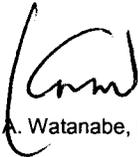


 <p style="text-align: center;">STATE OF HAWAII DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT POLICIES AND PROCEDURES</p>	POLICY NO. 301.003 ESD/Examination	NO. of PAGES 5
	EFF. DATE 04/05/04	REV.NO./Date
TITLE: <p style="text-align: center;">PRE-EMPLOYMENT PROCEDURES FOR PROCESSING EMPLOYEES WHO REQUIRE UNESCORTED ACCESS TO AIRPORT SECURITY IDENTIFICATION DISPLAY AREAS (SIDAs)</p>	APPROVED:  Kathleen N. Watanabe, Director	

I. POLICY

State of Hawaii executive branch agencies shall comply with all federal regulations (49 CFR §1542.209) requiring fingerprint-based criminal history record checks for all prospective employees who require unescorted access to restricted areas of airports.

II. RATIONALE

The September 11, 2001 attacks lead Congress to enact the Aviation and Transportation Security Act (ATSA), Public Law 107-71, on November 19, 2001. Under the ATSA, responsibility for inspecting persons and property carried by aircraft operators and foreign air carriers were transferred to a new agency called the Transportation Security Administration (TSA).

On February 22, 2002 the TSA issued Transportation Security Regulation (TSR) 49 CFR § 1500, which required airport operators to adopt and carry out a security program approved by TSA. It describes requirements for security programs, including establishing secured areas, air operations areas, security identification display areas, and access control systems. 49 CFR §§ 1542.209 and 1544.229 contain requirements for fingerprint-based "criminal history record checks" of all individuals requesting access into security identification display areas.

III. DEFINITIONS

"Aircraft operators" means persons who use, cause to be used, or authorize to be used, an aircraft, with or without the right of legal control (as owner, lessee, or otherwise), for the purpose of air navigation, including the piloting of aircraft on any part of the surface of an airport.

"Airport operators" means persons who operate an airport serving an aircraft operator or foreign air carrier required to have a security program under 49 CRF parts 1544 and 1546.

"Airport security program" means a security program approved by TSA under 49 CFR part 1542.101.

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“Escort” means to accompany or monitor the activities of an individual who does not have unescorted access authority into or within a secured area or security identification display areas (“SIDA”).

“Secured area” means a portion of an airport, specified in the airport security program which certain security measures specified in 49 CFR part 1542 are carried out. This area is where aircraft operators and foreign air carriers that have a security program under 49 CFR parts 1544 and 1546, which enplane and deplane passengers and sort and load baggage and any adjacent areas that are not separated by adequate security measures.

“Security identification display area (SIDA)” means a portion of an airport, specified in the airport security program, in which security measures specified in 49 CFR 1500 et. seq., are carried out. This area includes the secured area and other areas of the airport.

“Unescorted access” means the authority granted by an airport operator, an aircraft operator, foreign air carrier or airport tenant under 49 CFR parts 1542, 1544, and 1546, to individuals to gain entry to and be presented without an escort in secured areas and SIDAs of airports.

IV. SCOPE

These procedures apply to all persons being considered for positions requiring unescorted access to SIDAs at the airports, regardless of the type of appointment.

V. GENERAL PROVISIONS

This policy provides guidance to various State departments who are processing prospective candidates for hire into positions which require unescorted access to restricted areas and implements federal regulation, 49 CFR § 1542.209, requiring fingerprint-based criminal history record checks (CHRC) of specific individuals and instructions on how to obtain such checks.

VI. PROCEDURES

A. All employing departments shall identify and maintain a list of all positions whose duty location or performance of duties requires SIDA

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access.

- B. All potential selectees for SIDA access positions shall be notified that they must undergo a finger-print based CHRC and must attend all necessary training as a condition of employment and before an identification badge will be issued.
 - C. The fingerprinting and CHRCs shall be performed by the Department of Transportation (DOT) and shall include records of the Hawaii Criminal Justice Data Center (HCJDC), the Federal Bureau of Investigation (FBI) and/or the National Crime Information Center (NCIC), and military courts, as appropriate.
 - D. Selectees shall complete and submit the following attached forms at the time of fingerprinting:
 - 1. *Information Required for Fingerprint Application* (Attachment A); and
 - 2. *Airport Security Unescorted Access Badge Fingerprint Application Form* (Attachment B).
- Such forms request information required by the FBI and are necessary to complete the CHRC.
- E. Fingerprinting on all islands, except for Molokai and Lanai, shall be taken using electronic means. The fingerprint file will be transmitted via encryption to the FBI for comparison with information stored in the national database of criminal history.
 - F. As a courtesy to the airports security office staff that will be processing the fingerprint applications, candidates should call to confirm an appointment or the appropriate time for fingerprinting.

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- G. Prospective employees shall be responsible for the cost of the fingerprinting and the CHRC. Payment shall be made in cash. The fingerprinting fee is non-refundable. Names and phone number of contact persons, contained in Attachment C, provides by island, cost, and hours, that prospective employees may report for fingerprinting.
- H. The federal regulation (49 CFR § 1542.209) permits the results of the CHRC to be disclosed only to the person who was the subject of the CHRC or to his/her designated representative. Therefore, the departmental personnel office shall be listed as the designated recipient of the information on the *Fingerprint Application Form* (Attachment B). If no one is specified as the authorized agent to receive the CHRC information, the results shall be released to the prospective employee.
- I. If a prospective employee is denied the SIDA clearance, contact the HRD, Employee Staffing Division, Examination branch for specific guidance as necessary.
- J. Upon the submission of a *Request for List of Eligibles*, HRD Form 305, departments shall identify all positions which require unescorted access clearance. This information shall be included in recruitment announcements to applicants of the requirement in the event that the cost or other factors are a consideration. Similarly, programs should inform applicants of the security access clearance requirement at the time of their interview.

VII. BACKGROUND

This policy supersedes the previously issued memorandum dated December 5, 2002, on the same topic.

VIII. AUTHORITIES AND REFERENCES

A. AUTHORITIES

49 CFR Part 1500 et. seq., *Civil Aviation Security Rules; Final Rule*
(February 22, 2002)

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B. REFERENCES

§ 76-1, Hawai`i Revised Statutes, *Purposes; merit principle*

§ 76-18, Hawai`i Revised Statutes, *Examinations*

§ 76-29, Hawai`i Revised Statutes, *Person ineligible for appointment*

§ 78-2.6, Hawai`i Revised Statutes, *Prospective employees,
suitability for public employment*

§ 14-1-2, *et seq.*, Hawai`i Administrative Rules, *Applicability of rules.*

§ 14-1-3, *et seq.*, Hawai`i Administrative Rules, *General
responsibilities of director*

§ 14-1-15, *et seq.*, Hawai`i Administrative Rules, *Definitions*

§ 14-1-3.01, *et seq.*, Hawai`i Administrative Rules, *Filling positions in
the Civil Service*

IX. ATTACHMENTS

Attachment A: Information Required for Fingerprint Application

Attachment B: Airport Security Unescorted Access Badge Fingerprint
Application Form

Attachment C: Contact Persons by Island