and incendiary materials.

HAZARD WHICH IS PRESENT:

Employees are exposed to unknown ordnance.

DESCRIPTION OF DUTY PERFORMED:

a. Conducting vibration/rough handling/solar radiation of explosive materials. In order to be payable, the employee must be responsible for handling items during and after testing in order to inspect, package, or arrange for the transportation of the item tested.

b. Digging or carrying out surface/subsurface checks in areas where unexploded ordnance is known to exist from previous range testing.

c. Installing instrumentation in areas which has been declared unsafe Explosives Ordnance Detachment (EOD) personnel due to probability of encountering unexploded ordnance.

d. Installing instrumentation at static testing sites where high-energy (HE) ammunition has been pre-positioned to install the instrumentation. In order to be payable, employee must be in close proximity when detonation circuit or secondary explosive charges are emplaced.

e. Conducting industrial x-ray of ammunition/explosives of unknown nature, of a highly sensitive nature and/or which may have been altered by experimentation, rough handling or other ordnance tests.

CERTIFICATE NUMBER: 2
APPLIES ONLY TO: U.S. ARMY RESEARCH LABORATORY

DUTY AND/OR EVENT WHICH GIVES RISE TO HP DIFFERENTIAL:

Working with or in close proximity to explosives and incendiary materials.

HAZARD WHICH IS PRESENT:

Employees are exposed to unknown ordnance.

DESCRIPTION OF DUTY PERFORMED:

- a. Performing operations with Hazard Class/Division 1.1 molten explosives.
- b. Performing tests on unknown ordnance. To qualify as unknown, the item must not be type classified, and there must be a lack of safety test data on the item and on its energetic fill. Most items will be of foreign manufacture.
- c. Handling ammunition which has been subjected to and damaged by testing and/or experimentation. To qualify, the rounds must be intact after the test. In general, hazard pay will not be paid when the test items have been broken up and the explosive is unconfined.
- d. Cleaning up after explosive tests when explosive debris may be trapped under or between metal plates or may in some other fashion be mixed up with abrasive debris.
- e. Performing operations where a hot wire (low energy) detonator must be attached to an explosive charge.
- f. Being the first person to approach a test site after a test if both the following circumstances apply.
 - (1) There is a significant probability that damaged, unreacted explosive or propellant is present and
 - (2) The unreacted explosive/propellant is likely to be partially confined in its original container or by metal plates or by other abrasive debris.

CERTIFICATE NUMBER: 3

APPLIES ONLY TO: NATIONAL GROUND INTELLIGENCE CENTER

DUTY AND/OR EVENT WHICH GIVES RISE TO HP DIFFERENTIAL:

Working with or in close proximity to explosives and incendiary materials.

HAZARD WHICH IS PRESENT:

Employees are exposed to unknown ordnance.

DESCRIPTION OF DUTIES PERFORMED:

a. Performing intelligence and exploitation support logistics operations with foreign manufactured Hazard Class/Division 1.1 through 1.4 explosives, constituting all types of ground systems munitions, to include small arms, artillery, mortar, tank main gun, rocket artillery, rocket propelled grenades, antitank and anti-air guided weapons, mines, grenades, demolition materials and pyrotechnics.

b. Performing intelligence exploitation work on unknown foreign ordnance. Work includes physical examination, weighing, measuring, photographing, transcription of markings, while handling the munitions. Until intelligence examination and identification takes place, exact model nomenclatures and specific characteristics are unknown, no hazard classification exists, and no technical safety data is available.

c. Due to sources of acquisition of subject munitions, such as captured materiel from war zones, munitions often are received in damaged or degraded condition. Intelligence requirements often require retention and handling.

d. Performing intelligence exploitation support operations on foreign manufactured Hazard Class 1.1 through 1.4 explosives, constituting all types of ground systems munitions, to include small arms, artillery, mortar, tank main gun, rocket artillery, rocket propelled grenades, antitank and anti-air guided weapons, mines, grenades, demolition materials and pyrotechnics. This includes receipt in original packaging which usually does not meet U.S. Department of Transportation and Department of Defense standards, and which is often damaged. Condition of

munition in the packaging is unknown until the intelligence examination process. Transportation of unknown and/or damaged munition between storage facilities and approved workshops. Handling of subject munitions during the process of repackaging in accordance with appropriate specifications.

CERTIFICATE NUMBER: 4

APPLIES ONLY TO: EDGEWOOD RESEARCH, DEVELOPMENT AND ENGINEERING CENTER

DUTY AND/OR EVENT WHICH GIVES RISE TO HP DIFFERENTIAL:

Working with or in close proximity to toxic chemical materials.

HAZARD WHICH IS PRESENT:

Employees are working with chemical agents exceeding the RDTE dilute solution quantities and concentrations listed in Table 1. *Experimental chemicals having known or suspected acute toxicities that are equivalent or greater than those in the table are also included.

