

SECTION 309 HAZARD PAY DIFFERENTIAL

Ref: (a) 5 CFR 550.9
(b) CPI 550.S9

Encl: (1) Exhibit I (Sample Schedule of Wages)

1. Purpose. To provide guidance on and establish procedures for the payment of hazard pay (HP) differential to General Schedule (GS) employees performing work involving unusual physical hardships or hazardous duties.

2. Discussion. References (a) and (b) authorize the use of subject differentials for GS employees, including full-time, part-time, and intermittent employees. They do not apply to ungraded (Wage Grade) employees who are covered by a separate schedule/ authority (refer to Section 308). Appendix A, reference (a), lists the categories/pay differentials for which additional compensation is permitted. Where this instruction conflicts with provisions of Collective Bargaining Agreements (CBAs), the provisions of the CBA apply.

3. Criteria

a. The differentials are payable only if the following conditions are met:

(1) The duty meets the criteria/definition for any one of the categories listed in reference (a).

(2) The duty, which may or may not be embraced in the position description, is irregular or intermittent and is not an element/factor in fixing or establishing the position's classification/grade level.

(3) The duty is undertaken by an employee only with proper authorization.

b. The hazard differential is payable "for the hours in a pay status" on the day (a calendar day or a 24-hour period when designated by proper authority) on which the duty is performed. This means that the employee will be paid for the full day, including paid leave status and overtime, even if he/she is exposed for only a few minutes. Such compensable work performed during a continuous period extending over two days shall be considered to have been performed on the day on which the work began. The approving authority for such payments should be the department head or equivalent.

c. Employees may not be paid a hazardous duty differential for hours for which they receive annual premium pay for regularly scheduled standby duty or annual premium pay for administratively uncontrollable overtime work.

4. Responsibilities

a. Activities will:

(1) Serve as the program focal point for dissemination of information affecting HP.

(2) Designate authorizing officials to approve/disapprove request(s) for local HP work situations.

(3) Ensure the HP work situation is authorized and accurately described, and that efforts are made to minimize physical hardships and hazards.

(4) Submit documentation for new local work situations affecting HP to HRO for review.

(5) Designate authorizing officials to approve/disapprove payment for HP differential.

(6) Establish activity supplementing guide and Schedule of Wages, sample exhibit at enclosure (1), and provide copy to HRO.

b. HRO will provide assistance to commands in the development of activity guidelines and in determining whether or not situations qualify for HP differential.

5. Procedures/Action

a. Requesting Approval for a New Hazard Pay Work Situation

(1) The designated authorizing official will submit documentation to HRO via the designated activity chain containing the following information for a new or changed local work situation not currently authorized for payment at the activity and meets criteria reflected in paragraph 3a above: description of the situation for which payment is requested; position description number, title, series and grade; name and telephone number of the individual from whom additional information may be obtained.

(2) HRO will confirm that the work situation is in fact listed in reference (a); whether the situation meets program requirements for HP differential; and notify the activity head or designated official, accordingly.

(3) Based on HRO response, the activity head or designated official will review and approve/disapprove the work situation for HP and return the request to the originator with a copy to the HRO Advisor; and, furnish the command payroll customer service representative (CSR) and the activity designated point of contact for HP documentation for any new local situation that is approved.

(4) For new local work situations not currently listed in reference (a), the designated authorizing official will submit the following documentation to HRO for review, guidance and assistance for submission to Department of the Navy Headquarters: nature of the duty; degree of exposure to the hazard or physical hardship; length of time during which the duty will continue to exist; the degree of control exercised over the hazard or physical hardship; a recommended rate of HP differential; and estimated annual cost, if the request is approved.

(5) For any new local work situation that is approved, the activity CSR will ensure that payroll is notified in writing of the new hazard pay work situation.

(6) The activity designated point of contact for HP will ensure any newly approved work situation is included in the next revision to the activity Schedule of Wages.

b. Payments for Approved Situations. Designated authorizing officials for payment of HP differential will, by the signing of time cards, certify that the employee performed irregular or intermittent work involving physical hardship or hazardous duty.

c. Termination of Hazard Pay Differential. Activities will discontinue payment of hazard pay differential when:

(1) One or more of the conditions requisite for such payment ceases to exist.

(2) 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.

(3) Protective or mechanical devices have adequately alleviated physical discomfort or distress.

(4) Collective bargaining obligations have been satisfied for affected employees in a bargaining unit.

COMNAVREGHIINST 12000.1D CH-2
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EXHIBIT I
(Sample, page 1)

HAZARD PAY DIFFERENTIAL
SCHEDULE OF WAGES

(ACTIVITY)

This attachment to (activity supplementing instruction number) reflects those work situations approved for payment of hazard pay differential within this command and is to be used in conjunction with COMNAVREGHIINST 12000.1D, Section 309. This schedule reflect categories for differentials that will be paid for on the basis of hours in a pay status (refer to Section 309, paragraph 3b).

Any additions and/or changes to this schedule will be coordinated with HRO in accordance with Section 309, COMNAVREGHIINST 12000.1D. For any addition or change resulting in an approval, the Customer Service Representative, (Code ___) will provide the respective payroll office with pertinent information for that work situation. In addition, any approved addition or change will be incorporated by _____ (Activity Admin Office) in the next revision to this Schedule of Wages and a copy will be furnished to HRO.

(Exhibit I sample, page 2)

PHYSICAL HARDSHIP OR HAZARD PAY CATEGORY

Designated Authorizing Official: (org title(s) of manager, supervisor or official authorized to certify time cards)

1. EXPOSURE TO HAZARDOUS AGENTS

General Description: Working with, or in close proximity to, explosive or incendiary materials which are unstable and highly sensitive. This category is only paid when:

- a. the hazardous duty is not usually performed by the position.
- b. the duty was not used to establish the grade of the position.
- c. adequate safeguards do not exist to reduce the degree of risk to a negligible level.

Local Authorized Situation. Participating in the gun shooting during sea trials when live ammunition is used and the employee is in the gun turret.

Differential Rate: 25% of employee's basic rate of pay.

Type of Payment: Hours in Pay Status.

2. HOT WORK

General Description: Working in confined spaces wherein the employee is subject to temperatures in excess of 110 degrees Fahrenheit.

Local Authorized Situations: Work done in conditions which meet the above criteria.

Differential Rate: 4% of employee's basic rate of pay.

Type of Payment: Hours in Pay Status.