STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES **Policy and Procedure**	POLICY AND PROCEDURE NUMBER **08.02.016**	PAGE 1 of 7
	EFFECTIVE DATE November 1, 2002	
SUBJECT **Criminal History Records Check For SIDA**	SUPERSEDES New	DATED Oct 7, 2002
TITLE **Personnel Administration** / CHAPTER **Personnel**	APPROVED BY Joseph L. Dubois	

PURPOSE

This policy and procedure is issued to comply with Transportation Security Administration regulations detailed in 49 CFR Part 1542, requiring fingerprint based Criminal History Records Checks (CHRC) for individuals that require unescorted access to the Security Identification Display Area (SIDA).

This policy and procedure will explain the process, assign responsibility, and detail the steps to be followed by Personnel Officers, Regional Airport Safety and Security Officers, Airport Managers, Airport Security Coordinators, and covered employees, in the implementation of this program.

POLICY

It is the policy of this Department that individuals required to obtain and hold a Personal Identification Badge (PIB) for unescorted access to an airport SIDA as a requirement of their duties will comply with all federal regulatory requirements for fingerprint processing.

Airport Operators/Managers must ensure that no individual is granted or retains unescorted access authority within the SIDA unless the individual has undergone a fingerprint-based CHRC that indicates the individual has not, in accordance with 49 Code of Federal Regulations, been convicted or found not guilty by reason of insanity of any disqualifying criminal offense listed below during the 10 years before the date of the application for unescorted access authority, or while the individual has unescorted access authority.

Employees convicted of a disqualifying offense during the course of their employment in a position requiring unescorted access are required to immediately notify the Airport Manager of the conviction. Failure to do so shall constitute grounds for immediate dismissal.

1) Forgery of certificates, false marking of aircraft, and other aircraft registration violation; 49 U.S.C. 46306.

2) Interference with air navigation; 49 U.S.C. 46308.

3) Improper transportation of a hazardous material; 49 U.S.C. 46312.

4) Aircraft piracy; 49 U.S.C. 46502.

5) Interference with flight crew members or flight attendants; 49 U.S.C. 46504.

6) Commission of certain crimes aboard aircraft in flight; 49 U.S.C. 46506.

7) Carrying a weapon or explosive aboard aircraft; 49 U.S.C. 46505.

8) Conveying false information and threats; 49 U.S.C. 46507.

9) Aircraft piracy outside the special aircraft jurisdiction of the United States; 49 U.S.C. 46502(b).

10) Lighting violations involving transporting controlled substances; 49 U.S.C. 46315.

11) Unlawful entry into an aircraft or airport area that serves air carriers or foreign air carriers contrary to established security requirements; 49 U.S.C. 46314.

12) Destruction of an aircraft or aircraft facility; 18 U.S.C. 32.

13) Murder.

14) Assault with intent to murder.

15) Espionage.

16) Sedition.

17) Kidnapping or hostage taking.

18) Treason.

19) Rape or aggravated sexual abuse.

20) Unlawful possession, use, sale, distribution, or manufacture of an explosive or weapon.

21) Extortion.

22) Armed or felony unarmed robbery.

23) Distribution of, or intent to distribute, a controlled substance.

24) Felony arson.

25) Felony involving a threat.

26) Felony involving -
    i) Willful destruction of property;
    ii) Importation or manufacture of a controlled substance;
    iii) Burglary;
    iv) Theft;
    v) Dishonesty, fraud, or misrepresentation;
    vi) Possession or distribution of stolen property;
    vii) Aggravated assault;
    viii) Bribery; or
    ix) Illegal possession of a controlled substance punishable by a maximum term of imprisonment of more than 1 year.

27) Violence at international airports; 18 U.S.C. 37.

28) Conspiracy or attempt to commit any of the criminal acts listed above.

This list may be revised by the TSA Administrator.

This policy is effective immediately for all new hires. All current employees with unescorted SIDA access authorization must be fingerprinted and satisfactorily meet the CHRC requirements prior to December 6, 2002 in order to retain unescorted SIDA access authority.

The State of Alaska will accept CHRC results for an employee as verified in writing by the Airport Security Coordinator of another airport operator, provided that the subject employee has been continuously employed in a position requiring unescorted access authority and the grant for this unescorted access authority was based upon a fingerprint-based CHRC through TSA or FAA.

PROCEDURE

Only trained individuals designated by the Regional Director or International Airport Director/Manager are authorized to take and process fingerprints. The Department will pay all processing fees for State of Alaska job applicants and employees.

Before fingerprints are taken, the applicant/employee must complete the attached application and provide two forms of ID, at least one of which must be government issued and at least one of which must include a photograph of the applicant/employee.

Fingerprints will be processed electronically in accordance with the TSA approved Airport Security Program. In the event electronic processing is not available, hard copy fingerprints may be processed. Only individuals designated by the Regional Director or International Airport Director/Manager shall have access to the results. Normally, this authority will be limited to Regional Airport Safety and Security Officers and the respective Airport Chief of Safety at Anchorage and Fairbanks International Airports.

Job Applicants

If a job applicant indicates on the fingerprint application form that they have been convicted or found not guilty by reason of insanity of any disqualifying offense during the 10 years before the date of application, the individual may not be hired into a position requiring unescorted access authority. The Airport Manager/Operator will not proceed with the fingerprint process and the applicant will be informed that they are not qualified for the position.

Once a job applicant has been selected for a position requiring unescorted SIDA access, a conditional job offer is made and the fingerprint submittal and CHRC must be accomplished. In no event will the applicant report for duty until the CHRC results are returned confirming the applicant may be granted unescorted SIDA access.

