Please take notice that the Metropolitan Washington Airports Authority (Airports Authority) is considering amending the Metropolitan Washington Airports Regulations by adding a Section 9.11 to authorize the Airports Authority Police Department to conduct criminal history record checks on all applicants to whom a conditional offer of employment with the Authority has been made, to set the criteria for determining whether a criminal record relates to the position for which the person applied, and to require that the criminal history record be kept confidential.

This additional regulation would have the full force and effect of law.

**The Airports Authority will hold a public hearing on Wednesday, November 14, 2012, at 7:00 p.m. in Conference Room 1C of the Authority’s Corporate Office Building, 1 Aviation Circle, Ronald Reagan Washington National Airport, at which time any person may appear and be heard for or against the adoption of this regulation.** The complete text of the proposed regulation and the staff report are available for public inspection at the Airports Authority’s website at [www.mwaa.com](http://www.mwaa.com) or at the Office of General Counsel. Copies are available for distribution and may be obtained by writing to the Office of the General Counsel at the address below or by telephoning 703-417-8615.

Written comments may be addressed to:

Office of General Counsel  
Metropolitan Washington Airports Authority  
1 Aviation Circle, Suite 312  
Washington, D.C. 20001-6000

or by electronic mail to PublicHearingComments@mwaa.com

Written comments must be received no later than November 19, 2012, to be assured of consideration by the Airports Authority. Final action to adopt this proposal may taken only by the Airports Authority’s Board of Directors.
§ 9.11. Criminal History Records Check of Applicants for Authority Employment

(1) In the interest of public welfare and safety, all applicants to whom a conditional offer of employment with the Authority has been made shall be investigated to determine if the past criminal conduct of a person with a conviction record would be compatible with the nature of the employment under consideration. Accordingly, the President or his or her designee shall request from the Virginia Central Criminal Records Exchange and the Federal Bureau of Investigation, a criminal record check of each such applicant for Authority employment.

(2) Each applicant required to undergo a criminal background check, upon receiving a conditional offer of employment, shall submit to fingerprinting and provide personal, descriptive information to be forwarded along with the applicant’s fingerprints through the Central Criminal Records Exchange to the Federal Bureau of Investigations for the purpose of obtaining criminal history record information regarding such applicant.

(3) Criminal history record information considered in accordance with this section shall include outstanding warrants, pending criminal charges, and records of conviction.

(4) The President or his or her designee shall review the criminal history record information to determine whether the conviction record, if any, of the applicant is compatible with the nature of the Authority employment under consideration. In making this determination and in determining whether a criminal conviction directly relates to a position, the President or his or her designee shall consider the following criteria:

(a) the nature and seriousness of the crime;
(b) the relationship of the crime to the work to be performed in the position applied for;
(c) the extent to which the position applied for might offer an opportunity to engage in further criminal activity of the same type as that in which the person had been involved;
(d) the relationship of the crime to the ability, capacity, or fitness required to perform the duties and discharge the responsibilities of the position being sought;
(e) the extent and nature of the person’s past criminal activity;
(f) the age of the person at the time of the commission of the crime;
(g) the amount of time that has elapsed since the person’s last involvement in the commission of a crime;
(h) the conduct and work activity of the person prior to and following the criminal activity; and
(i) evidence of the person’s rehabilitation or rehabilitative effort while incarcerated or following release.

(5) Any applicant who is denied employment on the basis of criminal history record information obtained pursuant to this section will be notified in writing and will be given an opportunity to inspect the information for the purpose of clarifying, explaining, or denying the information.

The criminal history information provided in accordance with this section shall be confidential, shall be used solely to assess eligibility for Authority employment and for access to restricted areas of the Airports in compliance with 49 U.S.C. § 44936 and its implementing regulations, and shall not be disseminated except as provided in this section.