TABLE 1

Agents	Minimum Total Quantity	Minimum Concentration
GA, GB, BD, GF,	20 mg	2.0 mg/ml
VX	10 mg	1.0 mg/ml
H, HD, HQ, HT, Q, T	100 mg	10.0 mg/ml
L, HL	50 mg	5.0 mg/ml

DESCRIPTION OF DUTIES PERFORMED:

a. Handling an open primary container of chemical agent within engineering controls (e.g., laboratory hoods). An individual performing this work and the required second person are authorized.

b. Performing operations using chemical agents when within engineering controls and using protective clothing as the primary source of protection (e.g., chemical agent chamber entry).

CERTIFICATE NUMBER: 5

APPLIES ONLY TO: U.S. ARMY CENTER FOR HEALTH PROMOTION AND
PREVENTIVE MEDICINE

DUTY AND/OR EVENT WHICH GIVES RISE TO HP DIFFERENTIAL:

Working with or in close proximity to toxic chemical
materials.

HAZARD WHICH IS PRESENT:

Working with or in close proximity to toxic chemical
materials.

DESCRIPTION OF DUTIES PERFORMED:

Performing operations using chemical materials engineering
controls and using protective clothing source of protection
(e.g., chemical agent chamber when within as the primary
entry).

CERTIFICATE NUMBER: 6
APPLIES ONLY TO: U.S. ARMY CENTER FOR HEALTH PROMOTION AND
PREVENTIVE MEDICINE

DUTY AND/OR EVENT WHICH GIVES RISE TO HP DIFFERENTIAL:

Working with or in close proximity to explosives and
incendiary materials.

HAZARD WHICH IS PRESENT:

Employees are exposed to unknown ordnance, explosives, or
chemicals.

DESCRIPTION OF DUTIES PERFORMED:

Drilling and sampling soil and ground water, particularly
in areas burning grounds and demolition.

CERTIFICATE NUMBER: 7
APPLIES ONLY TO: U.S. ARMY SOLDIER AND BIOLOGICAL CHEMICAL
COMMAND

DUTY AND/OR EVENT WHICH GIVES RISE TO HP DIFFERENTIAL:

Exposure to work with or in close proximity to explosive or incendiary materials of an experimental, uncharacterized, unstable, or highly sensitive nature.

HAZARD WHICH IS PRESENT:

This duty involves employees handling, or in close proximity to, experimental, modified, or unknown pyrotechnic compositions and/or explosives; or experimental, modified, or unknown pyrotechnic and/or explosive items.

DESCRIPTION OF DUTIES PERFORMED:

The duty performed involves nine general (distinct) operations which involve exposure to experimental I modified, or unknown pyrotechnic or explosive compositions or items. These duties involve the manufacturing process which begins with the blending of the starting materials and ends with the composition or item, properly packaged for storage or shipment over public highways. It also includes the downloading, modification, and/or reassembly (using experimental components) of experimental I military standard, commercial I or unknown ammunition items. The manufacture and/or modification of these materials and/or items involves several specific hazardous operations. They include:

- a. Wet or dry blending of the chemicals into a final composition.
- b. Preparation of the composition for drying.
- c. Screening or granulating the composition into specific particle sizes.
- d. Weighing/filling loose composition into containers.
- e. Pressing the compositions into pellets or into containers.

f. Capping containers containing pyrotechnic composition or explosives.

g. Fuzing containers loaded with pyrotechnic composition.

h. Assembly of ammunition using experimental or modified components.

i. Downloading or modification of any type or experimental, military standard, commercial, or foreign ammunition.

CERTIFICATE NUMBER: 8
APPLIES ONLY TO: U.S. ARMY SOLDIER AND BIOLOGICAL AND
CHEMICAL COMMAND

DUTY AND/OR EVENT WHICH GIVES RISE TO HP DIFFERENTIAL:

Working with or in close proximity to toxic chemical materials.

HAZARD WHICH IS PRESENT:

Employees are performing first entry monitoring for the purposes of establishing a baseline for determining adequate protection measures for subsequent work in an area that may contain toxic chemical materials.

DESCRIPTION OF DUTIES PERFORMED:

Entry into an area, where a potential toxic material is present, for the express purpose of establishing a baseline. This action necessitates an increased level of protection over that which is normally necessary for subsequent entry.

CERTIFICATE NUMBER: 9

APPLIES ONLY TO: U.S. ARMY SOLDIER AND BIOLOGICAL AND
CHEMICAL COMMAND

DUTY AND/OR EVENT WHICH GIVES RISE TO HP DIFFERENTIAL:

Exposure to work with or in close proximity to explosive or incendiary materials of an experimental, uncharacterized, unstable, or highly sensitive nature.

