

MINNESOTA NATIONAL GUARD REGULATION MNGR 532-1

Environmental Differential Pay (EDP)/Hazard Pay Differential (HP)

The intent of this regulation is to elaborate on the instructions contained in applicable federal statutes and regulations, and to establish procedures for the review of work situations that may warrant Environmental Differential Pay (EDP) and Hazard Pay Differential (HP) determinations and to document determinations on situations under which EDP or HP may or may not be paid. This regulation implements Federal regulations required by section 5343(c)(4), 5545(d) and 5548(b) of title 5, United States Code. The instructions contained in federal statutes and regulations will govern at any time when it is determined that a conflict seems to exist between this regulations and the applicable federal material.

SUMMARY OF CHANGES

This is the initial publication of MNGR 532-1/MN ANGR 40-13, substantially revising MTP 532-1, 20 June 1986. It describes the functions and responsibilities of management, supervisors, employees, as well as the labor organizations and the EDP/HP committees with regards to establishment and maintenance of environmental and hazard pay differentials.

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AF From 683, Request for EDP/HP Appendix 1

1. SCOPE: This plan covers Federal Wage System (FWS; WG, WL, WS) and General Schedule (GS) employees of the Minnesota Army and Air National Guard who are subject to the references cited in paragraph 2 below.

2. REFERENCES:

a. Code of Federal Regulations: 5 CFR 532.511 and Appendix A to Subpart E.

b. Code of Federal Regulations: Subpart I, 5 CFR 550 and Appendix A.

3. OBJECTIVE: It is the objective of the Minnesota National Guard to insure that all hazards, physical hardships, and working conditions of an unusually severe nature, are eliminated or reduced to the lowest level possible. It is incumbent upon management, with assistance of local safety and medical staffs, to identify and implement methods to eliminate or control the vast majority of hazards, physical hardships and working conditions of an unusually severe nature. Where management action does not "practically eliminate" these conditions, payment of the appropriate differential listed in cited regulations is warranted. Payment is not a substitute for judicious compliance with established safety and health standards.

4. RESPONSIBILITIES:

a. The Adjutant General:

(1) Insure compliance with governing directives.

(2) Appoint EDP/HP Committees.

(3) Act on recommendations of the committee(s).

b. The Human Resources Office (HRO):

(1) Coordinate with management officials, employees' supervisors and local officials of labor organizations in identifying work situations which may be covered by defined categories in Appendix A of the appropriate regulation. Render staff assistance concerning this plan to managers, supervisors, labor organizations, employees and the EDP/HP committees.

(2) As a minimum coordinate with or obtain technical evaluation/opinion from local safety and/or environmental officials as appropriate.

(3) Insure that the civilian payroll office is properly informed of approved work situations and their corresponding authorized EDP rates; and insure that supervisors who are authorized to certify periods of exposure properly inform the payroll office of the employees and the time period(s) involved.

(4) Approve or disapprove the recommendations of the EDP/HP committees for work situations based on compliance with this regulation.

(5) Establish and maintain appropriate records in support of approvals or disapprovals of work situations; the record will include: descriptions of work situations with appropriate justification certified by the initiating supervisor; coordination and/or technical opinions and evaluations; the corresponding categories and authorized differential rates; a copy of the position description with evaluation statement for any position affected; and other information as may be necessary. The purpose for maintaining these records is to provide a source document from which periodic review and program evaluation may be accomplished. Use AF Form 683, Request for Approval of Environmental Differential Pay, to record work situations.

(6) The HRO Representative chairs and convenes meetings of the EDP/HP Committees. Meetings will be scheduled at least annually and as needed based upon requests.

c. Management:

(1) Inform employees that there is an EDP/HP Plan. Encourage employees to document work situations for submission for EDP/HP coverage

(2). Management officials and employee supervisors in identifying work situations for possible EDP/HP coverage will describe each work situation separately as completely as possible. The documentation will include adequate justification for recommending approval for differential pay, what measures have been taken to alleviate the hazards, physical hardship, or working conditions of an unusually severe nature, a statement on compliance or non-compliance with established safety and health standards, and the list of employees affected by name and position title.

