OHIO NATIONAL GUARD
ENVIRONMENTAL DIFFERENTIAL PAY
AND HAZARD DIFFERENTIAL PAY PLAN

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1. General Information. This plan contains the Ohio National Guard's plan and guidelines for consideration of situations that may qualify for Environmental Differential Pay/Hazard Differential Pay (EDP/HDP). It establishes procedures for submitting requests for situation review and establishes a committee to conduct assessments and make recommendations for payment of the differential. The Human Resource Officer has the Adjutant General's delegated authority to make decisions concerning differential pay.

2. Purpose. The purpose of this plan is to establish policies and procedures for the implementation and administration of Environmental Differential Pay/Hazard Differential Pay (EDP/HDP).

3. Objective. The Ohio National Guard's objective is to eliminate or reduce to the lowest level possible, all hazards, physical hardships, and working conditions of an unusually severe nature. When these efforts do not correct the unusually severe nature of the hazard, physical hardship, working conditions and compensation is not already paid, then EDP/HDP is warranted. Even though an environmental differential is authorized, supervisors must continue to diligently pursue measures that may eliminate danger and risk which contribute to or cause the hazard, physical hardship, or working condition of an unusually severe nature.

4. Definitions.

a. Hazard: A duty performed under circumstances in which an accident could result in serious injury or death.

b. Physical Hardship: A duty that may not in itself be hazardous, but causes extreme physical discomfort or distress and is not adequately alleviated by protective or mechanical devices, such as duty involving exposure to extreme temperatures for a long period of time, arduous physical exertion, or exposure to fumes, dust, or noise that causes nausea, skin, eye, ear, or nose irritation.

c. Practically Eliminated: The term "practically eliminated" does not require a complete or absolute elimination of potential injury. This term does not mean "virtually" as that would require a higher standard to be applied than is normally accepted in safety and occupational health standards or other applicable Air Force, Army or DoD instructions. The term is more correctly defined as "almost" and is more consistent with the intent of the language of the Code of Federal Regulations (CFR). The CFR requires that potential injury be "practically eliminated" and as such, total elimination of the hazard is not required nor expected.

d. Qualification for Payment: For a technician to receive EDP or HDP payments, the technician must be working in an EDP/HDP committee-approved work situation and be certified by the supervisor on the timecard as having performed the qualifying work.

e. Unusually Severe: Working conditions that are unusually severe include those conditions which are not taken into consideration in the job-grading process. In other words, Position Descriptions (PD) may already describe hazardous or inherently risky work. The work situation is considered "usual" and pay has already been considered in the grading process.

5. Responsibilities.

a. The Adjutant General:

(1) The Adjutant General will appoint a State EDP/HDP committee to review requests and make recommendations to the Human Resource Officer (HRO).

(2) The Adjutant General is the approving authority for local EDP/HDP and has delegated that authority to the Human Resource Officer.

b. The Director of Human Resources (HRO):

(1) Render staff assistance concerning this plan to managers, supervisors, labor organizations, employees and the State EDP/HDP Committee.

(2) The HRO determines the applicability of OPM's established EDP/HDP situations for the Ohio National Guard.

(3) The HRO designated representative will serve as the Chairperson and a voting member of the State EDP/HDP committee.

(4) The HRO will ensure that all approved EDP/HDP situations are reviewed and re-certified at least annually by the State EDP/HDP Committee. When the level of risk in the work place has

been reduced to generally accepted standards such as the DoD, DA, DAF, or OSHA standard, EDP/HDP shall be discontinued.

(5) Ensures the appropriate technician payroll office is promptly informed of approved work situations and their corresponding EDP/HDP rates.

(6) Assists in reviewing and processing of unique hazards that are not covered in the applicable CFR for consideration by OPM for inclusion.

(7) Coordinate with the labor organization having exclusive representation rights prior to effecting a change in the determination of a differential pay entitlement.

c. Comptroller: Will coordinate with HRO to provide payroll data and advise the committee accordingly.

d. The State EDP/HDP Committee:

(1) At a minimum, the EDP/HDP Committee will consist of Army and Air representatives from the following areas. The Adjutant General may appoint additional members.

- Human Resource Office
- Safety Offices
- Environmental Offices
- Occupation and Public Health Offices
- Labor
- Management

(2) The supervisor responsible for submitting each of the current situations being reviewed may be invited to meetings.

(3) Each member will ensure an alternate is named to serve in his or her absence.

(4) Will meet by direction of the Adjutant General or the committee chairperson to review requests for EDP/HDP situations and provide program oversight.

(5) Will recommend differential payment approval/disapproval to the HRO.

