
 <p><b>Corrections and Community Supervision</b></p> <p><b>DIRECTIVE</b></p>	<p>TITLE</p> <p><b>Hazardous Duty Pay</b></p>		<p>NO. 2215</p>
			<p>DATE 09/29/2022</p>
<p>SUPERSEDES</p> <p>DIR #2215 Dtd. 10/18/18</p>	<p>DISTRIBUTION</p> <p>A</p>	<p>PAGES</p> <p>PAGE 1 OF 10</p>	<p>DATE LAST REVISED</p>
<p>REFERENCES (Include but are not limited to)</p> <p>NYS Civil Service State Personnel Management Manual, 0800 Classification and Compensation, 0870(D) Hazardous Duty Differentials, Section 130.9 - .1 .110 Statutory Authority</p>		<p>APPROVING AUTHORITY</p> 	

- I. **DESCRIPTION:** This directive sets forth policies and procedures for the awarding of Hazardous Duty Pay Differential, resulting from people-related hazards to Department of Corrections and Community Supervision (DOCCS) staff who meet the criteria of eligibility.
- II. **SUMMARY:** Section 130.9 of the Civil Service Law provides that the Director of the Division of Classification and Compensation may authorize payment of additional compensation, called a Hazardous Duty Differential, to employees exposed to hazardous working conditions in certain locations and under specified conditions.  
  
There are certain assignments which expose employees to unavoidable, clear, and direct risks and hazards to their safety and health – considerations which are not otherwise addressed in a position’s salary grade allocation. DOCCS employees may be eligible to receive the Hazardous Duty Differential for “people-related hazards” in approved locations. Their regular work schedules must expose them at least 50% of the time to clear, direct, and unavoidable hazards from releasees, incarcerated individuals (i.e., general incarcerated individual population), or patients; and they are not otherwise compensated for such hazardous exposure.
- III. **DEFINITIONS AND ELIGIBILITY**
  - A. Employees whose titles have been allocated to include compensation for incarcerated individual contact are **not eligible** for Hazardous Duty Pay under this program (i.e., Correction Officer, Correction Sergeant, Correction Lieutenant, Correction Captain, Deputy Superintendent [all areas], First Deputy Superintendent, and Superintendent).  
  
NOTE: Correction Officers and Correction Sergeants receive Hazardous Duty Pay under the NYSCOPBA contract. This does **not** require submission of a request for Hazardous Duty Pay.
  - B. Permanent Hazardous Duty Pay: Employees whose regular assignment exposes them to a substantial amount of time (50%) to clear, direct, and unavoidable hazards from releasees, incarcerated individuals, or patients are eligible for Hazardous Duty Pay if one of the following apply:
    1. The employee is an “**eligible title**” as outlined in Attachment A, “Identified Hazardous Duty Pay Titles.” Eligible titles have been identified as meeting the criteria for Hazardous Duty Pay. Employees in these titles who meet the conditions for the title as outlined in Attachment A are automatically eligible; a “Request for Hazardous Duty Pay Approval” is not necessary.

2. The employee is not in an “**eligible title**,” but Central Office determines that the employee’s regular assignment exposes them to a substantial amount of time (50%) to clear, direct, and unavoidable hazards from releasees, incarcerated individuals, or to patients.
- C. **Temporary Hazardous Duty Pay:** Employees in certain temporary assignments which expose them to a substantial amount of time (50%) to clear, direct, and unavoidable hazards from releasees, incarcerated individuals, or patients may be eligible for Hazardous Duty Pay if one of the following assignments apply:
1. *Substitute Assignment.* This occurs when an employee substitutes for an employee who is Hazardous Duty Pay eligible. Substitute employees should receive Hazardous Duty Pay for the duration of their substitution. For example, an Office Assistant II (S&M) who is Hazardous Duty Pay eligible and works in the Commissary takes 37.5 hours vacation. An Office Assistant II, who is not eligible, substitutes for this employee in the Commissary for the 37.5 hours that the Hazardous Duty Pay eligible item is absent. The Office Assistant II is eligible for Hazardous Duty Pay for the 37.5 hours that they substituted for the Hazardous Duty Pay eligible position. The Office Assistant II (S&M) would not receive Hazardous Duty Pay for the 37.5 hours they were on vacation. **Substitute employees assigned to qualifying locations are eligible to receive the Hazardous Duty Pay Differential for all hours worked.**
    - a. Substitute assignments which occur for **10 days or fewer a quarter do not** require Central Office approval.
    - b. Substitute assignments of **10 or more days per quarter require Central Office approval** via submission of a Request for Hazardous Duty Pay Approval form, as appropriate in accordance with Section VIII.
  2. *Limited Duration Temporary Assignment.* This occurs when the employee is placed in a special assignment which exposes them to substantial people-related hazards and when the exposure continues for at least 50% of a quarter. For example, an Office Assistant II, who is not eligible, is assigned to conduct inventory on furniture, equipment, supplies, or materials within the secure perimeter for several weeks. If the employee is in the limited duration assignment that exposes them to the general population on a full-time basis for a period of one and a half months, then the employee would be awarded the Hazardous Duty Pay Differential. An employee in the same assignment half-time over three months would also be eligible.

