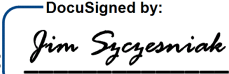




Operating Instruction (OI)

Violations – Offenses, Charging Instrument, Due Process Provisions	OI Category I No. 05-03
Authorized Signature:  <small>DocuSigned by: 3/13/2023 8:44 CDT</small> <small>219BB458A1604CE</small> Mario C. Diaz, Director of Aviation or Jim Szczeniak, Chief Operating Officer	Date Original Approved: August 1, 2005 Last Revised Date: February 24, 2023

I. PURPOSE

- A. To explain the rationale of the system of enforcing compliance with various laws, ordinances, policies, procedures, rules, and regulations of or pertaining to the Houston Airport System (HAS), including, but not limited to, the Airport Security Plan (ASP), Organization Policy & Procedures (OPPS), Airport Operating Procedures (AOP) and Airport Security Manual and/or Operating Instructions (OI).
- B. To identify the persons authorized to issue Notice(s) of Violation(s), which is the charging instrument in the Houston Airport System (HAS) for OI and other administrative violations.
- C. To identify violations, including, but not limited to the specific violations enumerated herein.
- D. To assign consequences to such violations.
- E. To provide a means of providing for due process to those charged.

II. BASIS

As stated in the City of Houston Code of Ordinances (Chapter 9 Aviation, Section 9-4), the Director of Aviation (Director) has the authority to "... promulgate and enforce or cause to be enforced reasonable and necessary administrative rules and regulations governing the use, control, and operation of the city airports and any other property placed under the jurisdiction of the department. The regulations shall not be inconsistent with applicable state, federal, or local laws, rules, and regulations."

City of Houston Code of Ordinances, Chapter 1 General Provisions, Section 1-6. - *General penalty; continuing violations; license revocation, etc.*

This OI is adopted subject to the following, which may be amended:

- Title 49 Code of Federal Regulations Parts 1540 & 1542
- Airport Security Plan
- Title 14 Code of Federal Regulations Part 139
- Texas Transportation Code, Chapter 22 County and Municipal Airports
- Houston Airport System Operating Instruction 05-02, *ID Badging*
- City of Houston Administrative Procedure 3-7, *Positive Corrective Action Program* (for HAS Employees)

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III. BACKGROUND

- A. HAS, along with various federal, state, and local governmental bodies, including administrative bodies, has developed, and continues to develop, various laws, policies, procedures, rules, and regulations that are deemed reasonable and necessary for the safe, efficient, and secure operation of the Houston Airport System (HAS).
1. At the Houston Airport System there are three enforcers of these laws, ordinances, policies, procedures, rules, and regulations:
 - a. The Airport Operations and Airport Security Business Units, as designated by the HAS Director of Aviation or their designee (Director), are the primary HAS Business Units responsible for enforcement of security, non-security, safety, and operations related laws, ordinances, policies, procedures, rules, and regulations. The Business Unit Managers may designate those within their Business Units who are authorized to enforce non-criminal and administrative violations, and/or the administrative or civil counterpart of any criminal law, i.e. issue Notices of Violation (NOV), by either name or by their operating title class, and any designated by operating title class shall include any and all of those becoming employed in said operating title class after the date of designation, as well as, those in any operating title class that is named as a successor to a prior operating title class.
 - b. Law Enforcement Officers-Law Enforcement Officers only have the authority to enforce criminal laws and not administrative or civil law nor the administrative or civil counterpart of any criminal law.
 - c. The Director, as they deem necessary, may designate any other HAS Business Unit with the responsibility of the enforcement of security, non-security, safety, and operations related laws, ordinances, policies, procedures, rules, and regulations.
 2. The means of notifying an individual or an organization that they have violated an administrative or civil law, policy, procedure, rule and/or regulation is by issuing a charging instrument called an NOV or Notice of Violation. This form may be used for either issuing a warning or for formal charging. (See Attachment #1)
 3. This OI provides periods of time and a procedure in which to file a contest and a procedure for a fair and impartial hearing.
 4. In addition to a general offense of violating a law, ordinance, policy, procedure, rule or regulation, specific offenses are listed herein to provide the HAS Community a clearer view of some of the areas that the Community needs to target to maintain the safety, security, and efficiency of the HAS airports.
 5. This OI provides a procedure to follow the NOV from issuance through completion of the consequences and to allow for better tracking of the NOV history of each individual and sponsoring organization's sponsored individuals.

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6. The title of any HAS position stated in this OI, or any other OI related to ID Badging may be changed by posting the change in the public area at the main ID Badging Office at any HAS Airport affected thereby.

IV. APPLICABILITY

- A. This OI applies to any person or entity who uses, desires to use, or should be using, the HAS Airport Security Section ID Badging system and/or Access Control System at any one or more of the HAS airports or facilities, save and except HAS employees who are also governed by other HAS and City of Houston ordinances, rules, and regulations, including but not limited to, City of Houston Administrative Procedure 3-7, Positive Corrective Action Program.
- B. This OI, by this paragraph, does hereby extend and apply OI 05-02 (Security Access Control System & ID Badging) to any person or entity who uses, desires to use, or should be using, the HAS Airport Security Section ID Badging system and/or Access Control System at any one or more of the HAS airports or facilities, employees of HAS who are governed by other HAS and City of Houston ordinances, rules and regulations.
- C. This OI and OI I 05-02 as applicable per airport, also applies to airline crews, airline mechanics, and others who are allowed access to restricted or controlled areas based upon identification or access media issued by their employers (included in the definition of “HAS authorized ID Badges”) and who are not otherwise required to possess a HAS issued ID Badge shall be required to submit to and undergo the same sanctions as if they had an HAS issued ID Badge and failure to submit to and undergo such sanctions for violations shall make them a trespasser after warning and subject to being so charged under the Penal Code of the State of Texas.
- D. This OI and OI 05-02 as applicable per airport, also applies to any individual who is employed at a HAS owned, leased, or controlled property for the purpose of providing any work, goods or services to HAS or any of its contractors, subcontractors, lessees, concessionaires, etc., and in so providing said work, goods or services enters into any controlled or restricted area of such HAS owned, leased, or controlled property is required to obtain an HAS issued ID Badge. Individuals employed at all locations requiring a HAS ID Badge shall be required to submit a completed HAS ID Badge application to a HAS Badging Office prior to beginning work in a controlled or restricted area. These individuals may only be escorted after submitting a completed ID Badge application to HAS Badging Office.
- E. Individuals denied an HAS ID Badge due to disqualifying crimes and conditions prohibiting such issuance (OI I 05-02 Attachment A) or have their HAS ID Badge privileges suspended may not be employed or provide goods or services at any HAS owned, leased, or controlled property including public areas. The individuals described in this subparagraph shall be considered a trespasser after warning and subject to being so charged under the Penal Code of the State of Texas.

V. RESPONSIBILITY

- A. It is the responsibility of each individual and the tenant or other sponsoring entity and/or the party to whom they are providing work, goods or services, jointly and severally, to ensure they and/or those sponsored or utilized by them are fully aware of the regulations, violations, penalties, and enforcement procedures contained in this OI, as well as, all other applicable laws, ordinances, rules and regulations, **before starting work and/or providing work, goods or services at an HAS airport.**

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It shall be the responsibility of all above mentioned to be aware of all changes and revisions to the regulations, violations, penalties, and enforcement procedures contained in this OI and other applicable laws, ordinances, rules, and regulations. **A lack of knowledge or understanding is not an excuse nor a defense for noncompliance with this policy.**

- B. It is the responsibility, duty, and obligation of each and every individual to whom an ID Badge is issued, to know the limitations of their access, the laws, ordinances, policies, procedures, rules, and regulations governing access, safety, and security at the HAS airports and to timely and faithfully carryout their duties and obligations to the same, including, but not limited to, obeying each and every law, policy, procedure, rule, and regulation and to strictly avoid any violation(s) of the same and by acceptance and/or retention of an ID Badge they represent that they have complied with these responsibilities, duties, and obligations.