(6) Upon receipt of a request for an EDP/HDP situation, the committee will expeditiously conduct an assessment of the EDP/HDP request and prepare a thorough report explaining the research conducted, the standard by which the request was evaluated, and the findings and recommendations.

e. Supervisors:

(1) Must ensure that safety practices and acceptable work procedures are followed. In those instances where hazardous conditions cannot be avoided, a request to approve an established OPM

EDP/HDP situation must be prepared and forwarded through supervisory channels to the Human Resource Office. If the hazardous condition is not an established OPM EDP/HDP situation then contact the Human Resource Office.

(2) The supervisor is responsible to assess potential EDP/HDP situations. The supervisor will review safety/health regulations and consider any means available to reduce the hazardous environment, specifically by consulting with the appropriate specialists in the Safety or Occupational Health offices. If the supervisor cannot improve the conditions, he or she will initiate an EDP/HDP request.

(3) Supervisors do not have the authority to approve or disapprove a request to establish an HDP/EDP situation. Each supervisory level will expeditiously forward the request to the next higher level.

(4) Where EDP/HDP has been approved for payment, supervisors must diligently continue to work toward reducing the element of hazard. When the level of risk in the work place has been reduced to generally accepted standards, such as those accepted by DoD, DA, DAF, or OSHA, supervisors must submit a written request, in standard memorandum format, to discontinue the EDP/HDP. This request details the change that may discontinue the EDP/HDP.

f. Technician Responsibilities:

(1) Technicians, at all levels, must insure every effort is made to protect themselves and others from potential hazards or physical hardships.

(2) Notify your immediate supervisor when hazards or unusually severe working conditions exist.

6. Environmental Differential Pay (EDP).

a. Introduction: The EDP is authorized by 5 CFR 532 as a method of payment to a Federal Wage System (FWS) employee who is exposed to a hazard, physical hardship, or working condition of an unusually severe nature. The EDP is in addition to any other pay and allowances to which a technician is authorized. It is part of basic pay and may be used to compute any additional pay, which is payable under another law.

b. Coverage: Environmental Differential Pay applies only to FWS Technicians as authorized by OPM, NGB and this plan. The EDP will be paid in accordance with applicable regulations and only for those situations approved by the Adjutant General or designated representative.

c. Pay Based on:

(1) Actual Exposure. An employee entitled to an environmental differential on an actual exposure basis, shall be paid a minimum of one hour's differential pay for the exposure. For exposure beyond one hour, the employee shall be paid in increments of one quarter hour for each 15 minutes or portion thereof, in excess of 15 minutes. Entitlement begins with the first instance of

exposure and ends one hour later, except when exposure continues beyond the hour, it shall be considered ended at the end of the quarter hour in which exposure actually terminated.

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

d. Situations for EDP:

(1) The OPM publishes schedules of established work conditions that allow for payment of environmental differentials. These are called "Situations." Examples of situations for which EDP could be authorized are in Attachment 5.

(2) Environmental situations do not qualify for differential compensation solely because an element of hazard or discomfort has been identified in a work situation. The hazard must involve significant actual discomfort or a real threat with no effective measures available to protect the technician from discomforts or practically eliminate threat of injury. (INSERT OPM LINK HERE)

(3) The EDP will not be paid for positions that include hazardous conditions that are recognized and compensated for in the technician's position description or classification standard.

e. Payment for EDP Situations:

(1) A technician subjected at the same time to more than one hazard, physical hardship, or working condition of an unusually severe nature, shall be paid for the exposure which results in the highest differential but shall not be paid more than one differential for the same hours worked.

(2) Establishing the Environmental Differentials. Environmental differentials are stated as percentage amounts and are authorized for categories of exposures in 5 CFR 532, Parts I and II. Calculating the differential is explained in 5 CFR 532.

(3) Supervisors will validate appropriate codes and times on technician timecards to generate differential pay.

7. Hazard Differential Pay (HDP).

a. Introduction: The HDP is authorized by 5 CFR 550 as a method of payment to a General Schedule (GS) technician who is exposed to a hazard, physical hardship, or working condition of an unusually severe nature. The HDP is in addition to any other pay and allowances to which a technician is authorized. It is not part of basic pay and may not be used to compute any additional pay, which is payable under another law.

b. Coverage: The HDP is only paid to General Schedule (GS) technicians. Affected GS technicians will receive differential pay, in accordance with the prescribed regulations. The HDP situations require review and approval by the Adjutant General or designated representative.

c. Pay Based on: A payment authorized to a technician for all hours he/she is in a pay status during the day on which the exposure occurs, including hours in a paid leave status.

d. Situations: The OPM publishes schedules of established work conditions that allow for payment of hazard differentials. These are called "Situations." Duty involving physical hardship means a duty, which may not in itself be hazardous, but which causes extreme physical discomfort or distress which is not adequately alleviated by protective or mechanical devices, and the duty is covered in Appendix A, 5 CFR 550. See Attachment 6 for the table of situations.

e. Limitations on use of HDP:

(1) The HDP will be terminated when adequate safety precautions have reduced the hazard to a level consistent with generally accepted standards that may be applicable, such as those published by OSHA; or when protective or mechanical devices have adequately alleviated physical discomfort or distress.