HAZARD WHICH IS PRESENT:

Employees are exposed to experimental modified or unknown ammunition.

DESCRIPTION OF DUTIES PERFORMED:

a. Conducting vibration/rough handling/solar radiation of explosive materials. In order to be payable, the employee must be responsible for handling items during and after testing in order to inspect, package, or arrange for the transportation of the items tested.

b. Conducting industrial x-ray of ammunition/explosives of unknown nature, of a highly sensitive nature and/or which may have been altered by experimentation, rough handling or other ordnance tests.

c. Testing operations which involve exposure to experimental I modified, or unknown pyrotechnic or explosive compositions or items. These duties include the removal of the item(s) from its shipping container and ends with the item(s) completely consumed in tests, or when custody of the item has been transferred. It also includes the pretesting, positioning, assembly, downloading, modification and/or re-assembly (using experimental components) of experimental I modified or unknown ammunition items, duds or misfired weapons. Support operations in close proximity to these operations are also included.

CERTIFICATE NUMBER: 10
APPLIES ONLY TO: U.S. ARMY SOLDIER AND BIOLOGICAL AND
CHEMICAL COMMAND

DUTY AND/OR EVENT WHICH GIVES RISE TO HP DIFFERENTIAL:

Working with or in close proximity to toxic chemical materials.

HAZARD WHICH IS PRESENT:

Employees are handling ordnance items containing either known chemical warfare material or unknown liquids that are possibly chemical warfare material as listed in Certificate 4 of this regulation.

DESCRIPTION OF DUTIES PERFORMED:

Handling a Non-stockpile ordnance item for the purpose of identifying and stopping any leaks, and packaging the item into an overpack container as part of an emergency response or remediation effort. The person actually handling the item and the required assistant to the individual handling the item are authorized.

CERTIFICATE NUMBER: 11

APPLIES ONLY TO: U.S. ARMY SOLDIER AND BIOLOGICAL AND CHEMICAL
COMMAND

DUTY AND/OR EVENT WHICH GIVES RISE TO HP DIFFERENTIAL:

Working with or in close proximity to toxic chemical materials.

HAZARD WHICH IS PRESENT:

Employees are handling Chemical Agent Identification Sets containing either known chemical warfare material or suspected toxic chemicals.

DESCRIPTION OF DUTIES PERFORMED:

Handling a Chemical Agent Identification Set or their components for the purpose of identifying and stopping any leaks, and packaging the item into an overpack container as part of an emergency response or remediation effort. The person actually handling the item and the required assistant to the individual handling the item are authorized.

CERTIFICATE NUMBER: 12
APPLIES ONLY TO: U.S. ARMY GARRISON, ABERDEEN PROVING GROUND

DUTY AND/OR EVENT WHICH GIVES RISE TO HP DIFFERENTIAL:

Working with or in close proximity to unknown, sensitive explosive items.

HAZARD WHICH IS PRESENT:

This duty involves physical inventories and handling of unknown ordnance.

DESCRIPTION OF DUTIES PERFORMED:

a. Perform physical inventories and handling of unknown ordnance. The items are foreign ammunition and explosives which have not been safety certified, inspected or type classified by U.S. Personnel.

b. Individual rounds are removed from outer packs to verify count then repackaged for return to storage.

APPENDIX C

SAMPLE MEMORANDUM FOR
REQUESTING APPROVAL FOR HAZARDOUS DUTY PAY

AMSSB-GCP (690-500)

1 May 2000

MEMORANDUM FOR Commander, U.S. Army Garrison, Aberdeen Proving
Ground, ATTN: AMSSB-GCP, 2201 Aberdeen
Boulevard, Aberdeen Proving Ground, Maryland
21005-5001

SUBJECT: Request for Approval of New Hazardous Duty Pay (HDP)
Work Situation

1. The employee(s) listed below (or on the enclosed) performed a duty which I believe warrants hazardous duty pay.
2. This duty/event matches a category outlined in appendix A, subpart I, part 550, title 5, Code of Federal Regulations but is not on a listed/approved certificate for this activity. The category is Explosives.
3. The duty performed was physical inventories and handling of unknown ordnance. The items are foreign ammunition and explosives which have not been safety certified, inspected or type classified by U.S. Personnel.
4. This involved exposing the employee to the following hazard: in close proximity to highly unstable materials - physical inventories and handling of unknown ordnance.
5. Protective measures which were employed included full range of protective clothing and devices.
6. In my view, these (did/did not) practically eliminate the hazard.
7. This is a one-of-a-kind duty which is not likely to recur; OR This is a duty which is likely to recur and, if approved, should be placed on our list of approved hazardous work situations.
8. The following is employee-related information:

Name	SSN	Title, Series, Grade/Step
SMITH, John D.	123-45-6789	Engineer Technician, GS-802-11/05