VI. DEFINITIONS

- A. Wherever an “Attachment,” “Form,” or “Map” is referred to anywhere in this OI, they are provided for your convenience only as a general assistance and do not constitute a legal description. The current “Attachment,” “Form,” or “Map” can be obtained from the HAS Airport Security Section.
- B. The use of bolding, italics, underlining or other means of emphasizing a word or words is merely an aid to bring that portion to the reader’s attention and does not denigrate the status or importance of any other word, words, sentences, or paragraphs nor reduce their being mandatory in nature where appropriate.
- C. Word and Phrase Definitions:
1. Airport Identification Badge (ID Badge): Any single identification media or combined identification media and access control media which is, and does always remain, the property of the Houston Airport System and is issued by HAS to provide identification, authorization, and access to restricted and/or controlled airport areas and other HAS facilities. Anytime the term “ID Badge” is used, it is referring to an ID Badge issued by HAS, Airport Security ID Badging, unless otherwise specifically noted. The term shall also include any medallions, etc. designated and authorized by HAS to be attached to the ID Badge.
 2. Airport Security Coordinator (ASC): The Primary Airport Security Coordinator is the person that occupies the position as defined in 49 Code of Federal Regulations (CFR) 1542.3 and as designated in the Airport Security Plan. The “Primary Airport Security Coordinator,” as used herein, is the Airport Security Manager. The Airport Security Coordinator for ID Badging, if any, is the person who is the Head Supervisor for the ID Badging Business Unit or any successor title thereto, i.e., it is the person that is the highest-ranking individual for an ID Badging Office. The Airport Security Coordinator for the Security Business Unit any, is the person holding that operational title.
 3. Airport Security Manager (ASM): The person so designated in that position by the Director. The term “Airport Security Manager” shall include the person designated by the Airport Security Manager as the Acting or Interim Airport Security Manager, when the Airport Security Manager is on leave (vacation, city business, sick leave, FMLA, etc.).

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4. Air Operations Area (AOA): A portion of an airport, specified in the airport security program, in which security measures specified in Part 1540 are carried out. This area includes aircraft movement areas, aircraft parking areas, loading ramps, and safety areas, for use by aircraft regulated under 49 Code of Federal Regulations (CFR) Part 1544 or 1546, and any adjacent areas (such as general aviation areas) that are not separated by adequate security systems, measures, or procedures. Portions of the AOA may concurrently have more restrictive and controlled designations. The AOA is more specifically delineated in attachments to the Airport's ASP.
5. Airport Security Plan (ASP): An airport's security program developed for and approved by the Transportation Security Administration (TSA) under the provisions of 49 CFR Part 1542.101. The Airport Security Plan is sometimes referred to as the Airport's Security Program.
6. Airport Tenant Security Program (ATSP): The agreement, if applicable, between the airport operator and an airport tenant that specifies the measures by which the tenant will perform security functions, and approved by TSA, under 49 CFR Part 1542.113.
7. Apron Areas/Ramps: Any area at an HAS airport where aircraft operate or park without being under direct control of the Air Traffic Control Tower, excluding corporate hanger areas, Fixed Based Operator (FBO) areas, and general aviation areas. Access to apron areas is restricted for security/safety reasons as defined in 49 CFR 1540, 1542, 1544 and 1546 and/or other applicable laws, rules, and regulations.
8. Authorized ID Badge: Includes not only HAS issued ID Badges, but also, the ID Badges and access media of airline crews, airline mechanics, or others who are allowed access to restricted or controlled areas based upon identification or access media issued by their employers and who are not otherwise required to possess an HAS ID Badge.
9. Authorized Signatory Authority: A person authorized by an employer or sponsoring company, and approved by an HAS ID Badging Office, to sign forms, including but not limited to Security Clearance Requests, Badge Renewal Requests, Key Requests, and PIN Requests, for individuals employed by or being sponsored for an HAS ID Badge.
10. Badging & Access Office: The HAS Airport Security ID Badging & Access Office Section that is primarily responsible for reviewing, approving, issuing, accounting to TSA for, and/or governing authorized ID Badges, Keys, PINs, and other access media. This Office is also responsible for Criminal History Records Check (CHRCs), other security background checks, designation, assigning and entry of access privileges, programming and deprogramming ID Badges, PIN data, etc. into the HAS access control computer system. ID Badges, PINs, and other media are issued by the Badging & Access Office located at each of the HAS airports. In addition to each permanent Badging & Access Office at each HAS airport, the HAS Airport Security Section may, from time to time, specially and/or temporarily designate other locations. Hours of operation may vary depending on staffing and other considerations. Other names for this Office are the ID Badging & Access Office and/or ID Badging Office and/or Badging Office and/or other combinations thereof.
11. Company Offense: An offense that is chargeable against an organization, as opposed to, or in addition to, an individual. In a company offense, the sanction shall be served upon the

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highest-ranking officer, project manager, station manager, superintendent, division manager, substantial owner, or other management person of a rank similar to the foregoing that is directly connected with the business, operation, or project of the charged organization for the Airport, or HAS facility related to the business, operation, or project.

12. Controlled Areas: Those areas controlled by card readers, key lock, PIN pad or other access control device. These areas include, but are not limited to, certain parking areas, certain restricted areas, secured areas, sterile areas, apron areas, SIDA areas, AOA or any other area as defined in this OI or other applicable law, rule, regulation, Airport Security Plan, Security Program, lease, contract, agreement, or by signage as off-limits to anyone not authorized to be in that area.
13. Disqualifying Condition: A pattern of criminal intent or activity as evidenced by arrest records or convictions, irrespective of the type of the criminal offense(s) alleged, or time period, as determined by the Airport Security Manager or termination of Badging/Access Privileges or similar thereto, at any airport within the 10-year period prior to seeking badging at an HAS Airport, as may be detailed by the TSA Centralized Database for Revoked Airport ID Media. (The term "Airport "as used herein shall mean any airport in the world.)
14. Escort: To accompany or monitor and physically/visually control the activities of an individual who does not have unescorted access authority into or within a TSA Regulated Area as defined in the ASP.
15. Enforcement: The Airport Security and Airport Operations Business Units are responsible for enforcement of safety, security and non-security related offenses described in this Operating Instruction and associated OIs.
16. Faithfully: Without variance, completely, devotedly, dependably.
17. HAS Airports: All land and improvements which are owned, leased, controlled and/or operated by the City of Houston under the auspices of the Houston Airport System at, or in conjunction with and/or support of, any one or more of the City-owned airports.
18. Houston Airport System (HAS): City of Houston department responsible for operation of the City-owned airports.
19. ID Badge Application and/or Application: Includes, but is not limited to, the Security Clearance Request form and the Security Clearance Renewal Request form, and any other application, clearance or request forms promulgated and used by HAS ID Badging Offices for the purpose of badging or issuance of access media.
20. Immediately or Immediate or Timely: Without delay, right there and then, time is of the essence, something to be accomplished before proceeding with other tasks, either business or personal.
21. Immediate Temporary Suspension: An individual's badging privileges are immediately suspended as a result of behavior and/or action(s) that creates an unreasonable risk which may diminish the reputation, or the safety and/or security of the HAS community.