If the CHRC confirms a disqualifying criminal offense as specified above, the applicant shall be notified that they are not qualified for the position and the job offer shall be rescinded. The applicant is entitled to a copy of the CHRC results if the request is submitted in writing to the Airport Manager/Operator.

Current Employees

All current employees are required to comply with the CHRC process including the fingerprinting requirements. Refusal to comply with this process shall constitute grounds for immediate dismissal.

If an employee indicates on the fingerprint application form that they have been convicted or found not guilty by reason of insanity of a disqualifying offense in the 10 years before the date of the fingerprint application, the airport operator will not proceed with the fingerprint process. The employee shall be immediately terminated without prejudice and be eligible for rehire in positions not requiring SIDA access.[1]

If the CHRC results show a disqualifying criminal offense as specified above, the employee shall immediately be provided with a copy of the CHRC results, unescorted access authority shall be immediately suspended, and the employee shall be put on personal leave pending completion of an investigation. The Airport Security Coordinator shall immediately notify the Regional Personnel Officer who shall immediately begin the investigative process. Upon conclusion of the investigation and confirmation of a disqualifying offense, the employee shall be immediately terminated without prejudice and be eligible for rehire in positions not requiring SIDA access.

Within 30 days after being advised that the criminal record received from the FBI discloses a disqualifying criminal offense, the employee must notify the airport operator in writing of their intent to correct any information they believe to be inaccurate. The airport operator may accept a corrected copy of the FBI records or a certified true copy of information from the appropriate court with corrected information prior to granting unescorted SIDA access authority. If an employee is able to provide information that accurately shows there is no conviction for a disqualifying criminal offense within this 30 day period the employee will be reinstated effective the date the corrected information is provided to the Airport Manager.

Record Keeping

The criminal history check information must be maintained by the airport operator in a secure manner that protects confidentiality. These records must be maintained until 180 days after the termination of an employee's unescorted access authority at which time the record will be destroyed by shredding or a confidential burn process.

Dissemination of the information must be strictly controlled so that only the following entities are provided access:

---

[1] Employees will be given two (2) weeks pay in lieu of notice.

1) The individual to whom the record pertains or that individual's authorized representative, typically the individual's attorney or Union representative;
2) Airport Operators who are determining whether or not to grant unescorted access to an individual.

AUTHORITY

49 CFR, Part 1542

IMPLEMENTATION RESPONSIBILITY

Regional and System Directors/Managers, Department Airport Managers, Regional Airport Safety and Security Officers, and Regional Personnel Officers, and all employees that require unescorted access to the SIDA.

DISTRIBUTION

All holders of the Department of Transportation & Public Facilities Policy and Procedures Manual

STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

SIDA Fingerprint Application

Please check one of the following statements.

I do swear or affirm that:

- ☐ I have *not* been convicted, or found not guilty by reason of insanity, of a disqualifying criminal offense as described in the attached list during the ten (10) years before the date of this application.

- ☐ I have been convicted, or found not guilty by reason of insanity, of a disqualifying criminal offense as described in the attached list during the ten (10) years before the date of this application.

I understand that Federal regulations (49 CFR 1542.209(l)) impose a continuing obligation that I must notify the airport manager or designee within 24 hours if I am convicted of any disqualifying criminal offense that occurs while I have unescorted SIDA access authority.

The information I have provided on this application is true, complete, and correct to the best of my knowledge and belief and is provided in good faith. I understand that a knowing and willful false statement on this application can be punished by fine or imprisonment or both (See Section 1001 of Title 18 United States Code). I also understand that a false statement on this application shall constitute grounds for immediate dismissal from employment.

_____
Printed Name

_____ _____
Signature of Applicant Date

Exhibit 6-A

Disqualifying Crimes

1) Forgery of certificates, false marking of aircraft, and other aircraft registration violation; 49 U.S.C. 46306.

2) Interference with air navigation; 49 U.S.C. 46308.

3) Improper transportation of a hazardous material; 49 U.S.C. 46312.

4) Aircraft piracy; 49 U.S.C. 46502.

5) Interference with flight crew members or flight attendants; 49 U.S.C. 46504.

6) Commission of certain crimes aboard aircraft in flight; 49 U.S.C. 46506.

7) Carrying a weapon or explosive aboard aircraft; 49 U.S.C. 46505.

8) Conveying false information and threats; 49 U.S.C. 46507.

9) Aircraft piracy outside the special aircraft jurisdiction of the United States; 49 U.S.C. 46502(b).

10) Lighting violations involving transporting controlled substances; 49 U.S.C. 46315.

11) Unlawful entry into an aircraft or airport area that serves air carriers or foreign air carriers contrary to established security requirements; 49 U.S.C. 46314.

12) Destruction of an aircraft or aircraft facility; 18 U.S.C. 32.

13) Murder.

14) Assault with intent to murder.

15) Espionage.

16) Sedition.

17) Kidnapping or hostage taking.

18) Treason.

19) Rape or aggravated sexual abuse.

20) Unlawful possession, use, sale, distribution, or manufacture of an explosive or weapon.

21) Extortion.

22) Armed or felony unarmed robbery.

23) Distribution of, or intent to distribute, a controlled substance.

24) Felony arson.

25) Felony involving a threat.

26) Felony involving -
    i) Willful destruction of property;
    ii) Importation or manufacture of a controlled substance;
    iii) Burglary;
    iv) Theft;
    v) Dishonesty, fraud, or misrepresentation;
    vi) Possession or distribution of stolen property;
    vii) Aggravated assault;
    viii) Bribery; or
    ix) Illegal possession of a controlled substance punishable by a maximum term of imprisonment of more than 1 year.

27) Violence at international airports; 18 U.S.C. 37.

28) Conspiracy or attempt to commit any of the criminal acts listed above.

This list may be revised by the TSA Administrator.

Exhibit 6-A