9. The point of contact on this matter is Mr. William Jones, extension 2345.

I. M. Duggs
Chief, Explosives Division

(AMSSB-GCP)

FOR THE COMMANDER:


DAVID G. BURDICK
ADJUTANT GENERAL

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DEPARTMENT OF THE ARMY
US ARMY ABERDEEN PROVING GROUND
Aberdeen Proving Ground, Maryland 21005-5001

APG Regulation
No. 690-28

30 October 2006

Civilian Personnel
HAZARDOUS DUTY PAY FOR CLASS ACT EMPLOYEES

The word "he" (and its derivatives) when used in the regulation is intended to include both the masculine and the feminine genders; exceptions will be noted

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1. PURPOSE. The purpose of this regulation is to outline the provisions, requirements and procedures to be followed in order to pay hazard differentials to general schedule (GS) and general merit (GM) employees. This regulation supplements basic Hazard Pay (HP) program requirements outlined in references cited below.

2. SCOPE. This regulation applies to all activities at this installation that employ GS/GM employees (including full-time, part-time and intermittent personnel). This regulation does not cover any employee in the Federal Wage System or those covered by the Non-Appropriated Fund Personnel System.

*This regulation supersedes APG Regulation 690-28, 23 August 2000.

3. POLICY. It is the policy of the Commanders/Directors of activities and organizations on this installation that:

- a. Work environments will, to the maximum extent possible, be safe and healthful.
- b. Personnel will not be unnecessarily exposed to hazards.
- c. Nothing in this regulation will be interpreted as permitting violation of any Federal or State law relevant to worker safety.
- d. Hazard pay will only be authorized when all the requirements of this regulation and other applicable regulations and guidelines are fully met.

4. DEFINITIONS.

a. Taken into account in the classification of the position. The duty constitutes an element used in establishing the grade of the job. It does not mean that a higher grade has to occur as a result of the performance/recognition of hazardous duties. In order to constitute an element used in establishing the grade of the position, a particular duty must be performed with sufficient regularity and must be reflected in the knowledge, skills and abilities needed to perform the duties of the position.

b. In close proximity to. Being exposed to a potentially hazardous event against which the employee cannot be provided adequate protection from serious injury by use of distance, engineered controls or personal protective equipment.

5. GENERAL.

a. Appendix A lists the approved categories of hazardous duties or duties involving physical hardship for which a hazard pay differential may be warranted. This list, which is approved by the Office of Personnel Management (OPM), is from subpart I, part 550, Title 5, Code of Federal Regulations Appendix A. Any change to the OPM approved list will supersede Appendix A of this regulation.

b. Hazardous Duty Pay (HDP) will not be paid if the hazardous duty has been taken into account in the classification of the employee's job; or the hazard has been practically eliminated by the use of protective clothing, device or procedures; or the employee undertakes a duty without proper authorization.

c. Only those situations, events and/or environments outlined in Appendix A will warrant payment of HDP. These situations are supplemented by locally developed certificates which

outline conditions, environments and/or situations peculiar to APG and/or its tenants which have been determined to meet the requirements for payment of HDP. Local certificates are at Appendix B.

d. ~~Certificates in Appendix B will be reviewed by management officials and their supporting safety, industrial hygiene and/or medical office (s) at least annually to~~ ensure conditions continue to support payment of HDP. These offices are to notify the Civilian Personnel Advisory Center (CPAC), US Army Garrison, Aberdeen Proving Ground (USAGAPG) , immediately upon determination that a condition outlined in an existing certificate no longer supports and justifies payment of HDP.

6. RESPONSIBILITIES.

a. Supervisors and line management will:

(1) To the maximum extent possible, create and foster a work environment which is as free from hazards and unpleasant working conditions as is possible.

(2) Eliminate or reduce to the lowest level possible the kinds of duties, hazards, physical hardships, severe working conditions and environments which warrant HDP. To this end, use and deploy employees so as to limit assignments that warrant HDP to the least number of employees required for the assignment.

(3) Before assigning work which may be hazardous, ensure to the maximum extent possible that procedures, processes and/or devices are in place which will reduce and/or eliminate hazardous work environments.

(4) Before assigning work which is not covered by an existing certificate, confer with and/or request assistance from industrial hygiene, safety and/or medical activities in order to properly assess hazards and to gain assistance on practical elimination thereof.

(5) Periodically review and reevaluate work practices (at least annually), existing engineering/protective devices and controls, and existing standing operating procedures (SOPS) to ensure constant attention to hazardous work operation practices. Coordinate and interact with safety, industrial hygiene and/or medical staff advisors as required.

(6) Carry out all tasks necessary to ensure proper payment of HDP differentials to subordinates. This includes evaluating work situations under their supervision and determining when payment of HDP differentials are warranted, authorizing payment of HDP when appropriate, and explaining to the work force the basis for approval and/or disapproval of the differential as appropriate.

