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April 1, 2002

Docket Management System
U.S. Department of Transportation
Room Plaza 401
400 Seventh Street, S.W.
Washington, D.C. 20590

Re: Criminal History Records Checks (Docket No. FAA-2001-10999)

Dear Sirs/Madams:

United Air Lines, Inc. ("United") is writing to advise the Department that it strongly endorses the due process concerns the Transportation Trades Department, AFL-CIO ("TTD") raised in comments filed in this docket on March 11, 2002. In those comments, the TTD urged the FAA to incorporate in its new rules relating to Criminal History Records Checks ("CHRC") for existing airline employees a level of due process protection before such employees are terminated.

One of a number of measures intended to enhance security in the aftermath of September 11, the new CHRC rule mandates that all airport and aircraft operators perform extensive fingerprint-based background checks, covering a 10-year period, on all employees or prospective employees who have or will have unescorted access to secure areas of the airport. Although this will be a substantial undertaking for United, a company that employs over 80,000 people worldwide, the imperatives that prompted the rule warrant extraordinary measures.

United fully supports efforts to expand and enhance the level of security at U.S. airports. United is committed to dedicating the time, resources and talent necessary to ensure that travelers receive the utmost level of safety. United is working hand-in-hand with the DOT, FAA, TSA, and individual airports to implement a host of new measures designed to achieve greater levels of security, and United agrees that CHRC can be a valuable tool in identifying individuals who may pose a threat to safety.

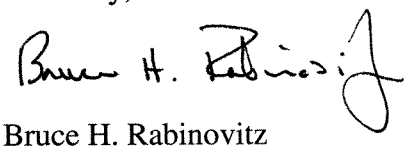
As the TTD points out, however, the rule, as currently written, lacks procedures to ensure that valuable employees with a long and successful employment history have an opportunity to demonstrate to the FAA that they are not, in fact, security risks who should be summarily dismissed simply because, at some point in the past 10 years, they committed a disqualifying offense. As the TTD further points out, a rule devoid of even the most basic due process protections could produce very draconian effects in the lives of dedicated, well-trained

employees, whose employment record indicates that they may have successfully rehabilitated themselves since the occurrence of the disqualifying event. Such employees should not be summarily terminated without an opportunity to be heard. United, therefore, joins the TTD in urging the Department to adopt reasonable due process protections to ensure that employees facing job termination are accorded an administrative review by the FAA to ensure that they have a fair and reasonable opportunity to demonstrate that they pose no risk to security.

Not only would such a forum serve the interests of aviation employees and the dictates of fundamental fairness, but it would contribute to maintenance of a stable, highly skilled and well-trained aviation workforce. United has invested a great deal of time and resources in training its talented workforce. U.S. airlines employ thousands of dedicated employees whose life work revolves around serving the needs of air travelers. When a disqualifying offense threatens to end the profession of an aviation employee, and the employee believes he or she can demonstrate that no threat to security exists, the government should ensure that it is fully informed before making life-altering decisions concerning these individuals. Where circumstances indicate that such an employee poses no credible risk to safety, he or she should not be deprived of the opportunity to work in this vital industry, and airline employers should not be forced to undertake the costs and burden of hiring and training replacements for these dedicated employees.

United appreciates the efforts of the DOT, FAA and TSA in developing standards to heighten the safety and security of air transportation. The CHRC rule was adopted in the wake of a massive tragedy and in the midst of ongoing threats to our nation's security. The goal of increased security, however, need not compel the adoption of a CHRC rule that wholly disregards individual liberties, particularly when abrogation of those rights is not necessary to achieve the goal. A careful balancing of these imperatives can ensure the necessary levels of safety while maintaining the fundamental due process protections upon which our freedom and democracy are based.

Sincerely,



Bruce H. Rabinovitz
Counsel for
United Air Lines, Inc.

cc: Edward Wytkind, Executive Director
Transportation Trades Department, AFL-CIO

Captain Duane E. Woerth, President
Air Line Pilots Association, International

Ray W. Benning, Jr., Director, Airline Division
International Brotherhood of Teamsters, AFL-CIO