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Route To: (5100)

Date: February 9, 2007

Subject: Hazard Pay for Low Level Helicopter Flights

To: Regional Foresters, Station Directors, Area Director, IITF Director, Deputy Chiefs and WO Staff

There have been a number of questions regarding the letter we issued December 13, 2006 (copy enclosed), regarding the granting of hazard pay for low level helicopter flights. The Office of Personnel Management direction regarding limited control flights is found in 5 CFR 550, Subpart I, Appendix A, which states:

Limited control flights. Flights undertaken under unusual and adverse conditions (such as extreme weather, maximum load or overload, limited visibility, extreme turbulence, or low level flights involving fixed or tactical patterns) which threaten or severely limit control of the aircraft.

The hazard pay is related to the use of the aircraft not the work of the occupants. If the flight is undertaken under unusual and adverse conditions which threaten or severely limit control of the aircraft, then hazard pay is warranted. Hazard pay is not authorized for situations such as flying passengers from a work center to a location to fix equipment and when there are no adverse conditions that threaten or severely limit the aircraft.

Ignition devices used on a prescribed burn do not in and of themselves meet the definition for hazard pay. However, if the device threatens or severely limits the aircraft under the adverse conditions listed above, then the employee (not the pilot) would be entitled to hazard pay. It is the limits and stress placed on the aircraft, not the work being performed by the employee, which entitles the employee to the hazard pay.

It is up to the supervisor who authorized the use of the aircraft and/or made the determination that the work can only be accomplished under these adverse conditions to authorize hazard pay.

Hazardous duty means a duty performed under circumstances in which an accident could result in serious injury or death (5 CFR 550.902). We should not be subjecting our employees to such conditions unless it is absolutely necessary.

Employees who were authorized to perform work under the above conditions prior to December 16, 2006, may be entitled to back pay. Back pay is limited to two (2) years for those employees covered by the Fair Labor Standards Act (FLSA) and six (6) years for those employees not covered by the FLSA.



If the employee wants to file a claim for back pay they must submit documentation that demonstrates what work was done; the documentation must have the supervisor's concurrence that the work was accomplished and that hazard pay would have been appropriate under the conditions listed above. The employee's servicing Human Resources Office (SHRO) will make the final determination if back pay is appropriate.

If you have any questions, contact your SHRO. Only regions, stations, area, and WO staff may address their questions to Debbie Rigden at (703) 605-0822 or email her at drigden@fs.fed.us.

/s/ Donna L. Hubbert (for):
KATHLEEN D. BURGERS
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Enclosure