Limited duration temporary assignments always require Central Office approval via submission of a Request for Hazardous Duty Pay Approval form, as appropriate, in accordance with Section VIII.

#### IV. **ELIGIBILITY RULES – DOCCS STAFF IN CORRECTIONAL FACILITIES (Central Office [10160] staff in facility assignments, see Section VI.)**

- A. Employees must work in a medium, maximum security level correctional facility (includes Lakeview).
- B. Employees must be in direct face-to-face contact with incarcerated individuals from general population for at least 50% of their work week.

1. General population (GP): Does not include incarcerated individuals who have an outside clearance. Incarcerated individual clerks and porters are included in the GP.
2. Direct contact
  - a. Employees must be in close physical proximity to GP incarcerated individuals who are unrestricted by secure physical barriers such as walls, bars, locked doors, or gates. Employees working at sites within the secure perimeter, which are enclosed by secure physical barriers (i.e., secure facility pharmacies), are not considered to be in direct contact. Such assignments restrict exposure to the GP to the time spent travelling to and from the secure worksite and would therefore not meet the 50% requirement.
  - b. Contact with a GP incarcerated individual who has a security escort is not considered direct contact.
- C. Employees whose only contact with incarcerated individuals is with those incarcerated individuals who have an outside security clearance are not eligible for Hazardous Duty Pay.
- D. As outlined in Section III, employees whose titles have been allocated to include compensation for incarcerated individual contact are not eligible for Hazardous Duty Pay under this program.
- E. Employees being paid from non-employee/hourly items are ineligible. The only exception is for 10-month employees working in the summer school program who have been determined as eligible.
- F. Eligible titles are outlined in Attachment A.

**V. ELIGIBILITY RULES – COMMUNITY SUPERVISION STAFF (10890) IN FIELD ASSIGNMENTS OR HEARING SITES AND BOARD OF PAROLE (10870) AT HEARING SITES**

- A. Field Assignments (10890):
  1. Parole Officer (PO) who manages a full active caseload.
  2. Position has direct contact with releasees in the field for 50% or more of their work week.
- B. Hearing Settings (10890 or 10870):
  1. Position has contact with releasees at hearing sites for at least 5 full days per pay period. Time spent travelling to and from hearing sites does not count towards eligibility.
  2. Employees must be in close physical proximity to releasees who are unrestricted by secure physical barriers such as walls, bars, locked doors, or gates.
  3. Contact with a releasee who has a security escort is not considered direct contact.
- C. Eligible titles are outlined in Attachment A.

**VI. ELIGIBILITY RULES – CENTAL OFFICE STAFF IN FACILITY ASSIGNMENTS, FIELD ASSIGNMENTS (OFFICE OF SPECIAL INVESTIGATIONS [OSI] STAFF), OR AT HEARNG SITES**

- A. Employees in facility assignments must work in a medium or maximum security level correctional facility (includes Lakeview).

- B. Employees must be direct face-to-face contact with incarcerated individuals from general population for at least 50% of their work week:
  - 1. General Population: Does not include incarcerated individuals who have an outside clearance. Incarcerated individual clerks and porters are included in the general population.
  - 2. Direct contact
    - a. Employees must be in close physical proximity to general population incarcerated individuals who are unrestricted by secure physical barriers such as walls, bars, locked doors, or gates. Employees working at sites within the secure perimeter, which are enclosed by secure physical barriers (i.e., secure facility pharmacies), are not considered to be in direct contact. Such assignments restrict exposure to the general population to the time spent travelling to and from the secure worksite and would, therefore, not meet the 50% requirement.
    - b. Contact with a general population incarcerated individual who has a security escort is not considered direct contact.
- C. Employees whose only contact with incarcerated individuals is with those incarcerated individuals who have an outside security clearance are not eligible for Hazardous Duty Pay.
- D. As outlined in Section III, employees whose titles have been allocated to include compensation for incarcerated individual contact are not eligible for Hazardous Duty Pay under this program.
- E. Field Assignments:
  - 1. Parole Officer who manages a full active caseload.
  - 2. Position has contact with releasees in the field for 50% or more of their work week.
- F. Hearing Settings:
  - 1. Position has contact with releasees at hearing sites for at least 5 full days per pay period. Time spent travelling to and from hearing sites does not count towards eligibility.
  - 2. Employees must be in close physical proximity to releasees who are unrestricted by secure physical barriers such as walls, bars, locked doors, or gates.
  - 3. Contact with a releasee who has a security escort is not considered direct contact.
- G. Eligible titles are outlined in Attachment A.

