

STATE OF WEST VIRGINIA
OFFICE OF THE ADJUTANT GENERAL
CHARLESTON, WV 25311

WVHRO Regulation 550-2

15 August 1998

HAZARDOUS DIFFERENTIAL PAY (HDP) PLAN

This regulation establishes the procedures and provides information on the Hazardous Differential Pay (HDP) Plan. It is applicable only to General Schedule (GS) technicians.

SECTION A

1. REFERENCES:

- a. Subpart I, Code of Federal Regulations (CFR)
- b. Section 5545 (d), and 5548 (b) of Title 5, US Code
- b. Subpart I, CFR 550.901 and Appendix A of Subpart I

2. DEFINITIONS:

a. Duty Involving Physical Hardship – A duty which may not in itself be hazardous, but which causes extreme physical discomfort or distress, and which is not adequately alleviated by protective or mechanical devices, such as a duty requiring exposure to extreme temperatures for a long period of time; a duty involving arduous physical exertion, such as duty which must be performed in cramped conditions; a duty involving exposure to fumes, dust, or noise which causes nausea, skin, eye, ear, or nose irritation.

b. Hazardous Duty – A duty performed under circumstances in which an accident could result in serious injury or death, such as a duty performed on a high structure where protective facilities are not used, or on an open structure where adverse conditions such as darkness, lightning, steady rain, or high wind velocity exist.

c. Hazardous Differential Pay (HDP) - Additional pay for the performance of irregular or intermittent hazardous duty, or duty involving physical hardship.

3. GENERAL: Hazardous Differential Pay (HDP) is additional compensation which is authorized to any General Schedule (GS) technician under Appendix A, Subpart I, CFR 550.901 when he/she performs hazardous duties that are not usually involved in carrying out the duties of his/her position. A GS technician may be paid the differential authorized in Appendix A whenever he/she is assigned to and performs the duty for which the differential is authorized, provided the duty has not been taken into account in the classification of the position. The meaning of “taken into account in the classification of the position” is that the duty constitutes an element used in establishing the grade of the position. In other words, the duty is a part of the knowledge, skills and ability

SUPERSEDES WVHRO REGULATION DATED 1 May 1995
DISTRIBUTION A, B, C

required of the incumbent of the position. It should be noted that a differential may be paid only to employees who are assigned the hazardous duty or duty involving physical hardship. A differential is not authorized for volunteers, that is, employees who undertake a duty without proper authorization, either expressed or implied.

4. **PURPOSE:** The purpose of this regulation is to establish policies and procedures for the request, approval and payment of HDP to technicians employed under the General Schedule pay system.

5. **SCOPE:** This regulation is applicable to all GS technicians employed by the West Virginia National Guard, both Army and Air.

6. **OBJECTIVE:** The objective of this regulation is to insure that there is a workable, flexible HDP plan in effect for GS technicians employed by the West Virginia National Guard, and to insure that decisions concerning HDP are made in a timely manner and applied equally to all GS technicians in identical work situations within the State. In addition, it is the objective of this regulation to insure that all GS technicians are fully aware of their entitlements.

7. **PAYMENT OF HDP:** Payment of HDP is authorized to technicians only while they are in a pay status. (NOTE: Compensatory time worked is not a paid status for this purpose). Also, technicians who are paid annual premium pay are excluded from payment of HDP. (Reference unpublished decision, Comptroller General, B-172031, dated 9 June 1971). When a technician performs duty for which HDP is authorized, he/she shall be paid the hazardous differential for the hours in a pay status on the day on which the duty is performed. For purposes of computing hazardous pay only, hours in a pay status for work performed during a continuous period extending over two days (i.e., uncommon tour of duty) shall be considered to have been performed on the day on which the work began, regardless of the time or the day when the hazardous duty was actually performed and the allowable differential shall be charged to that day.