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22. Key Set Symbol: The code number stamped on a controlled key used for identification purposes.
23. Media: Includes ID Badges, keys, PINs and other equipment and devices for identification and/or access.
24. Notice of Violation (NOV): Written notice on a form, or in a format, designated by HAS Airport Security, officially charging an individual or entity with a violation of Security, or non-security, laws, ordinances, policies, procedures, rules or regulations or any other laws, ordinances, policies, procedures, rules or regulations, including, but not limited to the Airport Security Plan, Organization Policy & Procedures (OPPS), Airport Operating Procedures (AOP), Airport Security Plan and/or Operating Instructions (OI).
25. PIN: Personal Identification Number, normally identifiable to just one person, but which may, under some circumstances, be issued to more than one person, but often identifiable to a specific group of similarly engaged persons, needing access through a PIN controlled portal and normally used for access to Controlled Areas not covered by conventional locks or card readers.
26. Portal: Any opening through which an individual or object can enter into a place or exit from a place; a portal may be controlled or uncontrolled; a portal includes, but is not limited to, doors, windows, baggage conveyor doors, doorways, cutouts in walls and floors, gates, openings in fences, docks, driveways into and out of a building or area, conveyor openings, construction openings, etc.
27. Remedial Training: Such training as may be required by HAS of any individual or entity receiving a Notice of Violation.
28. Restricted Area: Areas not otherwise classified, and which requires a grant of permission to enter and remain in from either HAS or a person or entity having greater rights of possession and control of the area than the person seeking to enter or remain therein.
29. Secured Area: A portion of an airport, specified in the Airport Security Plan, in 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 Part 1544 or 1546 enplane and deplane passengers and sort and load baggage and any adjacent areas that are not separated by adequate security measures. The Secured Area is more specifically delineated in attachments to the Airport's ASP.
30. Security Identification Display Area (SIDA): A portion of an airport, specified in the airport security program, in which security measures specified in 49 CFR Part 1542 are carried out. *The Secured Area is always a SIDA but a SIDA is not always a Secured Area; other areas of an airport besides the Secured Area may be defined as SIDA.* The Secured Identification Display Area is more specifically delineated in attachments to the Airport's ASP.
31. SIDA Video: Security training media, including, but not limited to, film, videotapes, webpages, CDs, and DVDs, required by 49 CFR 1542 to be viewed by all of those who are granted access to the (SIDA), and required by HAS for all badged individuals, whether

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receiving SIDA access or not, prior to exercising the privileges of their Airport ID Badges, keys, PINs or other access media or IDs.

32. Sponsor and/or Sponsoring Organization: This term, jointly and severally, includes the badging applicant's employer (including an Aircraft Operator subject to 49 CFR Part 1544 and governmental agencies normally exempt under 49 CFR 1542.209(m)(1)) as well as any other person, including the entity that such other person is employed by, who is authorized by HAS to and does execute an HAS Badge Application in the signature block designated for the Sponsoring Company information and signature. Commonly referred to as "employer."
 33. Station Manager: The person that is the individual that is the top person in charge of the day-to-day overall operations of a company or organization at an HAS airport on the date of the issuance of an NOV. It is an affirmative defense that an individual receiving an NOV is not the individual meeting the foregoing definition, however, any individual claiming this affirmative defense must provide a sworn statement naming the correct individual in their company or organization that meets this definition.
 34. Sterile Area: A portion of an airport defined in the airport security program that provides passengers access to boarding aircraft and to which the access generally is controlled by TSA, or by an aircraft operator under 49 CFR Part 1544 or a foreign air carrier under 49 CFR Part 1546, through the screening of persons and property.
 35. Transportation Security Administration (TSA): Division of the U.S. Department of Homeland Security responsible for administering Airport and other transportation venue Security Programs and/or its successor(s), if any, to one or more of its functions.
 36. Under-Badged: An individual is under-badged for an area if the access privileges granted by either the type of HAS ID Badge they have been issued or the access privileges granted to that individual by HAS ID Badging is not of the level to permit the individual to be in or remain in an area without an escort.
 37. Violation: The failure to, in whole or in part, strictly perform in a faithful and timely manner any duty or obligation, whether or not the duty or obligation is to do or not to do a general or specific matter imposed upon an HAS ID Badge holder by any federal, state, or local, including Houston Airport System, law, ordinance, policy, procedure, rule, or regulation.
 38. Inchoate Offense: A type of crime completed by taking a punishable step towards the commission of another crime. The basic inchoate offenses are attempt, solicitation, and conspiracy.
- D. All other words and phrases not specifically defined in this section or otherwise in this OI shall be defined as is commonly used and understood at HAS airports by HAS Management -- the interpretation of the HAS Director of Aviation, in their sole discretion, shall be final.

VII. VIOLATIONS / OFFENSES / CONSEQUENCES

- A. The violation, a/k/a, offense, whether by act or omission, of any Federal, State or Local law, ordinance, policy, procedure, rule, or regulation or any part thereof, whether such violation is due to intentional, knowingly, reckless, or negligent conduct or a combination thereof is an offense and

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may result in a consequence. All offenses covered by this OI are strict liability offenses, meaning that a certain state of mind, *mens reas*, is not an element of the offense, unless otherwise specifically stated. Each ID Badge holder is hereby personally charged with the duty and obligation to know all laws, ordinances, policies, procedures, rules, and regulations concerning safety, conduct, and/or security at an HAS airport or other HAS controlled facility. Any offense that is not specifically listed below shall be a violation of this OI and shall bear the consequences set forth herein.

- B. Should any offense as committed, whether general or specific, cause or have the reasonable possibility of placing another person in danger of imminent bodily injury or death, or should the offense cause or have the reasonable possibility of placing property in danger of imminent damage in an amount greater than \$5,000.00, or should the offense or violation result in a TSA or FAA investigation being opened and/or sanction imposed against HAS, or similar to a violation that resulted in a TSA or FAA investigation being opened and/or sanction being imposed against HAS within the immediately preceding three hundred sixty-five (365) calendar day period, then the offense may be enhanced by one (1) degree.
- C. An individual committing or attempting to engage in an inchoate offense, including, but not limited to, conspiracy, aiding and abetting (either before or after the substantive offense), and misprision (failure to report a violation of which the individual has reasonable knowledge to believe has occurred), shall be considered the same as if they had committed the offense and shall bear the consequences set forth herein.
- D. A violator/offender is subject to the following sanctions, these sanctions are not exclusive, but are cumulative to other sanctions that may be imposed by other laws, ordinances, policies, procedures, rules, and regulations -- the sanctions herein are mandatory and not subject to compromise, plea bargain, or reduction by a Hearing Panel/Hearing Officer or court, as indicated below.
- E. Time Calculations-Violations remain on an individual's record for seven hundred thirty (730) consecutive calendar days. The days will be calculated from the date of the violation.
 - 1. Warning Notice: Can be given in the sole discretion of the person issuing the NOV. Two (2) warnings in a three hundred sixty-five (365) consecutive calendar day period will result in the issuance of an NOV. For the NOV to be a Warning, the Issuer must, at the time of issuance, precede the Violation Details with "WARNING ONLY."
 - 2 Class I-1st Offense: The violator's employer shall be responsible to retrain and educate the violator of the policies, procedures, and regulations to prevent future violations.