(7) In keeping with the authority under the Delegated Classification Authority (DCA) program, make final determination on whether a particular duty has been "taken into account" in the classification process. Such determinations will be made after appropriate recommendations and advisories are provided by the Civilian Personnel Operations Center.

b. All safety officers on the installation and industrial hygiene and medical advisory staff will:

(1) Serve as primary staff advisor(s) to line management and supervisors on matters related to hazardous work environments, and hazardous tasks and risk analysis and assessment.

(2) Provide professional advice and assistance on matters related to the activity's HDP program, including serving on standing and ad hoc committees which oversee such programs.

(3) Evaluate specific work environments and work situations in order to determine whether they meet the requirements of the HDP program as defined in governing regulations.

(4) Provide advice and guidance to the Personnel Office on the safety/industrial hygiene/medical aspects of the activity's HDP program. This includes making final determinations as to whether a hazard actually exists and/or whether it has been practically eliminated through the use of engineered controls, personal protective equipment and/or other procedures and processes.

c. Director, CPAC, USAGAPG will:

(1) Provide for the administrative oversight and staff supervision of the HDP Program on the installation, including development of pertinent implementing regulations and providing as requested training to installation supervisors.

(2) Participate with the Civilian Personnel Operations Center (CPOC) classification specialists when responding to questions concerning the rules and regulations governing the HDP program. The CPOC, not CPAC, is the final authority on HDP aspects dealing with classification issues.

(3) Ensure that proper and timely coordination is effected with safety, payroll and other staff offices which contribute to efficient program administration.

(4) Participate on standing and ad hoc HDP oversight committees.

7. PROCEDURES.

a. Hazard Pay Authorization Certificates. At Appendix 3 to this regulation are organization-specific work situations, job environments and/or job operation, which have been determined to meet the requirements for payment of HDP. Supervisors will compare the work situations and job environments under their supervision to these conditions to determine whether HDP is authorized.

(1) When a match is determined to exist, the supervisor will authorize the appropriate HDP differential either on the employee's timecard or via the electronic timekeeping system.

(2) In order for a match to occur, the work performed must be identical to that outlined on the certificate AND the certificate must be authorized for the major organizational element to which the supervisor is assigned (i.e., Aberdeen Test Center, Amy Research Laboratory, etc). If there are questions as to the coverage of an existing certificate, the supervisor will seek guidance and assistance from the appropriate staff office (i.e., Safety, Industrial Hygiene, Civilian Personnel, etc.).

(3) When the work/environment does not match a certificate or if the work is certified for another organization on post, a request for approval of HDP must be initiated by the supervisor. Until approval is obtained, HDP will not be paid.

(4) Supervisors are responsible for reviewing the certificate(s) which pertain to their organization /work operations to ensure they are kept current.

(a) At least annually, these certificates will be reviewed to ensure they continue to support HDP differentials and/or to authenticate that the work described continues to be performed.

(b) When new operations are begun which appear to be of a regular and/or recurring nature, supervisors will initiate requests to have a new certificate established. Procedures for establishing new certificates are outlined below.

b. Requests for Approval of HDP. If an existing certificate does not cover the work being performed and/or if the certificate does not cover that work in the organizational location of the supervisor involved, a request for approval of HDP must be initiated by the supervisor. It is envisioned that this will occur for "one-of-a-kind" work operations and/or for the first time a work operation is performed.

(1) The supervisor will initiate a request for approval following the format outlined in Appendix C.

(2) The memorandum will be sent to the Director, CPAC who will then route it to the appropriate safety/industrial hygiene/medical offices for review unless previously accomplished by the activity.

(3) If the situation is approved for payment, the supervisor will be notified and a corrected time card for the employee(s) will be submitted via normal timekeeping channels. If it is disapproved, the reason for the disapproval will be provided to the supervisor in writing.

(4) Requests will be submitted in a timely fashion, normally within one work week of the event/task performance.

8. REFERENCE. Pay for Duty Subpart I, part 550, title 5, Code of Federal Regulations, Involving Physical Hardship or Hazard.

APPENDIX B

APPROVED HDP CERTIFICATES

CERTIFICATE NUMBER: 1

APPLIES ONLY TO: US ARMY ABERDEEN TEST CENTER

DUTY AND/OR EVENT WHICH GIVES RISE TO HP DIFFERENTIAL:

Working with or in close proximity to explosives and incendiary materials.

HAZARD WHICH IS PRESENT:

Employees are exposed to unknown ordnance.

DESCRIPTION OF DUTY PERFORMED:

a. Conducting vibration/rough handling/solar radiation of explosive materials. In order to be payable, the employee must be responsible for handling items during and after testing in order to inspect, package, or arrange for the transportation of the item tested.

