POST HARDSHIP DIFFERENTIAL (Last Updated Interim eff. 06/28/2021; 08-01-2021 Final TL:SR 1026)

510 GENERAL

511 Definitions

For the purpose of this chapter:

a. "Post hardship differential" means the additional compensation of 5, 10, 15, 20, 25, 30, or 35 percent over basic compensation granted pursuant to Title II, Part D of the Overseas Differentials and Allowances Act (P.L. 86-707) and provisions of this chapter to employees (Sections 031.3 and 040i) at differential posts. (eff. 03/05/06, TL:SR 661)

b. "Differential post" means:

 (1) a place listed individually in Section 920 for which a post hardship differential rate other than zero is shown in column 6; or (Interim eff. 06/28/2021; 08-01-2021 Final TL:SR 1026)

 (2) a place which is not listed individually in Section 920, but which is located in a country or area for which a post hardship differential rate other than zero is shown in column 6 of Section 920. (Interim eff. 06/28/2021; 08-01-2021 Final TL:SR 1026)

c. "Detail" means detail as defined in Section 040p for a minimum of 24 consecutive hours, counted from the time of arrival at a place other than the employee’s post (Section 040h) including also all periods of leave while serving at the place of detail.

d. "Day" means each midnight, including the midnight of the 24-hour period required by "c" above, occurring while the employee is on detail at a differential post.

512 Scope

Post hardship differential is designed to provide additional compensation to employees for service at places in foreign areas where conditions of environment differ substantially from conditions of environment in the continental United States and warrant additional compensation as a recruitment and retention incentive. (Interim eff. 06/28/2021; 08-01-2021 Final TL:SR 1026)

513 Basis for Post Hardship Differential (Interim eff. 06/28/2021; 08-01-2021 Final TL:SR 1026)

513.1 Classification

A post hardship differential is established for any place when, and only when, the place involves extraordinarily difficult living conditions, excessive physical hardship, or notably unhealthful conditions affecting the majority of employees officially stationed or detailed at that place. Living costs are not considered in differential determination. (Interim eff. 06/28/2021; 08-01-2021 Final TL:SR 1026)

513.2 Periodic Review

Conditions at differential posts are reviewed periodically, but at least biennially, to insure that the payment of post hardship differential shall continue only during the continuance of conditions justifying such payment. As periodic reviews indicate changes in living conditions, rates of differential may increase or decrease. Gradual improvements at a post which are noted during these reviews may be insufficient to justify an immediate decrease but may accumulate to form the basis for a decrease at a later time. Such a decrease may take effect while an employee is en route to their post or shortly after their arrival. Conversely, worsening conditions at a post may result in an increase in the post hardship differential which would benefit an employee even though they had just arrived. (Interim eff. 06/28/2021; 08-01-2021 Final TL:SR 1026)

520 POST HARDSHIP DIFFERENTIAL GRANTS

Employees (Sections 031.3 and 040i) are hereby granted post hardship differentials in accordance with the provisions of this chapter. (Interim eff. 06/28/2021; 08-01-2021 Final TL:SR 1026)

530 POST HARDSHIP DIFFERENTIAL APPLICABLE TO FOREIGN POST OF ASSIGNMENT (Interim eff. 06/28/2021; 08-01-2021 Final TL:SR 1026)

531 Commencement

531.1 Newly Appointed or Transferred Employees

The post hardship differential prescribed for an employee's post shall commence as of the latest of the following dates: (Interim eff. 06/28/2021; 08-01-2021 Final TL:SR 1026)

a. date of employee's arrival at a new post;

b. date of entrance on duty, if the employee was recruited locally (Section 031.3);

c. effective date of assignment, if employee is already at the new post on detail or leave;

d. the effective date on which a post is classified for differential at a rate higher than zero.

531.2 Upon Return to Post

The post hardship differential to an employee whose post hardship differential was terminated during a period of absence shall commence as of the date of their return to their differential post.

532 Termination (Interim eff. 06/28/2021; 08-01-2021 Final TL:SR 1026)

The post hardship differential shall terminate as of the earliest of the following:

a. close of business on the thirtieth consecutive calendar day the employee is temporarily absent from the post of their assignment on travel orders or personal travel.

b. close of business on the thirtieth consecutive calendar day the employee is absent from their detailed post on travel orders or personal travel.

c. close of business on the day the employee departs post for transfer (including Home Leave, Home Leave/Return to Post, or Renewal Agreement Travel).

 d. close of business on the date the employee separates (DSSR 040r).