Class I-2nd Offense: Sanctions for a second Class I violation, sustained or uncontested NOVs excluding Warning NOVs, are that the violator and the violator's direct line supervisor must attend the viewings at the same time and must also pass the tests that the Airport Security Manager, if security related, or the Airport Operations Manager, if non-security related, of that airport has determined is appropriate for the specific offense. However, if it is a safety violation related to driving on the AOA, the violator must watch and pass

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the tests on both the SIDA video and the Driving on the AOA video and/or such other prerequisites for driving on the AOA as may then be currently in force and effect. There is a \$25.00 administrative testing fee each NOV. The fee may be paid by either the Company or the individual (billed through rates and charges or directly at the badging office) who received the NOV. The fee must be paid prior to administration of the test.

Class I-3rd Offense: Sustained or uncontested NOVs, excluding Warning NOVs, will result in a revocation of HAS ID Badge and Access Privileges.

3 Class II Offense: May result in Immediate Temporary Suspension. Sustained or uncontested violations shall result in revocation of HAS ID Badge and Access Privileges at all HAS airports.

4. Company Offense: An offense that is chargeable against an organization, as opposed to, or in addition to, an individual. In a company offense, the sanction shall be performed by the highest-ranking officer, project manager, station manager, superintendent, division manager, substantial owner, or other management person of a rank similar to the foregoing that is directly connected with the business, operation, or project of the charged organization for the Airport or HAS facility related to the business, operation, or project. The sponsoring organization must prepare and submit a plan, acceptable to the Airport Security Manager, in the event the offense is related to security, or acceptable to the Director, in the event the offense is related to other than security, at the airport where the NOV was issued, for preventing the violator and all other employees and/or sponsored individuals from violating the specific law, ordinance, policy, procedure, rule or regulation in the future. Such acceptable plan must be presented not later than the fourteenth (14th) calendar day from the date of the last day to file a Notice of Contest or from the date of the rendering of a decision by a Hearing Panel/Hearing Officer, whichever is later.

F. If an Employer/Sponsoring Organization commits a 3rd violation of the same rule within 365 calendar days, a plan must be prepared and submitted to the Director, or their designee, of the airport where the NOV was issued, for preventing the violator and all other employees and/or sponsored individuals from violating The person responsible for preparing the plan is the head of security and/or safety for the Employer/Sponsoring Organization, or if no person is normally designated as such by the Employer/Sponsoring Organization, then the responsible person shall be an officer, project manager, station manager, superintendent, division manager, substantial owner, or other management person of a rank similar to the foregoing of the Employer/Sponsoring Organization. Such acceptable plan must be presented not later than the fourteenth (14th) calendar day from the date of the last day to file a Notice of Contest or from the date of the rendering of a decision by a Hearing Panel/Hearing Officer, whichever is later.

G. Sanctions time calculations:

1. The violation sanctions for each violation will remain on an individual's record for seven hundred thirty (730) consecutive calendar days from the date of the violation.

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2. The accrual of three Class I violations, sustained or uncontested NOV's excluding Warning NOV's by any employee during a seven hundred thirty (730) consecutive day period will result in immediate suspension of and permanent loss of HAS ID Badge and Access Privileges.
3. The accrual of one or more Class II violation, sustained or uncontested NOV by any employee will result in immediate suspension of and permanent loss of HAS ID Badge and Access Privileges.

H. Offenses of Specific Violations:

1. Offenses of Specific Violations are attached hereto as "Attachment #2" and incorporated herein by reference, the same as if recited verbatim herein.
2. Other OIs can add additional Specific Violations without the need to amend this OI.
3. The violation of any law, ordinance, policy, procedure, rule, or regulation that is not specifically set forth in this OI or any other OI as to the sanction level is treated as a violation in accordance with the structure set forth in section VII.D above, however, if the violation results in an injury to or puts an individual in imminent danger of bodily injury, then such offense can be enhanced one (1) offense level and accrue the appropriate sanction points and monetary penalties.

I. Revocation of ID Badge and Access Privileges at all HAS airports:

Violators of a Class II violation are subject to possible Immediate Temporary Suspension and Revocation loss of ID Badge and Access Privileges/Revocation at all HAS airports.

1. Based on the circumstances of an egregious violation or behavior that has a significant impact on HAS as determined by the Director (or their designee), the Director reserves the right to permanently revoke an individual's ID Badging and Access Privileges at any HAS facility and not allow reapplication.
2. After three (3) years, from the date of the ID Badge Revocation, if the individual wishes to reapply for an ID Badge, the individual must petition the Director for reinstatement of the privilege to apply for an ID Badge. If such petition is approved by the Director (or their designee), the violator may reapply for ID Badging and Access Privileges through the standard ID Badging process. It shall be at the sole discretion of the Director (or their designee) to approve or deny a petition for reinstatement of the privilege to apply for an ID Badge.

J. A badge holder whose badge has been revoked and has exhausted the appeal process set forth in this policy may petition for reinstatement by submitting the request to the Airport Director after a period of three (3) years has passed from the date the badge holder's badge was revoked.

Reinstatement is in the sole discretion of the Airport Director. The Airport Director will have ninety (90) calendar days in which to consider the revoked badge holders' reinstatement. In the absence of a response, the petition shall be considered denied by the Airport Director after the expiration of 90 days."

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VIII. THE CHARGING INSTRUMENT

- A. As hereinabove stated, the administrative charging instrument for violations of this OI will be a Notice of Violation (NOV) by a person authorized pursuant to this OI to issue NOVs. The NOV will be on the form designated by the HAS Airport Security Section ID Badging Office. A copy of the current form is attached hereto as "Attachment # 1." The NOV form attached is for illustration purposes only.
- B. The following are the only required information on the NOV, the lack of which would render the instrument invalid:
 - 1. The date of the offense;
 - 2. The approximate time of the offense;
 - 3. The name and HAS ID Badge number of the issuing party;
 - 4. The signature of the issuing party; and
 - 5. A general description of the offense.
- C. Any other information requested on the form or placed upon the form is for the sole benefit of HAS and the presence or lack of presence thereof will not render the NOV invalid nor void nor voidable.
- D. NOVs shall bear a box for checking off the three (3) letter designation of the airport where the NOV is issued and shall bear a number that is specific to that particular NOV.
- E. An NOV determined to be invalid may be cured by issuance of a new and correct NOV; however, all dates for requesting hearings, etc. or compliance with sanctions shall then run from the date of issuance of the new and correct NOV.
- F. The issuer of the Notice of Violation (NOV) after properly and fully completing the NOV will:
 - 1. At time of issuance, provide the pink copy to the violator;
 - 2. Place the manila cardstock copy in the Section's records in the manner directed by the Section management not later than the end of the issuer's shift the same day as the date of issue – each Section authorized to issue NOVs will develop a filing system within the Section for the retention and rapid recall of NOVs issued by those in that Section;
 - 3. Deliver the white and green copies to the HAS Airport Security Badging Office at the airport where the NOV was issued;
 - 4. The Badging Office will retain the white copy in its Centralized NOV file and will send the green copy to the offender's employer or sponsor's Authorized Signatory Authority;
 - 5. The Badging Office will, within 48 hours of receipt (or the next business day if the Badging Office is closed for more than 48 hours), enter the violation into the Access Control

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Computer System and/or any alternative computer system that may be developed and designated by the Airport Security Manager (or their designee); and