## VII. VERIFICATION OF ELIGIBILITY

- A. Facilities: Appropriate Timekeeping/Personnel staff must follow the actions below should a vacant item need to be filled:
  - 1. Verify that the position is eligible in F220. If the position is not eligible, contact Central Office Division of Budget and Finance.
  - 2. Update KHZD to reflect the employee's eligibility. Timekeeping will update using the following KHZD eligibility codes (one digit):
    - a. 0 – Not eligible
    - b. 1 – 37.5-hour work week eligible

- c. 2 – 40-hour work week eligible
  - d. 3 – 20-hour work week eligible
- 3. For those titles not listed as eligible in Attachment A, [Form #2215A](#), “Request for Hazardous Duty Pay Approval” (Facilities), must be submitted for approval and determination of eligibility as outlined in Section VIII.
- B. Community Supervision (10890), Parole Board (10870), and Central Office (10160): Appropriate Timekeeping/Personnel staff must follow the actions below should a vacant item need to be filled:
  - 1. Verify eligibility and update LATS to reflect employee’s eligibility.
  - 2. For those titles not listed as eligible in Attachment A, [Form #2215B](#), “Request for Hazardous Duty Pay Approval” (Community Supervision), [Form #2215D](#), “Request for Hazardous Duty Pay Approval” (Board of Parole), or [Form #2215C](#), “Request for Hazardous Duty Pay Approval” (Central Office), must be submitted for approval and determination of eligibility as outlined in Section VIII.

### **VIII. APPLICATION PROCESS AND AWARD OF HAZARDOUS DUTY PAY**

- A. Employees in eligible titles, which meet the conditions for the title as outlined in Attachment A, are automatically eligible for Hazardous Duty Pay.
- B. Employees whose regular assignment exposes them to a substantial amount of time (50%) to clear, direct, and unavoidable hazards from releasees, incarcerated individuals, or patients, but who are not in an eligible Hazardous Duty Pay title must apply for Hazardous Duty Pay.
  - 1. Employee will apply for Hazardous Duty Pay using [Form #2215A](#) (Facilities), [Form #2215B](#) (Community Supervision), [Form #2215C](#) (Central Office), or [Form #2215D](#) (Board of Parole), as appropriate.
  - 2. The Request for Hazardous Duty Pay Approval application form will be submitted to the Superintendent/Regional Director/Unit Director/Chairperson for the Board of Parole for review. The Superintendent/Regional Director/Unit Director/Chairperson for the Board of Parole may deny or recommend for approval.
  - 3. The Request for Hazardous Duty Pay Approval application form will then be submitted to the Central Office Division of Budget and Finance, which will review for final approval.
- C. Substitute assignment of 10 days or fewer per quarter: Superintendent/Regional Director/Unit Director/Chairperson for the Board of Parole may approve requests for Hazardous Duty Pay for 10 days or fewer per quarter.
- D. Substitute assignment of over 10 days per quarter and limited duration temporary assignment:
  - 1. Employee will apply for Hazardous Duty Pay using the appropriate Request for Hazardous Duty Pay Approval application form.
  - 2. The Request for Hazardous Duty Pay Approval application form will be submitted to the Superintendent/Regional Director/Unit Director/Chairperson for the Board of Parole for review. The Superintendent/Regional Director/Unit Director/Chairperson for the Board of Parole may deny or recommend for approval.

3. The Request for Hazardous Duty Pay Approval application form will then be submitted to the Central Office Division of Budget and Finance which will review for final approval.

E. Award: The Central Office Division of Budget and Finance will review all application forms against the established criteria. Central Office may seek additional information/clarification and will award Hazardous Duty Pay when the applicant meets the established criteria outlined in this directive, per Section 130.9 of Civil Service Law.

1. Central Office will notify the Superintendent/Regional Director/Unit Director/Chairperson for the Board of Parole in writing of the determination by sending a copy of the approved application form.
  - a. For facility awards, the Central Office Division of Budget and Finance will update F220 and KHZD to indicate eligibility of position and individual.
  - b. For Community Supervision, Board of Parole, and Central Office Awards, the Central Office Division of Budget and Finance will notify Timekeeping (Personnel) to update LATs to indicate eligibility of position and individual.

