

FAA SECURITY BACKGROUND CHECK RULE EXPLAINED

Introduction

Federal Aviation Regulation (FAR) Part 107: Airport Security stipulates various requirements for protecting airports from crimes against civil aviation. Part 107 requires employment history, verification and criminal history records checks (if applicable) of individuals applying for airport identification badges that permit unescorted access authority to the Security Identification Display Area (SIDA). Additional requirements and responsibilities are placed on those airport tenants who verify to the airport operator completion of these background checks. While the airport operator may complete background checks, most often the responsibility is placed on the airport tenant.

Background Checks

Airport businesses conducting background checks and certifying completion to the airport operator are subject to several responsibilities involving the access investigation procedures. These procedures include completion of the following: application, employment verification (including a possible FBI criminal history records check), maintenance of employment history records, including an additional responsibility of reporting information involving a disqualifying crime conviction as it becomes available to the airport operator, designation of an FAA point of contact, and the FAA's new access authority to access the employment investigation records.

Applicability

The employment history investigation must be conducted on any individual whom the airport operator authorizes to have unescorted access to the SIDA. After November 23, 1998, the U.S. Customs background check is no longer acceptable in lieu of the FAA required background check. Likewise, pilots having a completed pilot records check are also subject to the employment history background check if unescorted access to the SIDA is necessary.

Application

An application must be completed by the individual seeking employment by including the individual's name and dates, names, phone numbers and addresses of employers for the past ten years and an explanation for any 12-month or longer employment gaps. The application must also ask the individual if they were convicted in the past ten years for any of the disqualifying crimes found in the attached listing. The application must also alert the individual that he/she is subject to employment verification and, possibly, a FBI criminal history records check.

Employment Verification

Part 1: Two forms of identification — one is required to include a picture — must verify the identity of the individual. The past ten years of employment must be reviewed while the most recent five years must be verified in writing, including documentation of date and method of how contact was made. A contact person must also be listed on the record indicating from whom verification information was obtained.

Only if a “trigger” exists during Part 1 of the investigation may Part 2, a criminal records check, occur. Triggers are defined as any of the following conditions:

- A gap in employment with unsatisfactory explanation for twelve consecutive months or more during the previous ten-year period exists.
- The individual is unable to substantiate statements made on the application.

- Significant inconsistencies in the information provided on the application are present.
- Information becomes available to the airport operator or user during the investigation process that indicates a possible conviction of one or more of the disqualifying crimes.

Part 2: If one or more of the listed “triggers” occur during Part 1 of the employment history investigation, a FBI criminal record fingerprint check is necessary. Although the tenant may verify the background checks, only the airport as a FAA certificate holder may obtain the FBI data. The criminal record results or information that the check was completed and no record exists must be noted in the file.

Maintenance of Employment History Records

Airport businesses conducting background checks and certifying completion to the airport operator are now subject to additional responsibilities of maintenance and certification. It is now the responsibility of the airport tenant, unless assumed by the airport operator, to maintain and control the employment history background investigation files. All employment verification files must be maintained for 180 days after the termination date of the individual’s unescorted access privileges.

If information becomes available during an individual’s employment of a recent conviction of one or more of the disqualifying crimes, the airport tenant is now responsible for reporting the information to the airport operator.

Employee’s Record

The FAA and airport operator must be provided access to each completed Part 1 of the employment history investigation file. The airport tenant must furnish the name or title of the individual acting as custodian of the files and the address and phone number where the files are maintained.

Disqualifying Crimes

• Forgery of certificates, false marking of aircraft, and other aircraft registration violations;	• Unlawful possession, use, sale, distribution, or manufacture of an explosive or weapon;
• Interference with air navigation;	• Extortion;
• Improper transportation of a hazardous material;	• Murder;
• Aircraft piracy;	• Assault with intent to murder;
• Interference with flight crew members or flight attendants;	• Espionage;
• Commission of certain crimes aboard aircraft in flight;	• Sedition;
• Carrying a weapon or explosive aboard aircraft;	• Kidnapping or hostage taking;
• Conveying false information and threats;	• Treason;
• Aircraft piracy outside the special aircraft jurisdiction of the United States;	• Rape or aggravated sexual abuse;
• Unlawful entry into an aircraft or airport area that serves air carriers or foreign air carriers contrary to established security requirements;	• Armed robbery;
• Lighting violations involving transporting controlled substances;	• Distribution of, or intent to distribute, a controlled substance;
• Destruction of an aircraft or aircraft facility;	• Felony arson;
	• Conspiracy or attempt to commit any of the aforementioned criminal acts.