6. The individual issuing the NOV shall retain the yellow copy in their personal file for use at any hearing.
 7. The person investigating the alleged violation and/or issuing the Notice of Violation will, at a minimum, contact the violator's Direct Line Supervisor and advise him/her of the alleged violation and subsequent investigation.
- G. Failure to perform any of the instructions contained immediately above, set forth in Section VIII.F, will not invalidate the charging instrument nor serve as the basis for the dismissal of the charged violation.
- H. In the event that the violator leaves the scene prior to completion of the NOV or refuses to sign and/or take delivery of the NOV, good and sufficient notice and service is complete upon delivery of the green copy to the offender's employer or sponsor's Authorized Signatory Authority along with a note that service was not possible on the violator at the time of issuance -- no explanation for the lack of service at time of issuance is required; however, any time limits start to run on the day of delivery to said employer or sponsor's Authorized Signatory Authority and any person listed with the ID Badging Office as an Authorized Signatory Authority may be served.
- I. If an offense is not witnessed by an authorized issuer of NOVs, an authorized issuer of NOVs may issue an NOV based upon the written statement of a direct witness or based upon a review of such documentation, including, but not limited to, video replays (including digital), photographs (including digital) and access control records or such other evidence, as they, in their sole discretion, conclude is probable cause to believe that an offense has taken place by one or more specific individuals.
- J. The Director shall have the authority, in their sole discretion, to void any NOV issued by those under their line command. All voids must be in writing, signed by the individual making the void and shall state thereon the date and reason for the voiding and the writing shall be attached by the HAS Badging Office to the White copy of the NOV and retained. A voided NOV cannot be used for the enhancement of other violations.
- K. The Director shall have authority to immediately suspend the HAS ID Badge of any person whom said Director deems, in their sole discretion, to be of imminent and/or continuing threat to the safety and/or security of the airport, meets disqualifying conditions, including, but not limited to, its assets (including, but not limited to, its reputation, employees, real (including improvements thereto) and personal property), tenants, and concessionaires and/or their assets, contractors and/or their assets, airlines and their assets, the traveling public, the general public, dignitaries, the airport community, the airport and/or air transportation industry, the United States of America, the State of Texas and/or any of its political subdivisions, including, but not limited to the County of Harris and/or the City of Houston and/or their citizens and employees.
- L. The Director shall also have the authority to, in their sole discretion, suspend any person not holding an HAS Authorized ID Badge from coming onto or remaining on HAS controlled property based on the same criteria as if they were an HAS ID Badge holder.

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IX. CONTEST HEARING PROCESS

- A. All hearings held on an NOV shall be heard before a Hearing Panel of one to three (1-3) Houston Airport System employees or a contracted Hearing Officer. The Director shall appoint a Hearing Panel/Hearing Officer for the airport wherein the NOV was issued. The appointed Hearing Panel members will be, at a minimum Pay grade 23 or higher. There shall not be any matter such as an arraignment or motion docket.
- B. A failure to file a Notice of Contest within fourteen (14) calendar days from the date of issue of the Notice of Violation shall constitute a plea of No Contest and acceptance of the consequence of having committed the violation.
- C. Hearings shall be restricted to the question of whether or not the alleged violator committed the offense. The evidence presented by HAS shall be prima facie (the burden to prove the records are wrong are upon the person who claims they are wrong) evidence of the sustaining of or entry of no contest to a prior violation. The hearing officer will make its determination after consideration of all evidence presented during the contest hearing.
- D. There shall not be any hearing on any question of law, mitigation, probation, or reduction of sanction. Any challenge as to questions of law shall be heard in a civil court of competent jurisdiction in Harris County, Texas, and such challenge must be filed by the alleged violator in such civil court not later than the thirtieth (30th) calendar day from the date the violation is sustained either by operation of rule or by written decision of the Hearing Panel/Hearing Officer. A challenge as to a question of law need not be preceded by a Notice of Contest, the serving of a Citation and Petition shall be sufficient notice to HAS. HAS does hereby appoint the Assistant General Manager for Security as the agent upon which to serve process in, and only in, a challenge pursuant to this OI. The reviewing civil court shall not conduct an evidentiary review of the evidence presented to the Hearing Panel/Hearing Officer. A review in civil court is not a de novo review; but instead, a substantial evidence review.
- E. An entry of “No Contest” shall not require presentation to a Hearing Panel/Hearing Officer and shall be entered in the violator’s records in the HAS Badging Office by an employee thereof.
- F. The following procedures will be the method of contesting a Notice of Violation by a holder of an authorized HAS ID Badge. The Notice of Contest challenging the factual validity that the violator committed a violation charged in the NOV must be made by the alleged violator or by their Authorized Signature Authority in writing, on a form available from the ID Badging Office, delivered to the Head Supervisor for ID Badging (or to their specific Designee for this purpose) by either hand delivery or receipted delivery. Delivery may not be made by e-mail or fax. A written receipt of delivery must be signed by the Head Supervisor for ID Badging (or by their specific Designee for this purpose) – delivery to anyone else and acceptance by anyone else will not be effective delivery.
- G. The Contest Hearing shall be in person at an office or conference room made available to the Hearing Panel/Hearing Officer and attendance of the alleged violator’s Authorized Signature Authority with the alleged violator(s) is mandatory and will be at a time and date set by the Head Supervisor for ID Badging or designee. There shall not be any resets for the convenience of the Authorized Signature Authority or for the alleged violator, unless such reset is requested in writing, delivered to the Head Supervisor for ID Badging (or to their specific Designee for this purpose) by either hand delivery or receipted delivery, not later than five (5) calendar days prior to the date of

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the Hearing. Delivery may not be made by e-mail or fax. A written receipt of delivery must be signed by the Head Supervisor for ID Badging (or by their specific Designee for this purpose) – delivery to anyone else and acceptance by anyone else will not be effective delivery. Failure to attend a scheduled Notice of Contest Hearing may result in a sustained verdict for the Notice of Violation being challenged. Any reset shall be at the discretion of the Hearing Panel/Hearing Officer.

- H. All consequences of an alleged violation shall be suspended until the Hearing Panel/Hearing Officer has issued a written ruling or the time has passed for the filing of a Notice of Contest. When the alleged violation is a 3rd offense, there may be an Immediate Temporary Suspension and the alleged violator may follow the process for contesting the Immediate Temporary Suspension listed in Section X below, entitled “CONTEST HEARING PROCESS – Immediate Temporary Suspension.”
- I. Any service required or desired to be made upon the alleged violator may be served directly upon the alleged violator or upon any Authorized Signatory Authority at their employer/sponsor.
- J. The alleged violator and HAS shall have the right to compel any individual holding an HAS airport ID Badge to appear at any hearing before a Hearing Panel/Hearing Officer and failure to appear may result in the issuance of an NOV to the individual who did not appear. To invoke this right, the alleged violator must file a Requested Compelled ID Badged Witness List with the Head Supervisor for ID Badging (or to their specific Designee for this purpose) by either hand delivery or receipted delivery, not later than ten (10) calendar days prior to the date of the Hearing. The individual being compelled shall be entitled to a total fee of \$ 20.00; including mileage, for their attendance and said fees must be attached to the Requested Compelled ID Badged Witness List. Delivery may not be made by e-mail or fax. A written receipt of delivery must be signed by the Head Supervisor for ID Badging (or to their specific Designee for this purpose) – delivery to anyone else and acceptance by anyone else will not be effective delivery. Such compunction shall not be available for Contest of Immediate Temporary Suspension, and it shall be incumbent on the alleged violator to produce their own witnesses.
- K. At any hearing, all of which are administrative in nature, the Hearing Panel/Hearing Officer hearing the matter shall review the details of the offense, receive the testimony of the alleged violator, the person issuing the NOV, witnesses called by the alleged violator and witnesses called by HAS, the testimony of the alleged violator’s Authorized Signature Authority (ASA) (if desired by the alleged violator, the ASA or HAS), and shall, in their sole discretion, make all decisions regarding the factual nature of the testimony, including, but not limited to, the weight to be given to the testimony of any party or witness, whether or not to believe the testimony, in whole or in part, apply the facts as determined by the person hearing the matter, in their sole discretion, to the elements of the offense and render a decision in accordance with other provisions of this OI.
- L. Each side shall be allowed five (5) minutes for an opening statement, thirty (30) minutes for examination of witnesses (this time includes direct, cross, redirect, re-cross and rebuttal examination) and each party shall be allowed ten (10) minutes for a closing statement/argument.
- M. The Hearing Panel/Hearing Officer hearing the matter shall, not later than 24 hours after the hearing, issue and start delivery to the alleged violator’s Employer and/or Sponsoring Organization and to the Assistant General Manager of Security, a written decision on the form then presently in use, save and except for a Contest of Immediate Temporary Suspension, the decision for which will be issued and be delivered at the conclusion of the hearing.