2. The Superintendent/Regional Director/Unit Director/Chairperson for the Board of Parole will ensure the employee is notified of the determination.

F. Disapproval: The Central Office Division of Budget and Finance will disapprove any application not meeting the eligibility requirements and will notify the Superintendent/Regional Director/Unit Director/Chairperson for the Board of Parole of the disapproval along with a reason(s) for the denial. The Superintendent/Regional Director/Unit Director/Chairperson for the Board of Parole will ensure the employee is notified of the determination and that the employee has the right to appeal to the Director of Personnel.

IX. **APPEAL**: If an employee's request for Hazardous Duty Pay is denied or terminated, the employee has the right to appeal to the Director of Personnel in writing.

X. **SUPERINTENDENT/REGIONAL DIRECTOR/UNIT DIRECTOR/CHAIRPERSON FOR THE BOARD OF PAROLE RESPONSIBILITY**

- A. Identification: The Superintendent/Regional Director/Unit Director/Chairperson for the Board of Parole are responsible for the on-going identification of staff who meet the Hazardous Duty Pay eligibility requirements as well as identifying those who no longer meet the eligibility requirements. Upon in-processing, new employees should be informed of the Hazardous Duty Pay program and procedures for applying, if eligible.
- B. Denial at Facility: The Superintendent/Regional Director/Unit Director/Chairperson for the Board of Parole reviews, and may deny, initial requests, or terminate existing eligibility. Employees may appeal a denial in writing to the Director of Personnel.
- C. Approval Recommendation: The Superintendent/Regional Director/Unit Director/Chairperson for the Board of Parole reviews the application for accuracy and verifies hazardous duty exposure. The Superintendent's/Regional Director's/Unit Director's/Chairperson for the Board of Parole's signature is a recommendation for approval. Approval authority remains at the Central Office level for permanent and temporary requests over 10 days per quarter. The Central Office Division of Budget and Finance will review all applications for Hazardous Duty Pay where the Superintendent/Regional Director/Unit Director/Chairperson for the Board of Parole has recommended approval.

- D. Ongoing Monitoring: The Superintendent/Regional Director/Unit Director/Chairperson for the Board of Parole will be responsible for monitoring the payment of Hazardous Duty Pay and will immediately stop payment when the employee is no longer eligible. The Superintendent/Regional Director/Unit Director/Chairperson for the Board of Parole or designated representative will notify the employee that they are no longer eligible.
- E. Changes in Eligibility: Whenever an employee's eligibility changes from eligible to ineligible, the Superintendent/Regional Director/Unit Director/Chairperson for the Board of Parole will notify the Hazardous Duty Pay reviewer in the Central Office Division of Budget and Finance so that the position/employee may be made ineligible in F220, KHZD, and LATS, as applicable.
- F. New Assignments: Transfers and promotions into a new item number require a new application to be made unless the title is on the eligible title list.
- G. Recordkeeping: Eligibility determination (approved or denied Request for Hazardous Duty Pay Approval application forms) must be kept in Timekeeping until such time the employee changes assignment or leaves DOCCS. A copy will be maintained in the personnel file.
- H. Annual Certification: The Superintendent/Regional Director/Unit Director/Chairperson for the Board of Parole will conduct annual review and certification of Hazardous Duty Pay recipients in their areas. Central Office will send a current listing of Hazardous Duty Pay eligible employees on an annual basis and the Superintendent/Regional Director/Unit Director/Chairperson for the Board of Parole will review for current eligibility.

## **XI. PAYMENT**

- A. Value of Payment: Based on the principle of "pay for time worked," eligible employees will earn the hourly differential for time in work status. Employee excused time off, which is charged to accumulated leave credits, is not considered time worked and is not compensable. The Office of the State Comptroller publishes the current rates.
- B. Minimum Time: The minimum time to be worked by eligible employees to receive the differential is one hour. Thereafter, time is rounded up to the nearest quarter-hour segment.
- C. Mode of Payment
  - 1. Institution Payroll Cycle: Hazardous Duty Pay payments will be made on a quarterly basis.
  - 2. Administrative Payroll Cycle: Hazardous Duty Pay payments will be made on a bi-weekly basis.
  - 3. Part-time payment will be prorated for part-time salaried employees assigned to qualifying locations.
  - 4. Overtime Hazardous Duty Pay
    - a. Overtime Hazardous Duty Pay Differential is paid to hazardous duty eligible and OT eligible employees working over 40 hours in a hazardous location. If the overtime is worked in a non-hazardous location, then no Hazardous Duty Pay Differential is paid.
    - b. 37.5-hour employees: The 2.5-hour comp time (also known as ETE hours) between 37.5 and 40 hours is paid at the straight time rate.