(3) Management officials and employee supervisors will notify the affected employee(s) of the approval or disapproval with rationale therefore, and will certify to the civilian payroll office the periods of exposure(s) and the employee(s) authorized to receive differential pay.

(4) Management officials and employee supervisors will notify the HRO if it is determined that appropriate action should be taken to discontinue payment of the differential because the basis for payment ceased to exist. The HRO will be notified in the same manner and through the same channels as used in the request for approval. The documentation should include a statement on how the hazard or discomfort was alleviated. The employee(s) affected will be informed of the determination to discontinue the payment of the differential in the same manner and through the same channel as was used in informing the employee(s) of the approval.

(5) Management officials and employee supervisors should endeavor to achieve the basic objective of the EDP/HP plan as stated in federal and local regulations and directives.

d. Safety and Environmental Services: The local safety office and the environmental office will, upon request, furnish the Human Resources Office with technical evaluation or opinion regarding hazards, physical hardship, and/or working conditions of an unusually severe nature which may adversely affect the health of a Minnesota National Guard employee at work. In the process they will use the instructions in directives cited in paragraph 2 and the category definitions in cited appendices, and this regulation. At least annually the Safety and Environmental Offices will report on each identified area where EDP/HP is being paid. The report will indicate all actions that have been taken to practically eliminate the condition. Negative reports are required.

e. Employees: Advise immediate supervisor when hazard exists.

5. ORGANIZATION OF THE EDP/HP COMMITTEE:

Three EDP/HP committees are necessary. Incumbents of the following positions are appointed to serve on these committees:

(1) ARNG EDP/HP Committee:

(a) State Safety Officer and/or State Aviation Officer.

(b) Occupational Health Nurse.

(c) Environmental Specialist.

(d) President and/or a designated representative of the Tony Kempenich Memorial Chapter of the Association of Civilian Technicians (ACT).

(e) Representative from the affected functional area, appointed by the labor organization.

(f) HRO Representative.

(2) 133d AW EDP/HP Committee:

(a) Aircraft Maintenance Officer.

(b) Safety and Occupational Health Manager and/or Airplane Pilot/Safety Officer.¹

(c) Industrial Hygiene Technician or Bio-Environmental Engineer(Alt).

(d) President and/or a designated representative of the American Federation of Government Employees (AFGE) Local 2999.

(e) Representative from the affected functional area, appointed by the labor organization.

(f) HRO Representative.

(3) 148th FW EDP/HP Committee:

(a) Aircraft Maintenance Officer.

(b) Safety and Occupational Health Manager and/or Airplane Pilot/Safety Officer.¹

(c) Industrial Hygiene Technician or Bio-Environmental Engineer (Alt).

(d) President and/or a designated representative of the Duluth Chapter of the Association of Civilian Technicians (ACT).

(e) Representative from the affected functional area, appointed by the labor organization.

(f) HRO Representative.

6. SUBMISSION OF SITUATIONS FOR EDP/HP: Air Force (AF) Form 683, Request for Approval of Environmental Differential Pay, Appendix I, will be used to submit any situation that possesses a potential or real hazard, physical hardship and/or working condition of an unusually severe nature. Complete the form as follows:

a. Item 1. To: MNAG/HRC

b. Item 2. From: Submitting supervisor's organizational symbol.

c. Item 3. Date of Request: Self Explanatory.

d. Item 4. Position Title, Series and Grade of All Positions Affected: Enter information from block 15 of the official position description of all positions affected by this request for EDP.

e. Item 5. Position Number(s): Enter information from block 1 of the official position description of all positions affected by this request for EDP.

f. Item 6. Description of Work Situation: Self Explanatory.

g. Item 7. Description of Corrective Action Taken to Eliminate or Reduce Situation: Self Explanatory.

h. Item 8. Title of Applicable Category Requested:

(1) FWS employees: Enter information from Appendix A to Subpart E, 5 CFR 532.511.

(2) GS employees: Enter information from Appendix A to Subpart I, 5 CFR 550.

i. Item 9. Differential Rate:

(1) FWS employees: Enter information from Appendix A to Subpart E, 5 CFR 532.511.