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- N. The ruling of the Hearing Panel/Hearing Officer hearing the matter need not be detailed nor technical; a simple statement along the lines of "After hearing was held on XX day of XXXX, 2XXX, the undersigned person(s) sitting as the Hearing Panel/Hearing Officer hearing the contest of NOV # XXXXX wherein the party alleged to have committed the violation of XXXXX XXXXXX finds that the charge in the NOV is (either sustained or overruled)." and the Hearing Panel/Hearing Officer shall sign and date the same and file the ruling with the appropriate ID Badging Office.
- O. Except as otherwise specifically stated, the burden of proof shall be upon HAS as to the ultimate question in each hearing; the ultimate question being did the alleged violator commit the offense.
- P. The standard of proof before the Hearing Panel/Hearing Officer shall be preponderance of evidence.
- Q. All decisions as to matters of fact and applying the facts to the violated rule shall be in the sole discretion of the Hearing Panel/Hearing Officer.
- R. Formal rules of evidence shall not apply; copies of documents may be introduced providing that the Hearing Panel/Hearing Officer hearing the matter, in their sole discretion, after considering testimony and argument as to the trustworthiness or lack of trustworthiness of the copy, has been heard and considered.
- S. There shall not be any pre-hearing discovery allowed.
- T. At any hearing, whether an NOV is issued by Airport Security personnel or by Airport Operations personnel, the HAS representative, i.e., the person who shall present the case on behalf of HAS, shall be the person who wrote the NOV.
- U. In any and all hearings, either HAS or the alleged violator may invoke "the Rule," requiring that witnesses not be allowed to hear the testimony of other witnesses.
- V. In any and all hearings, all witnesses shall testify under oath or affirmation with penalty of perjury.
- W. All hearings shall be either voice or video (with voice) recorded. The Badging Office will retain the recordings, records and will be provided to either HAS or the alleged violator upon written request.
- X. There is not an automatic stay of sanctions when an individual appeals to a court of competent jurisdiction; the appealing party must seek and obtain injunctive relief for a stay.
- Y. An alleged violator may not be represented by any individual or organization other than himself/herself at any hearing, save and except for an Attorney at Law duly licensed in the State of Texas.
- Z. The decision of the Hearing Panel/Hearing Officer is final and non-appealable as to the facts and the sanctions imposed.

X. CONTEST HEARING PROCESS – Immediate Temporary Suspension

- A. In the event of an Immediate Temporary Suspension the same shall be timely contestable by Notice of Contest of Immediate Temporary Suspension, in writing, on the form available from the ID Badging Office and filed by the alleged violator or their Authorized Signature Authority with the ID

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Badging Office at the HAS Airport where the NOV was issued. A hearing, restricted solely as to the issue as to whether or not the continued presence of the alleged violator represents any level of danger to the airport or other individuals or entities at the airport shall be heard by the Airport Security Manager (or to their specific Designee for this purpose) not later than forty-eight (48) hours after the request for such a hearing is delivered to the ID Badging Office by either hand delivery or receipted delivery. Delivery may not be made by e-mail or fax. A written receipt of delivery must be signed by the Head Supervisor for ID Badging (or by their specific Designee for this purpose) – delivery to anyone else and acceptance by anyone else will not be effective delivery.

- B. At the Contest Hearing, there shall not be any review of any question of law, mitigation, probation, or reduction of sanction. Any challenge as to questions of law shall be heard in a civil court of competent jurisdiction in Harris County, Texas. The reviewing civil court shall not conduct an evidentiary review of the evidence presented to the Hearing Panel/Hearing Officer.
- C. Any service required or desired to be made upon the alleged violator may be served directly upon the alleged violator or upon any Authorized Signatory Authority at their employer/sponsor.
- D. When the alleged violation is a 3rd Class I violation there may be an immediate suspension. The alleged violator may be instructed to immediately surrender and deliver their ID Badge to the Head Supervisor for ID Badging, or their specific Designee for this purpose, and may be instructed to immediately thereafter remove themselves from HAS owned or leased property and any presence on HAS owned or leased property during the period of suspension, save and except for the specific purpose of arrival or departure from the HAS airport on a flight, shall be trespass after warning and the violator shall be subject to arrest. If it is necessary for the suspended party to visit their employer who is located on HAS owned or leased property at the employer's request, the suspended party must notify the Airport Operations Center's Security Dispatch at least sixty (60) minutes prior to coming upon HAS owned or leased property and must be and remain, at all times, under an escort, even in the public areas, from the employer. During this time the suspended party MAY NOT engage in any business on behalf of the employer or any other party -- the suspended party shall not be or remain on the HAS owned or leased property in excess of sixty (60) minutes.
- E. The Airport Security Manager or Airport Operations Manager (or their designee) will render a decision which will be issued at the conclusion of the hearing.
- F. The ruling of the party hearing a Contest of Immediate Temporary Suspension need not be detailed nor technical; a simple statement along the lines of "After hearing was held on XX day of XXXX, 2XXX, the undersigned person hearing the Contest of Suspension due to NOV # XXXXX wherein the party alleged to have committed the violation of XXXXX XXXXXX finds (choose one of the following) (a) that the alleged violator presents an unreasonable risk and it is in the interest of the safety and/or security of the HAS community that the alleged violator be immediately suspended and the Immediate Temporary Suspension is sustained or (b) that the alleged violator does not present an unreasonable risk to the safety or security of the HAS community and the Immediate Temporary Suspension is overruled." and the person hearing the matter shall sign the same.
- G. The burden of proof in a hearing on a Contest of Immediate Temporary Suspension shall be on the alleged violator to prove that the alleged violator's presence on HAS property does not present an unreasonable risk of safety and/or security of the HAS community.

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- H. In, and only in, a Contest of Immediate Temporary Suspension the alleged violator, the alleged violator's employer and/or sponsor and the Airport Security Manager or Airport Operations Manager and the Director may, prior to the contest hearing, enter into an Agreed Order to remove the Immediate Temporary Suspension, subject to certain conditions being imposed upon the alleged violator and those conditions and the decision to enter into such an Agreed Order or not to enter into such an Agreed Order shall be in the sole discretion of HAS -- all of the foregoing parties must agree in order for there to be a valid Agreed Order and a lifting of the Immediate Temporary Suspension.
- I. All decisions as to matters of fact and applying the facts to the rule shall be in the sole discretion of the Airport Security Manager or Airport Operations Manager (or their designee).
- J. Formal rules of evidence shall not apply; copies of documents may be introduced providing that the Airport Security Manager or Airport Operations Manager (or their designee) hearing the matter, in their sole discretion, after considering testimony and argument as to the trustworthiness or lack of trustworthiness of the copy, has been heard and considered.
- K. HAS and/or the alleged violator may introduce written statements.
- L. An alleged violator may not be represented by any individual or organization other than himself/herself at any hearing, save and except for an Attorney at Law duly licensed in the State of Texas.
- M. The decision of the Airport Security Manager or Airport Operations Manager is final and non-appealable as to the facts and the sanctions imposed.