8. **LIMITATIONS ON USES OF HAZARDOUS DIFFERENTIAL:**

a. **Termination** – Payment of HDP will be discontinued when one or more of the conditions requisite for the payment cease to exist.

b. **Safety Devices** – When adequate safety precautions have reduced the element of hazard to a negligible level, and technicians are no longer performing a duty which is included in Appendix A, payment of HDP is no longer authorized.

c. **Relationship to Other Pay** – HDP is in addition to any other pay allowance to which a technician is entitled, but it is not a part of basic pay and may not be used to compute any additional pay payable under another law.

9. IMPLEMENTATION PROCEDURES:

a. Technician supervisors are responsible for evaluating the duties that are being accomplished by their subordinates and if any situation warrants consideration for HDP, requesting that a determination be made as to eligibility for same. The request should be submitted in writing through normal channels to the Human Resources Office (HRO). Each request must contain, as a minimum, the following information:

(1) The irregular or intermittent duty and rate of HDP authorized under Appendix A that covers the hazardous situation.

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

(3) A complete description of the safety devices/measures provided to eliminate the hazardous situation.

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

(5) A statement as to whether or not the duty has been taken into account in the classification of the position. In other words, is the duty a part of the knowledge, skills and ability required of the incumbent of the position?

(6) A list by position title, number, or other designation of the technician positions involved in the performance of the hazardous duty.

(7) A list by position title and number, or other designation, of the management officials/supervisors who are authorized to certify as to the exposure for pay purposes.

b. Upon receipt of the request for eligibility determination for HDP, the Chairperson will convene the appropriate HDP Committee (i.e., ARNG or ANG) at the earliest opportunity to evaluate the request to determine its eligibility for, and rate of, HDP in accordance with the guidelines established by Subpart I, Code of Federal Regulations and appropriate directives from the National Guard Bureau. If the request meets the eligibility criteria, the Committee will prepare a Hazardous Differential Pay Determination (Reference Attachment 1 for sample format), and forward it, along with all of the other correspondence pertaining to the request to the Human Resources Officer (HRO), with the recommendation that it be approved. The date of determination will be the date the request is approved by the HRO. If the request does not meet the eligibility criteria, the Committee will forward it to the HRO with the recommendation that it be returned to the requesting official for additional justification or disapproved as deemed appropriate.

c. Upon receipt of the HDP Committee's recommendation, the HRO will approve/disapprove the request or return it to the requesting official for additional

justification as deemed appropriate. If approved, the HRO will sign and date the Hazardous Differential Pay Determination to authorize the payment of HDP for that particular hazardous situation. Approved Hazardous Differential Pay Determinations will be incorporated as part of the regulation under Section B or C, as appropriate.

d. Eligibility determinations that cannot be resolved by the HDP Committee will be forwarded to the National Guard Bureau for determination.

e. HDP situations that are in effect as of the effective date of this regulation will be reviewed by the appropriate HDP Committee and, if it is determined that these situations still warrant the payment of HDP, they will be processed in accordance with subparagraphs b and c, above.

10. EFFECTIVE DATE: Payment of HDP is authorized effective as of the date of determination noted on the Hazardous Differential Pay Determinations which are incorporated in Sections B and C of this regulation.

11. DOCUMENTATION FOR TIME AND ATTENDANCE CARDS: Officials (normally immediate supervisors) who have been delegated authority to authorize HDP are identified on each Hazardous Differential Pay Determination. These officials are responsible for:

(a) Authorizing GS technicians to perform hazardous duties.

(b) Documenting each entry of HDP on the technicians' Time and Attendance Card and certifying the accuracy of the entry. NOTE: The page number of the appropriate Hazardous Differential Pay Determination as contained in Section B or C of this regulation will be noted on the reverse side of the technicians' Time and Attendance Card for cross-referencing purposes (Example: B-1).

Encls

ALLEN E. TACKETT
MAJOR GENERAL, WVARNG
The Adjutant General

THIS REGULATION SUPERSEDES ALL HDP SITUATIONS THAT HAVE BEEN APPROVED PRIOR TO THE EFFECTIVE DATE OF THIS PLAN.