533 Continuation of Post Hardship Differential During Absence from Employee’s Post of Assignment (Interim eff. 06/28/2021; 08-01-2021 Final TL:SR 1026)

From Foreign Post of Assignment with or without a Post Hardship Differential

a. The post hardship differential for an employee on detail to another differential post may continue at the rate prescribed for their foreign post of assignment (including a post with a zero post hardship differential) for the first 30 consecutive calendar days of their temporary absence from their foreign post of assignment except as otherwise provided in DSSR 552.

b. Beginning on the31st day the employee on detail away from their foreign post of assignment shall commence receiving the post hardship differential prescribed for the post where they are detailed. If the employee has been detailed to a footnote “n” post for 30 consecutive days, they may be paid the difference between the post hardship differential of their foreign post of assignment and the detailed footnote “n” post(s) for those 30 consecutive days at the footnote “n” post(s). See DSSR 541.3 for explanation of a footnote “n” post.

c. An employee who has established eligibility at the detail post may continue to receive the post hardship differential for the detail post for up to 30 consecutive calendar days of leave. Leave of more than 30 days will cause the post hardship differential to terminate effective the 31st day of leave, consistent with 532c.

d. If the post hardship differential has been terminated for an employee on detail or temporary duty as stated in 533c the employee must reestablish eligibility (30 days at one or more differential posts).

540 POST HARDSHIP DIFFERENTIAL FOR AN EMPLOYEE ON DETAIL FROM A US OR NON-FOREIGN POST (Interim eff. 06/28/2021; 08/01/2021 Final TL:SR 1026)

541 Eligibility Requirement

541.1 To become eligible for post hardship differential when an employee is on detail from a post of assignment in the United States (DSSR 040a) or non-foreign area, they must have served, during any one period of absence from their post of assignment, 30 cumulative and not necessarily consecutive days (Section 511d) on detail at one or more foreign posts with a differential rate of five percent or higher or places designated for non-foreign area hardship differential by the Office of Personnel Management in Part 591 of Title 5 of the Code of Federal Regulations.

541.2 Once the initial eligibility period of 30 consecutive or cumulative days has been acquired, the post hardship differential prescribed for the post may commence beginning on the31st day and not include the first 30 days unless qualifying at a footnote “n” post described below.

541.3 Detail at one or more Footnote “n” posts for 30 consecutive days or longer

These are posts listed in DSSR 920 and indicated by footnote “n” and are referred to as footnote “n” posts. Footnote “n” posts are indicated as such where (1) the Secretary of State has determined that a significant number of U.S. military personnel in country are or have been involved in hostilities; and (2) a danger pay designation exists. An employee who first serves for a period of 30 consecutive calendar days (not cumulative days) or more on detail at one or more footnote “n” posts may be granted the post hardship differential at the prescribed rate for the number of days served, beginning from the first day of detail.

541.4 The post hardship differential eligibility shall continue during periods of leave and other absences from the detailed post, including travel to the U.S for 30 days or less. Leave of 30 days or less will not interrupt the post hardship differential for either eligibility or payment purposes.

 An employee on leave away from a detailed post for more than 30 days will be required to meet the 30-day eligibility requirement on return to a hardship differential post.

542 Applicable Rates

After acquiring eligibility as described in Section 541, the post hardship differential for subsequent days of detail at differential posts during the period of detail from the employee’s US or non-foreign post of assignment shall be granted at the rate prescribed for each such differential post. This section shall also apply to an employee who has no post. Note: The Post Hardship Differential is paid as a percentage above basic compensation and therefore is paid only on days when an employee is paid basic compensation. (Interim eff. 06/28/2021; 08/01/2021 Final TL:SR 1026)

550 PAYMENTS

551 Full Time and Temporary Employees

Payments of post hardship differential to full time employees and employees appointed for temporary periods (Sections 031.3 and 031.4) shall be at the percentage of basic compensation prescribed in Section 920. (Interim eff. 06/28/2021; 08/01/2021 Final TL:SR 1026)

552 Ceiling on Payments

These regulations do not impose any ceiling on the payment of post hardship differentials. Agencies should note that post hardship differential plus salary plus other benefits are subject to statutory pay caps, such as the aggregate pay cap. (Interim eff. 06/28/2021; 08/01/2021 Final TL:SR 1026)

553 Payment After Absence

Payment of post hardship differential following a period of absence from the post may be made after the employee's return to post or arrival at a new post. The head of agency may require the employee to submit a certified statement showing the dates and time of arrival at, and departure from, each place on their itinerary. (Interim eff. 06/28/2021; 08/01/2021 Final TL:SR 1026)

560 EXCLUSION OF POST HARDSHIP DIFERENTIAL FOR STEP PAY INCREASES

Payment of post hardship differential shall not be construed as an equivalent increase in compensation for purposes of within-grade step increases in basic compensation. (Interim eff. 06/28/2021; 08/01/2021 Final TL:SR 1026)