XI. MISCELLANEOUS MATTERS

- A. Having an HAS ID Badge and/or access privileges is not a right, but is a privilege, and persons so having such ID Badge and/or access privileges are only entitled to the same for so long as they meet all qualifications, including, but not limited to, being employed with an authorized sponsor and not having been found to have committed a violation or violations which can result in the suspension of the ID Badge and/or access privileges.
- B. In the event that acts, or omissions could result in the issuance of an NOV for more than one offense and if an NOV is, in fact, issued for multiple offenses, all of the charged offenses may be adjudicated and accrue sanctions for each sustained violation; however, in any event, it shall not be a defense, nor a mitigating fact that an NOV could have been written for only one violation;
- C. The Director, in their sole discretion, has the right to make reasonable and prudent changes, clarifications, modifications, additions and/or subtractions to this OI and to O I I 05-02, provided that the changes do not result in the loss of any substantive rights to any individual or entity charged with a violation prior to the date of the changes, clarifications, modifications, additions and/or subtractions or within 30 calendar days of posting such revision in the ID Badging Office.
- D. In the event that any agency, department, or division named herein changes its name or its duties be assigned to another agency, department, or division, such new name or the name of the successor/replacement agency, department, or division shall be substituted in place of any such

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agency, department or division presently named herein and no amendment to this OI shall be required;

- E. In the event that any specifically enumerated law, ordinance, rule or regulation set forth herein shall be renumbered, modified or replaced, then the new number and/or law, ordinance, rule, or regulation that, in the sole discretion of the Director, deems to be appropriate for replacement of the present law, ordinance, rule, or regulation shall be substituted in place thereof and no amendment to this OI shall be required, however, the replacement law, ordinance, rule, or regulation so designated shall be posted in the ID Badging Office and shall be obtainable therefrom.
- F. Any and all violations listed within this document can be charged as a company offense.

ATTACHMENT # 1

Notice Of Violation Sample
(FRONT)

Sample	(To Fit on Approx. 5 x 7.5)	(Printer to Reduce to Fit)	Sample
Houston Airport System			
Date of Issue: _____		NOTICE OF VIOLATION	NO. XXXXXXXXXX
_____ IAH	Date of Offense: _____	Time: _____	am or pm
_____ HOU	Name of Offender: _____		
	Last	First	MI
_____ EFD	HAS Badge No.: _____		Expires: _____
Badge Sponsoring Organization: _____			
Supervisor's Name: _____		Supervisor's Phone #: _____	
If Vehicle/Equipment Involved: _____			
	Type	Make	Plate or ID Number
If No HAS Badge Driver's License #: _____ State: _____ D/O/B: _____			
Offense Approximate Location: _____			
Rule #: _____		SIDA AOA STERILE Circle If applicable)	
Violation Details: _____			
Signature of Violator _____		Signature of Issuer _____	
		Name Printed _____	
		ID Badge No. _____	
White – Badging Pink – Violator Green – Badging Yellow – Issuer Manila – Division Mgmt. of Issuer			

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ATTACHMENT # 1

Notice Of Violation Sample

(BACK)

YOU HAVE THE RIGHT TO CONTEST THIS NOV VIA A HEARING.

TO EXERCISE THIS RIGHT, YOU MUST FILE A NOTICE OF CONTEST WITHIN FOURTEEN CALENDAR DAYS FROM THE DATE OF ISSUE OF THIS NOV.

Failure to file the Notice of Contest within the aforesaid time will forever bar you from contesting the NOV and a plea of “No Contest” shall be automatically entered into your records and you will be assessed the sanctions for such violation, and you will accrue sanction points for possible enhancement in the event of further violations, etc.

An entry of “No Contest” shall not require presentation to a Hearing Panel/Hearing Officer and shall be entered in the violator’s records in the HAS Badging Office by an employee thereof.

The following procedures will be the method of contesting a Notice of Violation by a holder of an authorized HAS ID Badge. The Notice of Contest challenging the factual validity that the violator committed the violation charged in the NOV must be made by the alleged violator in writing, on a form available from the ID Badging Office, delivered to the Head Supervisor for ID Badging (or to their specific Designee for this purpose) by either hand delivery or receipted delivery. All Notice of Contests must include a complete statement as to the basis of the appeal as well as, any and all supporting documentation, including but not limited to witness statements. Delivery may not be made by e-mail or fax. A written receipt of delivery must be signed by the Head Supervisor for ID Badging (or by their specific Designee for this purpose) – delivery to anyone else and acceptance by anyone else will not be effective delivery.

In the event of an immediate HAS ID Media confiscation, the Director (or their designee) will review the relevant circumstances to determine if the immediate confiscation should remain in effect or be over-ruled. This review will be completed, and a ruling issued no later than the following two (2) business days. The alleged violator retains the option to file a Notice of Contest within fourteen (14) calendar days of the immediate confiscation.

At any hearing, all of which are administrative in nature, the Hearing Panel/Hearing Officer reviewing the matter shall review the Notice of Contest documentation, to include details of the offense, the written appeal statement of the alleged violator, any applicable written witness statements, the written report from the person issuing the NOV, and shall, in their sole discretion, make all decisions regarding the factual nature of the written statements, apply the facts as determined by the Hearing Panel/Hearing Officer reviewing the matter to the elements of the offense and render a decision in accordance with other provisions of this OI.

At the time you file your Notice of Contest, the ID Badging Office will provide you with a copy of the hearing procedures and rules. **These procedures and rules are also set forth in an Operating Instruction (OI) of the Houston Airport System - your badge sponsor and/or employer should have a copy of the OI, but you are personally responsible to make sure you are going by the most current version of the OI. The summary of the procedures provided here are merely for your convenience and are not a substitute for the OI.**

ATTACHMENT #2

VIOLATIONS:

CLASS I Notice of Violations:

1. Failure to display valid HAS approved identification and/or ID Badge or HAS authorized ID Badge that is appropriate for the airport and the area in the prescribed manner, for special management and security purposes, specifically authorized in writing by either the Airport Security Manager or Director of Operations;
2. Failure to challenge someone in a controlled or restricted area who is not properly displaying an ID Badge;
3. Possession of an HAS ID Badge that is substantially damaged, broken, faded, illegible;
4. Using a portal in a manner that has not been specifically authorized by HAS;
5. Failure to follow picketing/solicitation procedures anywhere on the Airport;
6. Smoking in an area where smoking is unauthorized and/or unlawful;
7. Violation of the Ten Foot Clear Zone, i.e., having an asset, including a disposed or abandoned asset, located closer than 10 feet to the perimeter fence line in areas where a 10 feet or greater distance is required, either inside or outside of the fence line – This may be a company offense for the company or organization whose assets are located in violation;
8. Failure to properly secure or dispose of Sensitive Security Information;
9. Displaying and/or using an ID Badge that has been reported lost, stolen, is expired, or has been deactivated;
10. Failure to show an HAS authorized ID Badge appropriate for the airport and the area when challenged;
11. Piggybacking -- when one or more individuals, who are holders of an HAS ID Badge, follow another individual through a controlled access point without using their own ID Badge, Security Key ,or PIN Number (unless they are under proper escort procedures and have a legitimate need to move through that portal);
12. Tailgating -- when one or more individuals, who are not holders of an HAS authorized ID Badge, or are holders of an HAS authorized ID Badge but do not have it on their person, follows another HAS ID Badged individual through a controlled access point -- the HAS ID Badged individual who does have their ID Badge with them must ensure the portal is secure prior to moving away and challenge the person, peacefully attempt to get the tailgater to leave the area, immediately notify Airport Security Dispatch, 281-230-1300 IAH or 713-845-6555 HOU and EFD and assist Airport Operations Officers in attempting to locate the tailgater;