HAZARDOUS DIFFERENTIAL PAY DETERMINATION

UNIT/ACTIVITY:

IRREGULAR OR INTERMITTENT DUTY:

RATE OF HDP:

AUTHORITY: (NOTE: Refer to paragraph number listed under Appendix A which authorizes HDP).

SITUATION: (NOTE: Describe in detail the types of irregular or intermittent duty That GS technicians will be required to accomplish and for Which HDP is authorized by Appendix A).

DETERMINATION: (NOTE: Describe when HDP will be paid and to what technicians by position title and number, or other designation.)

OFFICIALS AUTHORIZED TO CERTIFY PERFORMANCE OF IRREGULAR OR INTERMITTENT DUTY FOR PAY PURPOSES: (NOTE: List all by position title and number, or other designation).

DATE OF DETERMINATION: (Date approved for payment by HRO)

APPROVED FOR PAYMENT _____
Human Resources Officer

HDP COMMITTEES

1. RECOMMENDING AUTHORITY:

a. Two Hazardous Differential Pay Committees, one Army National Guard and one Air National Guard, are hereby established for making determinations on local work situations and on the administrative procedures of this regulation. Incumbents to the positions listed below are hereby appointed to serve on their respective HDP Committee.

NOTE: Each Committee may request the assistance of subject matter specialists (i.e., technicians with expertise in the subject being discussed) when deemed appropriate.

b. Upon call of the Chairperson, the HDP Committees are responsible for reviewing existing approved situations for their respective service to determine whether or not the situation still exists which originally warranted the payment of HDP. The findings and recommendations of the Committees will be forwarded to the Human Resources Officer for approval and implementation. As new situations are added to Appendix A, the Committees are responsible for making timely determinations on their applicability to local work situations and forwarding recommendations to the HRO for updating of this regulation.

2. APPROVING AUTHORITY: The Human Resources Officer is hereby delegated authority to approve situations that warrant the payment of HDP, based upon the recommendations of the HDP Committees.

ARMY NATIONAL GUARD HDP COMMITTEE

- (a) Personnel Officer, R9034, Chairperson
- (b) USPFO for West Virginia
- (c) Surface Maintenance Manager, 70138
- (d) Supervisory Aircraft Pilot, AASF, R8736
- (e) President, ACT
- (f) Safety and Occupational Health Manager, 40001
- (g) Occupational Health Specialist, 40004
- (h) Aircraft Flight Instructor, Safety (AASF)
- (i) Position Classification Specialist, F9133/R9038, HRO, Recorder

AIR NATIONAL GUARD HDP COMMITTEE

- (a) Administrative Officer, F8557, HQ WVANG, Chairperson
- (b) Logistics Management Officer (Both Bases), 80205
- (c) Logistics Management Officer (Both Bases), 80045
- (d) Air Operations Officer (Both Bases), F8922
- (e) Airplane Flight Instructor, Fixed Wing (Safety) (Both Bases), F8567
- (f) Safety and Occupational Health Manager (Both Bases), F8921
- (g) President, ACT (Both Bases)
- (h) Administrative Officer (Both Bases), 80051
- (i) Industrial Hygiene Technician (Both Bases), 50120, (Bioenvironmental Engineering Function)
- (j) Position Classification Specialist, F9133/R9038, HRO, Recorder

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HAZARDOUS DIFFERENTIAL PAY PLAN
SECTION B
IRREGULAR OR INTERMITTENT DUTY

for

WEST VIRGINIA AIR NATIONAL GUARD
GENERAL SCHEDULE TECHNICIANS

HAZARDOUS DIFFERENTIAL PAY DETERMINATION
ADDITIONAL DUTY ASSIGNMENT AS AUGMENTEE FIREFIGHTER

UNIT/ACTIVITY: 167th AW, WVANG

IRREGULAR OR INTERMITTENT DUTY: Firefighting – equipment, installation or building fires. Participating as an emergency member of a fire-fighting crew in fighting fires of equipment, installations, or buildings.

