AIR LINE PILOTS ASSOCIATION, INTERNATIONAL
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January 4, 2002

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

RE: Docket No. FAA-2001-10999

Dear Sir or Madam:

On behalf of 67,000 pilots employed at 47 airlines in the United States and Canada, the Air Line Pilots Association, International (ALPA) submits this comment regarding the above-referenced docket, Criminal History Records Checks.

ALPA supports the criminal history checks for pilots who are hired after the effective date of the rule. However, for those airmen who were employed as pilots prior to the effective date of the rule, we believe there is no need to impose the expense and administrative burden of such a check on the air carrier and the employee. Pilots who are currently employed have already undergone background checks, have a demonstrated employment record and are required to report convictions as they occur on their FAA medical applications, which are renewed regularly. Therefore, there is no compelling need to subject employed pilots to this additional after-the-fact background check for security purposes. For these reasons, ALPA strongly objects to background checks for pilots who are currently employed by air carriers.

Our second objection is that the regulation makes no provision for any exceptions if an employee has a conviction of a listed crime but the facts are compelling that the employee is not a security risk. For example, a pilot was convicted of one of the enumerated crimes some eight years ago. He reported the conviction to the air carrier and the FAA, both of whom determined that the conviction would not affect his ability to perform as a pilot. This pilot has been flying with no difficulty for eight years, and now, solely because of the rule, he will lose his livelihood because he cannot have access to the ramp area. Thus he loses his ability to pursue his chosen career at a mid-point in his life.

The rule should provide for some due process for pilots in this or similar circumstances to show that past conduct does not impact airport security. Even though a pilot has a disqualifying conviction, it does not automatically mean he or she is a security risk. In fairness, before losing their livelihood, the pilot should have an opportunity to show that he or she is fit to enter the secure areas of the airport.

We appreciate the opportunity to comment and respectfully request that our comments be adopted by appropriate amendments to the rule.

Sincerely,

Captain Duane E. Woerth, President