(2) GS employees: Enter information from Appendix A to Subpart I, 5 CFR 550.

j. Item 10. Official Authorized to Assign Work: First line supervisor.

k. Item 11. Official Authorized to Approve Payroll Documentation: Supervisor and/or time keeper.

l. Item 12. Recommended Official: Next level Supervisor.

m. Item 13. Date: Date of signature.

7. PROCESSING EDP/HP REQUESTS AND DETERMINATIONS:

- a. The HRO will review the request for EDP/HP for compliance with applicable regulations.
- b. If needed, the HRO will forward the request to the local Safety and/or Environmental Staff office for technical evaluation.
- c. Prior to a scheduled meeting, the HRO will furnish each committee member a copy of the request for review.
- d. Committee members will review the situation form and related criteria prior to the scheduled meeting.
- e. The committee will meet and review each request. Recommendations will be made after thorough examination of the situation, criteria and other related facts. Reports representing a minority view may also be submitted in the same format.
- f. All recommendations shall be fully substantiated based upon evaluation against defined categories in aforementioned appendices and instructions in this and other applicable regulatory guidance.
- g. Recommendations will be transmitted to the Adjutant General for final approval/denial.
- h. Approval of EDP/HP: Approved situations will be documented as an attachment to this plan. Certifying officials and payroll offices will be furnished copies of approved situations.
- i. Denial of EDP/HP: Negative determinations will be documented as an attachment to this plan. Parties who submitted the request will be notified of the denial.
- j. At least annually review all EDP/HP situations to determine continued eligibility for payment of EDP or HP.
- k. Situations not covered by official criteria. When it is determined that a situation is not covered by, either, Appendix A to Subpart E, 5 CFR 532.511 (FWS) or Appendix A to Subpart I, 5 CFR 550, but is considered a hazard, physical hardship, or working condition of an unusual severe nature so as to warrant payment of EDP or HP, such payment may not be authorized. However, the HRO will recommend to the Adjutant General that a request be initiated through proper channels to authorize such payment.

8. OFFICIAL FILE COPY OF ENVIRONMENTAL DIFFERENTIAL PAY/HAZARD PAY (EDP/HP) PLAN: The Human Resources Office (HRO) will maintain the official, current Minnesota EDP/HP plan to include all approved and disapproved situations.

9. GLOSSARY; EXPLANATION OF TERMS:

a. EDP - Environmental Differential Pay: Additional pay that has been authorized Federal Wage System (FWS) personnel as specified in Appendix A to Subpart E, 5 CFR 532.511, for a duty involving hazards, physical hardships and working conditions of an unusually severe nature.

b. HP - Hazard Pay Differential: Additional pay authorized General Schedule (GS) employees for the performance of irregular or intermittent hazardous duty or duty involving physical hardship as specified in Appendix A, to Subpart I, 5 CFR 550.

c. FWS - Federal Wage System: The "prevailing rate" system used to determine salaries for individuals employed in an agency in a recognized trade or craft (WG, WL, and WS).

d. GS - General Schedule: The basic pay schedule established under 5 U.S.C 5332, as adjusted by the President.

e. WG - Wage Grade: The nonsupervisory grade under the federal wage system.

f. WL - Wage Leader: The leader grade under the federal wage system.

g. WS - Wage Supervisor: The supervisory grade under the federal wage system.

h. CFR: Code of Federal Regulations.

i. USC: United States Code

j. Practically Eliminated: With regards to hazards means no reported incidents, worldwide, of injury or exposure for an uncorrected condition or since a corrective measure has been implemented. The "Practical eliminated" standard does not apply to physical hardships and working conditions of an unusual severe nature.

The Proponent of this regulation is the Human Resources Office (MNAG-HRC). Users are invited to send comments or suggestions to: TAG-MN, ATTN: MNAG-HRC, Veterans Service Building, 20 West 12th Street, Saint Paul, Minnesota 55155-2098.

BY DIRECTION OF THE GOVERNOR:
EUGENE R. ANDREOTTI
Major General, MN ANG
The Adjutant General