- c. Recall status: If an employee is recalled to work overtime and is entitled to minimum recall pay, they only receive the differential (at the overtime rate) for the actual number of hours worked; the employee does not receive four hours of Hazardous Duty Differential unless they work four hours.
- d. Overtime ineligible employees: Overtime ineligible employees will not receive the Hazardous Duty Pay Differential beyond 37.5 or 40 hours, whichever schedule applies.

D. Hazardous Duty Pay Codes

	Straight	OT
PEF	HZ1	HZ2
CSEA	HZ3	HZ4
M/C	HZ5	HZ6



**Identified Hazardous Duty Pay Titles****Facilities and Central Office Staff in Facility Assignments**

TITLE	
ALCH&SUB AB T P A SL	OFFENDER REHAB COORD ASAT
ALCH&SUBST ABS T PG A	OFFENDER REHAB COORD ASAT SL
CHAPLAIN	OFFENDER REHAB COORD MC
CLINICAL PHYSN 2	OFFENDER REHAB COORD SL
COOK	OFFENDER REHAB COORD TR 1
CORRL FCLTY FOOD AD 1	OFFENDER REHAB COORD TR 1 SL
CORRL FCLTY FOOD AD 2	OFFENDER REHAB COORD TR 2
CORRL FCLTY FOOD AD 3	OFFENDER REHAB COORD TR 2 SL
DENTAL ASSNT	PHLEBOTOMIST
DENTAL HYGIENIST	PHYSCL THER ASNT 2
DENTIST 2	PHYSN ASSNT
DENTIST 3	PSYCHIATRIST 1
EDUC COUNSELOR	PSYCHOLOGIST 2
EDUC SUPVR GENERAL	RECREATION PRGM LDR 1
EDUC SUPVR VOCATIONAL	RECREATION PRGM LDR 2
HEAD COOK	RECREATION PRGM LDR 3
HEAD LAUNDRY SUPVR	RECREATION THER
HEAD STORES CLERK	SENR LAUNDERER
HEALTH INF MGT TECH 1	SENR LIBRARIAN
HEALTH INF MGT TECH 2	SENR OCCUPL THER
INSTRUCTOR BLIND	SENR RADIOL TECH
LAUNDRY SUPVR	SOC WORK SUPVR 1
LIBRARY CLERK 2	SUPV HOUSEKEEPER
LIC MSTR SOC WRKR 2	SUPV OFFENDER REHAB COORD ASAT
LICENSED PRAC NRS	SUPV OFFENDER REHAB COORD
LICENSED PSYCHLGST	TEACHER 2
MEDICAL LAB TECH 2	TEACHER 3
NURSE 1	TEACHER 4
NURSE 2	TEACHER 4 SPANISH L
NURSE 3 CORRL SVS	TEACHING ASSNT
NURSE ADMR 1	TRANSLATOR
NURSE PRCTNR (all parentheses)	TRANSLATOR MC
NURSING ASSNT 1	VOC INSTRUCTOR 1
NURSING ASSNT 2	VOC INSTRUCTOR 2
OFFENDER REHAB AIDE	VOC INSTRUCTOR 3
OFFENDER REHAB AIDE SL	VOC INSTRUCTOR 4
OFFENDER REHAB AIDE TR	VOC REHAB CNSLR MC
OFFENDER REHAB COORD	

**Identified Hazardous Duty Pay Titles****Community Supervision (CS), Office of Special Investigations (OSI), and Board of Parole**

TITLE		REMARKS
PAROLE OFFICER – COMMUNITY SUPERVISION	>1	
PAROLE OFFICER - OSI	>2	
POLYGRAPH PAROLE OFFICER		
HEARING OFFICER (PAROLE REVOCATION)	>4	
PAROLE REVOCATION SPEC 1	>4	
PAROLE REVOCATION SPEC 2	>4	
PRELIMINARY HEARING OFFICER (PAROLE REVOCATION)	>4	
PROGRAM AIDE	>3	
SUPERV HEARING OFFICER (PAROLE REVOCATION)	>4	
TRANSLATOR	>4	
VERBATIM REPORTER	>4	

**>1 Only those CS Parole Officers who carry a caseload**

**>2 Only those OSI Parole Officers assigned to the Threats and Apprehension Unit.**

**>3 Only if assigned to Community Supervision Operations Center (CSOC).**

**>4 Only if at hearing sites at least 5 full days per pay period (time spent travelling to and from an eligible location does not count towards eligibility).**

**Community Supervision staff assigned to Riker's Island are eligible.**