RATE OF HDP: 25%

SITUATION:

1. With the increasing demand for additional fire protection in the Air National Guard during recent years, it has been necessary for West Virginia Air National Guard Bases to augment their authorized Fire Protection Branch with an auxiliary force, comprised of GS technician personnel who are selected to train and perform equivalent to an AFSC 3E751 or higher, as additional duty.

a. Fire protection Operating Instruction E-92-53 requires proficiency training bi-monthly for augmentee personnel in the AFSC 3E751. This involves coming into contact with burning fuels, high temperatures, smoke, etc.

b. When an actual emergency occurs (i.e., an aircraft crashes or there is an equipment, installation, or building fire) these personnel come into contact with smoke, flames, burning fuels, and in some situations, toxic chemicals, pyrotechnics, etc.

2. General Schedule (GS) technicians assigned the additional duty of augmentee fire fighters may be required to participate or assist in firefighting operations on the immediate fire scene and in direct exposure to the hazards inherent in containing or extinguishing fires.

DETERMINATION: GS technicians assigned this additional duty may be compensated accordingly when directed to perform duties within the scope of the stated criteria. This includes responding to all real emergencies and also to any proficiency training exercise that involves the actual fighting of a fire.

Applicable to all GS technicians assigned the additional duty of Augmentee Fire Fighter.

OFFICIALS AUTHORIZED TO CERTIFY PERFORMANCE OF IRREGULAR OR INTERMITTENT DUTY FOR PAY PURPOSES:

F9569 Supervisory Civil Engineer
F9570 Supervisory Architect
80018 Fire Chief

(NOTE: The Certifying Official will prepare a certificate listing each GS technician's name and the time (hours) involved in performing this duty. He/she will forward a copy of the certificate to each technician's immediate supervisor who will document and certify the HDP entry on the technician's Time and Attendance Card).

DATE OF DETERMINATION: 15 November 1975

APPROVED FOR PAYMENT _____

HAZARDOUS DIFFERENTIAL PAY PLAN

SECTION C

IRREGULAR OR INTERMITTENT DUTY

APPROVED FOR HAZARDOUS DIFFERENTIAL PAY

UNDER APPENDIX A

for

WEST VIRGINIA ARMY NATIONAL GUARD

GENERAL SCHEDULE TECHNICIANS

15 August 1998

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HAZARDOUS DIFFERENTIAL PAY DETERMINATION
HANDLING EXPLOSIVES IN AVIATION LIFE SUPPORT SHOP

ACTIVITY: AASF #1 and AASF #2, WVARNG

IRREGULAR OR INTERMITTENT DUTY: Handling Class 8 and Class 9 Explosives

RATE of HDP: 4%

SITUATION: Personnel assigned to the Aviation Life Support Equipment Shop (ALSE) at the AASF are required to work with (i.e., physically handle) Class 8 and Class 9 explosive material involving potential injury to the entire anatomy resulting from accidental discharge of explosive material. Specific items handled are:

- a. Foliage Penetration Flares – Placed in survival vest and inspected ever 120 days. Stored in individual crewmember lockers situated in the ALSE shop.
- b. MK-13 Signaling Flares – Placed in cold climate aircraft survival kits, transported to and from aircraft and inspected every 120 days. Stored in the ALSE shop.
- c. Trioxane Compressed Fuel – Placed in cold climate aircraft survival kits, and inspected every 120 days. Store in the ALSE shop.

DETERMINATION: GS technicians assigned this additional duty may be compensated accordingly when directed to perform duties within the scope of the stated criteria.

R9433 Flight Operations Specialist

OFFICIALS AUTHORIZED TO CERTIFY PERFORMANCE OF IRREGULAR OR
INTERMITTENT DUTY FOR PAY PURPOSES

R8736 Supervisory Aircraft Pilot

R8743 Supervisory Maintenance Test Pilot

DATE OF DETERMINATION: 15 April 1993

APPROVED FOR PAYMENT: _____
Human Resources Officer