~~b. Digging or carrying~~ Digging or carrying out surface/subsurface checks in areas where unexploded ordnance is known to exist from previous range testing.

c. Installing instrumentation in areas which has been declared unsafe Explosives Ordnance Detachment (EOD) personnel due to probability of encountering unexploded ordnance.

d. Installing instrumentation at static testing sites where high-energy (HE) ammunition has been pre-positioned to install the instrumentation. In order to be payable, employee must be in close proximity when detonation circuit or secondary explosive charges are emplaced.

~~e. Conducting industrial x-ray~~ Conducting industrial x-ray of ammunition/explosives of unknown nature, of a highly sensitive nature and/or which may have been altered by experimentation, rough handling or other ordnance tests.

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CERTIFICATE NUMBER: 2

APPLIES ONLY TO: US ARMY RESEARCH LABORATORY

DUTY AND/OR EVENT WHICH GIVES RISE TO HP DIFFERENTIAL:

Working with or in close proximity to explosives and incendiary materials.

HAZARD WHICH IS PRESENT:

Employees are exposed to unknown ordnance.

DESCRIPTION OF DUTY PERFORMED:

- a. Performing operations with Hazard Class/Division 1.1 molten explosives.
- b. Performing tests on unknown ordnance. To qualify as unknown, the item must not be type classified, and there must be a lack of safety test data on the item and on its energetic fill. Most items will be of foreign manufacture.
- c. Handling ammunition which has been subjected to and damaged by testing and/or experimentation. To qualify, the rounds must be intact after the test. In general, hazard pay will not be paid when the test items have been broken up and the explosive is unconfined.
- d. Cleaning up after explosive tests when explosive debris may be trapped under or between metal plates or may in some other fashion be mixed up with abrasive debris.
- e. Performing operations where a hot wire (low energy) detonator must be attached to an explosive charge.
- f. Being the first person to approach a test site after a test if both the following circumstances apply.
 - (1) There is a significant probability that damaged, unreacted explosive or propellant is present and
 - (2) The unreacted explosive/propellant is likely to be partially confined in its original container or by metal plates or by other abrasive debris.

CERTIFICATE NUMBER: 3

APPLIES ONLY TO: NATIONAL GROUND INTELLIGENCE CENTER

DUTY AND/OR EVENT WHICH GIVES RISE TO HP DIFFERENTIAL:

Working with or in close proximity to explosives and incendiary materials.

HAZARD WHICH IS PRESENT:

Employees are exposed to unknown ordnance.

DESCRIPTION OF DUTIES PERFORMED:

a. Performing intelligence and exploitation support logistics operations with foreign manufactured Hazard Class/Division 1.1 through 1.4 explosives, constituting all types of ground systems munitions, to include small arms, artillery, mortar, tank main gun, rocket artillery, rocket propelled grenades, antitank and anti-air guided weapons, mines, grenades, demolition materials and pyrotechnics.

b. Performing intelligence exploitation work on unknown foreign ordnance. Work includes physical examination, weighing, measuring, photographing, transcription of markings, while handling the munitions. Until intelligence examination and identification takes place, exact model nomenclatures and specific characteristics are unknown, no hazard classification exists, and no technical safety data is available.

c. Due to sources of acquisition of subject munitions, such as captured materiel from war zones, munitions often are received in damaged or degraded condition. Intelligence requirements often require retention and handling.

d. Performing intelligence exploitation support operations on foreign manufactured Hazard Class 1.1 through 1.4 explosives, constituting all types of ground systems munitions, to include small arms, artillery, mortar, tank main gun, rocket artillery, rocket propelled grenades, antitank and anti-air guided weapons, mines, grenades, demolition materials and pyrotechnics. This includes receipt in original packaging which usually does not meet US Department of Transportation and Department of Defense standards, and which is often damaged. Condition of munition in the packaging is unknown until the intelligence examination process. Transportation of unknown and/or damaged munition between storage facilities and approved workshops. Handling of subject munitions during the process of repackaging in accordance with appropriate specifications.

CERTIFICATE NUMBER: 4

APPLIES ONLY TO: US ARMY RESEARCH, DEVELOPMENT AND
ENGINEERING COMMAND

DUTY AND/OR EVENT WHICH GIVES RISE TO HP DIFFERENTIAL:

Working with or in close proximity to toxic chemical materials.

HAZARD WHICH IS PRESENT:

Employees are working with chemical agents exceeding the RDTE dilute solution quantities and concentrations listed in Table 1. *Experimental chemicals having known or suspected acute toxicities that are equivalent or greater than those in the table are also included.