(2) The HDP will not be paid for positions that include hazardous conditions that are recognized and compensated for in the technician's position description (usually identified in Factor 8 and 9 in the Position Evaluation Statement).

f. Payment of HDP: Hazardous Pay Differential calculations are explained in 5 CFR 550.

(1) A technician subjected at the same time to more than one hazard, physical hardship, or working condition of an unusually severe nature, shall be paid for the exposure which results in the highest differential but shall not be paid more than one differential for the same hours worked.

(2) Establishing the Hazardous Differentials. Hazardous differentials are stated as percentage amounts and are authorized for categories of exposures in 5 CFR 550, Appendix A to Subpart I. Calculating the differential is explained in 5 CFR 550.

(3) Supervisors will validate appropriate codes and times on technician timecards to generate differential pay.

8. Establishing EDP/HDP Situations.

a. General: A supervisor or technician may initiate a request to establish an EDP/HDP situation when an unusually severe hazard or environmental risk exists.

b. All requests for EDP/HDP will be submitted in memorandum format with a JFHQ-OH FORM 5-R-E, JFHQ-OH Staff Action Memorandum, and will include the following items as separate paragraphs. A sample memorandum is in Attachment 2.

(1) Consult 5 CFR 532, parts I or II, or Appendix A of 5 CFR 550 and select the appropriate category and differential rate.

(2) Unusually Severe Duty Description. Provide a detailed description of the duty and what specifically is unusual about the severe conditions being reported. For example, if "dirty work" is the category applicable to the work condition being reported, then the description must justify the unusually severe nature of dirty work over and above what would normally be expected in this occupational series. In addition, include the length of time this situation is likely to exist (months, years, indefinite).

(3) Comparable Situations. Provide any personal knowledge or researched information gathered on similar situations in the State of Ohio that can be investigated and compared to the situation being reported.

(4) Historical Data on this Situation. Describe situations and give statistics on incidents or injuries that have occurred because of exposure to the hazard or physical hardship. For example, three of five employees have submitted CA-1s documenting respiratory problems since the introduction of and exposure to new processes.

(5) Past Efforts to Practically Eliminate the Situation. Supervisors should document all their efforts to eliminate the situation being reported. For example, if multiple solvents have been researched and tried already in an effort to eliminate the physical discomfort and irritation experienced by the employees, write down what they were and why they did not either satisfactorily accomplish the work or practically eliminate the condition. This will assist the committee members in their effort to research and assess the situation.

(6) Justify the Work Requirements. The essential requirement for the work assignment must be explained; describe the available protection that is used to reduce the effect of the adverse environmental conditions as much as possible and confirm the absolute minimum number of technicians who must be exposed to the potential hazard or severe discomfort and still ensure the mission is accomplished.

c. Enclosures. Submit the following as enclosures to the Request for Approval of EDP/HDP Situation memorandum.

(1) Input of local Safety and Occupational Health offices on the nature of the risk and the availability of measures to protect the technician from discomforts or practically eliminate the threat of injury.

(2) The current position description associated with this request. The position description OF-8 must be signed by the technician's supervisor.

(3) List of technicians affected by this request. List the technicians by Name, PD Number, Pay Plan, Occupational Series, and Grade.

(4) Technical operating instructions applicable to the hazardous situation.

(5) All applicable safety, industrial hygiene, and/or environmental directives covering the situation.

d. State EDP/HDP committee will meet and follow these procedures:

(1) The Resources Branch Manager will log in the request, assign a folder to collect required materials and affix a Committee Coordination Checklist (Attachment 3) to the folder.

(2) The Director of Human Resources will determine whether the request is reviewed by the entire committee or a sub-committee. Each reviewing body will have members from Management, Labor, HRO, Safety and Occupational Health.

(3) The Resources Branch Manager will forward the request to the reviewing body and provide support for the review, assessment, and recommendation. The reviewing body will provide a recommendation based upon the submitted materials or request additional information. Committee members will submit findings and reports to the Resources Branch Manager for compilation and dissemination.

(4) Dissenting reports may be submitted as attachments for consideration by the HRO. In those cases involving a split recommendation between labor, management or another assigned committee member, the HRO will not make a final decision on the request until meeting with the dissenting party in an attempt to resolve the disagreement.

e. If approved, the HRO will determine the effective date of a situation and provide at least two pay periods notice. Disapproved requests will be returned to the requestor and document the rationale for disapproval.

f. The Resources Branch Manager keeps documentation of all requests on file in HRO.