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13. Failure to challenge a Piggybacker or Tailgater -- a HAS ID Badged individual must ensure the portal is secure prior to moving away and challenge someone who is piggybacking. They shall wait while the piggybacker exits and returns through the portal properly using their own ID Badge, Security Key, or PIN Number, if the piggybacker refuses to so comply a HAS ID Badged Individual must attempt to obtain the piggybacker's name, but whether they can obtain the name or not, they must immediately report the same to Airport Security Dispatch, 281-230-1300 IAH or 713-845-6555 HOU and EFD and assist Airport Operations Officers in attempting to locate the piggybacker;
14. Failure to secure or follow stop and wait procedures any portal: which is required to be secure if not in use for operational needs, including, but not limited to a vehicle gate, pedestrian gate, door, and/or other portal;
15. Failure to use the "timed override" door function at a controlled portal where or when required;
16. Violation of Escort Procedures -- the escorting of one or more individuals (on foot or in a vehicle) into a restricted or controlled area and not strictly following the procedures related to proper identification, vehicle signs, and/or the requirement to remain with the individual/vehicle being escorted. ****Special Note #1**** Individuals who have been issued an ID Badge but who do not have the badge in their possession (left it home, in vehicle, lost, etc.) may not be escorted through any security access point or in or into any restricted or controlled area -- to do so is an offense for both the escorter and the escorted. ****Special Note #2**** Individuals who have applied for but have not yet been issued an HAS or HAS Authorized Badge, if even allowed at all in a restricted or controlled area, must be at all times escorted and remain under strict escort and control of the escorting party at all times they are in a restricted or controlled area.
17. Failure to properly store and/or secure TSA prohibited items in a secured, restricted, or sterile area;
18. Failure to obey airside traffic controls, postings, or devices;
19. The violation of any other law, ordinance, policy, procedure, rule or regulation related to HAS and its security, airside safety, life safety, or operations, including but not limited to business and field operations;
20. Performance of any action in conflict with FAR Part 139, the Airport Certification Manual, and/or the AOA Driver Training program;
21. Failure to yield to an aircraft under either tow or taxiing;
22. Failure to yield to an emergency vehicle;
23. Operating a vehicle on the airside without airport authorization;
24. Conducting and/or permitting an unsafe fueling operation anywhere on the airport;
25. Failure to control, as opposed to failure to properly escort, personnel and equipment in a secured area;
26. Failure to submit to or perform the requirements of sanctions, after the sanctions have become final under this OI, within the time allotted in this OI -- is a separate offense;

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27. Towing an excessive number of trailer devices;
28. Operating a ground vehicle on the airside without having required lights in proper working order and/or not having lights in operation;
29. Operating a ground vehicle on the airside without a valid driver's license;
30. Operating a vehicle on the airside without required markings;
31. Unauthorized vehicle on the Aircraft Operating Area;
32. Abandoning a disabled vehicle in a secure area;
33. Failure to report a "reportable" hazardous material spill anywhere on the airport;
34. Operating and/or permitting the operation, including the movement thereof, of improperly maintained fueling equipment anywhere on the Airport;
35. Improper cleanup and/or permitting improper cleanup of a hazardous material spill anywhere on the airport;
36. Failure to follow prescribed engine run-up procedures;
37. Operating a ground vehicle in the secured area in excess of posted or published speed limit, in a reckless/unsafe manner and/or in excess of a safe speed limit considering the conditions of traffic (including, but not limited to pedestrian, aircraft, equipment and/or vehicular), driving surface, weather conditions, and/or exigent circumstances and;
38. Failure to display appropriate company signage on both sides of a vehicle or displaying or attempting to use any other expired permissive vehicle media, on an unattended vehicle parked in a "No Parking," "Tow Away," "Restricted" parking area, SIDA or AOA;
39. Allowing an individual to begin work in a controlled or secured area prior to successfully completing and submitting the required HAS ID Badge application and process even if under escort.

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Class II Sanctions are:

Violators of a Class II violation are subject to possible Immediate Temporary Suspension and Revocation of ID Badge and Access Privileges at all HAS airports.

CLASS II Notice of Violations:

40. Displaying, loaning and/or permitting use of an HAS authorized ID Badge, assigned keys or PIN Number to or by another individual;
41. Failure or refusal to fully, completely, timely and truthfully cooperate -- including appearing when and at the place designated, with an investigation, audit, or a proceeding by or instituted by or flowing from the acts of any Division of HAS. Misrepresentation or falsification, including but not limited to, intentionally or knowingly or recklessly leaving off any relevant information on any document delivered to HAS;
42. Failure to surrender an individual's own ID Badge upon termination of employment to the individual's employer/sponsor/HAS ID Badging Office, or failure to surrender ID Badge upon request to anyone authorized to issue an NOV or a Law Enforcement Officer;
43. Intentionally or knowingly interfering with or failure to follow legitimate instructions from an employee of or contractor to HAS Airport Security or Airport Operations in the performance of their official duties;
44. Use, duplicate, or reproduce media or keys or authorizing access to any controlled or restricted area without written permission from either the ID Badging Office or, if the access device is not under the control of the ID Badging Office, the owner of the access device;
45. The failure to immediately notify the HAS ID Badging Office of an arrest for an HAS listed disqualifying crime;
46. Displaying and/or using an ID Badge that is not the violator's own badge;
47. Intentionally physically forcing a secured portal open instead of using an ID Badge, PIN pad, or key;
48. Sabotaging, damaging, destroying a security or life safety device or system or any portion thereof; or disabling, bypassing, removal or modifying a security or life safety device or system or any portion thereof, without written permission of the Airport Security Manager or Director of Operations (or their designee) -- *the actual existence of a life safety emergency is exception to the enforcement of this subparagraph, however, the burden of proof of the actual existence of a life safety emergency is upon the alleged violator -- this offense may also be a company offense, if any supervisor for the company had any knowledge that such may be occurring;*
49. Causing a runway vehicle/pedestrian incursion and or entering the airside Movement Area without an Air Traffic Control Tower clearance and/or failure to obey instructions from the Air Traffic Control Tower;
50. Theft in any amount occurring upon HAS property;

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51. Introducing or having a prohibited weapon or weapons (other than tools, knives and other items that are essential and authorized for a work-related purpose) or a firearm by an employee other than law enforcement officers and/or Security personnel specifically authorized to do so other in a restricted, secured, or controlled area. Replicas or non-functional devices will be treated as prohibited weapons for the purpose of this policy;
52. Possession or consumption of alcoholic beverages or controlled substances on HAS property, other than by a person licensed or employed by a licensee in the course and scope of their employment for the beverage or controlled substance including if the violator is driving on the AOA, airside ramps and/or tug tunnels, or part of their primary work function involves driving in one or more of the foregoing areas and then offense is a Class II Violation;
53. Refusing or failing to comply with a required inspection, search, or screening of an individual or an individual's accessible property;
54. An airline employee (including but not limited to, Flight Crew, Cabin Crew, Mechanic) or any other employee boarding or attempting to board an aircraft as a passenger or any individual not specifically designated or acting as an active crew member for that flight that accessed the sterile area through an access point other than a TSA screening checkpoint.