TABLE 1

Agents	Minimum Total Quantity	Minimum Concentration
GA, GB, BD, GF	20 mg	2.0 mg/ml
VX	10 mg	1.0 mg/ml
H, HD, HQ, HT, Q, T	100 mg	10.0 mg
L, HL	50 mg	5.0 mg/ml

DESCRIPTION OF DUTIES PERFORMED:

- a. Handling an open primary container of chemical agent within engineering controls (e.g., laboratory hoods). An individual performing this work and the required second person are authorized.
- b. Performing operations using chemical agents when within engineering controls and using protective clothing as the primary source of protection (e.g., chemical agent chamber entry).

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CERTIFICATE NUMBER : 5

APPLIES ONLY TO: US ARMY CENTER FOR HEALTH PROMOTION AND
PREVENTIVE MEDICINE

DUTY AND/OR EVENT WHICH GIVES RISE TO HP DIFFERENTIAL:

Working with or in close proximity to toxic chemical materials.

HAZARD WHICH IS PRESENT:

Working with or in close proximity to toxic chemical materials.

DESCRIPTION OF DUTIES PERFORMED:

Performing operations using chemical materials engineering controls and using protective clothing source of protection (e. g., chemical agent chamber when within as the primary entry).

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CERTIFICATE NUMBER: 6

APPLIES ONLY TO: US ARMY CENTER FOR HEALTH PROMOTION AND
PREVENTIVE MEDICINE

DUTY AND/OR EVENT WHICH GIVES RISE TO HP DIFFERENTIAL:

Working with or in close proximity to explosives and incendiary materials.

HAZARD WHICH IS PRESENT:

Employees are exposed to unknown ordnance, explosives, or chemicals.

DESCRIPTION OF DUTIES PERFORMED:

Drilling and sampling soil and ground water, particularly in areas burning grounds and
demolition.

CERTIFICATE NUMBER: 7

APPLIES ONLY TO: US ARMY SOLDIER AND BIOLOGICAL CHEMICAL
COMMAND

DUTY AND/OR EVENT WHICH GIVES RISE TO HP DIFFERENTIAL:

Exposure to work with or in close proximity to explosive or incendiary materials of an experimental, uncharacterized, unstable, or highly sensitive nature.

HAZARD WHICH IS PRESENT:

This duty involves employees handling, or in close proximity to, experimental, modified, or unknown pyrotechnic compositions and/or explosives; or experimental, modified, or unknown pyrotechnic and/or explosive items.

DESCRIPTION OF DUTIES PERFORMED:

The duty performed involves nine general (distinct) operations which involve exposure to experimental I modified, or unknown pyrotechnic or explosive compositions or items. These duties involve the manufacturing process which begins with the blending of the starting materials and ends with the composition or item, properly packaged for storage or shipment over public highways. It also includes the downloading, modification, and/or reassembly (using experimental components) of experimental I military standard, commercial I or unknown ammunition items. The manufacture and/or modification of these materials and/or items involves several specific hazardous operations. They include:

- a. Wet or dry blending of the chemicals into a final composition.
- b. Preparation of the composition for drying.
- c. Screening or granulating the composition into specific particle sizes.
- d. Weighing/filling loose composition into containers.
- e. Pressing the compositions into pellets or into containers.
- f. Capping containers containing pyrotechnic composition or explosives.
- g. Fuzing containers loaded with pyrotechnic composition.

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- h. Assembly of ammunition using experimental or modified components.
- i. Downloading or modification of any type or experimental, military standard, commercial, or foreign ammunition.

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CERTIFICATE NUMBER: 8

APPLIES ONLY TO: US ARMY SOLDIER AND BIOLOGICAL AND
CHEMICAL COMMAND

DUTY AND/OR EVENT WHICH GIVES RISE TO HP DIFFERENTIAL:

Working with or in close proximity to toxic chemical materials.

HAZARD WHICH IS PRESENT:

Employees are performing ~~first entry monitoring~~ for the purposes of establishing a baseline for determining adequate protection measures for subsequent work in an area that may contain toxic chemical materials.

DESCRIPTION OF DUTIES PERFORMED:

Entry into an area, ~~where a potential toxic material is present~~, for the express purpose of establishing a baseline. This action necessitates an increased level of protection over that which is normally necessary for subsequent entry.

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CERTIFICATE NUMBER: 9

APPLIES ONLY TO: US ARMY SOLDIER AND BIOLOGICAL AND CHEMICAL
COMMAND

DUTY AND/OR EVENT WHICH GIVES RISE TO HP DIFFERENTIAL:

Exposure to work with or in close proximity to explosive or incendiary materials of an experimental, uncharacterized, unstable, or highly sensitive nature.

HAZARD WHICH IS PRESENT:

Employees are exposed to experimental modified or unknown ammunition.

DESCRIPTION OF DUTIES PERFORMED:

- a. Conducting vibration/rough handling/solar radiation of explosive materials. In order to be payable, the employee must be responsible for handling items during and after testing in order to inspect, package, or arrange for the transportation of the items tested.
- b. Conducting industrial x-ray of ammunition/explosives of unknown nature, of a highly sensitive nature and/or which may have been altered by experimentation, rough handling or other ordnance tests.
- c. Testing operations which involve exposure to experimental I modified, or Unknown pyrotechnic or explosive compositions or items. These duties include the removal of the item(s) from its shipping container and ends with the item(s) completely consumed in tests, or when custody of the item has been transferred. It also includes the pretesting, positioning, assembly, downloading, modification and/or re-assembly (using experimental components) of experimental I modified or unknown ammunition items, duds or misfired weapons. Support operations in close proximity to these operations are also included.

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CERTIFICATE NUMBER: 10

APPLIES ONLY TO: US ARMY SOLDIER AND BIOLOGICAL AND
CHEMICAL COMMAND

DUTY AND/OR EVENT WHICH GIVES RISE TO HP DIFFERENTIAL:

Working with or in close proximity to toxic chemical materials.

HAZARD WHICH IS PRESENT:

Employees are ~~handling ordnance items containing either known~~ chemical warfare material or unknown liquids that are possibly chemical warfare material as listed in Certificate 4 of this regulation.

DESCRIPTION OF DUTIES PERFORMED:

Handling a Non-stockpile ordnance item for the purpose of identifying and stopping any leaks, and packaging the item into an overpack container as part of ~~an emergency response or remediation effort~~. The person actually handling the item and the required assistant to the individual handling the item are authorized.

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CERTIFICATE NUMBER: 11

APPLIES ONLY TO: US ARMY SOLDIER AND BIOLOGICAL AND
CHEMICAL COMMAND

DUTY AND/OR EVENT WHICH GIVES RISE TO HP DIFFERENTIAL:

Working with or in close proximity to toxic chemical materials.

HAZARD WHICH IS PRESENT:

Employees are handling ~~Chemical Agent Identification Sets~~ containing either known
chemical warfare material or suspected toxic chemicals.

DESCRIPTION OF DUTIES PERFORMED:

Handling a Chemical Agent Identification Set or their components for the purpose of
identifying and stopping any leaks, and packaging the item into an overpack container
as part of an emergency response or remediation effort. The person actually handling
the item and the required assistant to the individual handling the item are authorized.

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CERTIFICATE NUMBER: 12

APPLIES ONLY TO: US ARMY GARRISON, ABERDEEN PROVING GROUND

DUTY AND/OR EVENT WHICH GIVES RISE TO HP DIFFERENTIAL:

Working with or in close proximity to unknown, sensitive explosive items.

HAZARD WHICH IS PRESENT:

This duty involves physical inventories and handling of unknown ordnance.

DESCRIPTION OF DUTIES PERFORMED:

a. Perform physical inventories and handling of unknown ordnance. The items are foreign ammunition and explosives which have not been safety certified, inspected or type classified by US Personnel.

b. Individual rounds are removed from outer packs to verify count then repackaged for return to storage.

APPENDIX C

SAMPLE MEMORANDUM FOR
REQUESTING APPROVAL FOR HAZARDOUS DUTY PAY

PECP-NER-G

30 October 2006

MEMORANDUM FOR Commander, US Army Garrison, Aberdeen Proving Ground,
ATTN: AMSSB-GCP, 2201 Aberdeen Boulevard, Aberdeen Proving Ground, Maryland
21005-5001

SUBJECT: Request for Approval of New Hazardous Duty Pay (HDP) Work Situation

1. The employee (s) listed below (or on the enclosed) performed a duty which I believe warrants hazardous duty pay.
2. This duty/event matches a category outlined in Appendix A, subpart I, part 550, title 5, Code of Federal Regulations but is not on a listed/approved certificate for this activity. The category is Explosives.
3. The duty performed was physical inventories and handling of unknown ordnance. The items are foreign ammunition and explosives which have not been safety certified, inspected or type classified by US Personnel.
4. This involved exposing the employee to the following hazard: in close proximity to highly unstable materials – physical inventories and handling of unknown ordnance.
5. Protective measures which were employed included full range of protective clothing and devices.
6. In my view, these (did/did not) practically eliminate the hazard.
7. This is a one-of-a-kind duty which is not likely to recur; OR This is a duty which is likely to recur and, if approved, should be placed on our list of approved hazardous work situations.

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8. The following is employee-related information:

Name	SSN	Title, Series,	Grade/Step
SMITH, John D.	123-45-6789	Engineer Technician	GS-802-11/05

9. The point of contact on this matter is Mr. William Jones, extension 2345.

I. M. Duggs
Chief, Explosives Division

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(PECP-NER-G)

FOR THE COMMANDER:

Nancy M. Tayson
JANET L. DETTWILER
Adjutant General

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