

PORTLAND INTERNATIONAL JETPORT

To: Jon Jennings, City Manager
Katherine Jones, City Clerk

From: Paul Bradbury, Director Portland International Jetport

Date: November 6, 2020

Re: **NOTICE OF PROPOSED RULEMAKING RE: ESTABLISHING A
NOTICE OF VIOLATION PROGRAM**

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Pursuant to Section 18-83 of the Portland City Code, please accept this Notice and the attached proposed rulemaking to enact a Notice of Violation Program at the Portland International Jetport. The attached full text of the proposed Notice of Violation Program is available for review at the Portland International Jetport Administration Office, the Portland City Clerk's office and on the Portland International Jetport website (www.portlandjetport.org). This proposed rule will take effect **fifteen (15) business** days from the date of this posting, unless otherwise ordered by the City Manager, with an effective date of **December 3, 2020**.

Written comments or objections to the proposed rule must be submitted to the City Manager's office within **ten (10) business** days of the date of this posting in the City Clerk's office. Such comments should be addressed as follows:

Jon Jennings, City Manager
City of Portland
389 Congress Street
Portland, ME 04101

Attention: Proposed Jetport Rulemaking: Notice of Violation Program

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Date of Posting: **November 9, 2020** City Clerk's and City Manager's offices

Date Comments Due in City Manager's Office: **by 4:30 p.m. on November 23, 2020**.

Date Rule becomes Effective (if not disapproved by City Manager): **December 3, 2020**.

**Portland International Jetport
Notice of Violation Program
November 2020**

Purpose: The purpose of the Notice of Violation (NOV) program is to facilitate consistent adjudication of TSA, FAA, and Airport Rules and Regulations violations. The program is structured to assign points for violations and to acknowledge different levels of compliance with training, recognition of additional regulatory outcomes, and airport rules and regulations.

Based on the accumulated points an employee will have their badge(s) suspended for the associated time.

Points: Points are accumulated in the following manner:

Initial Violation: The reason for the NOV will be documented and assigned points per Appendix B.

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Compliance with Training: Most violations are the result of not following the training provided. Some items are complex while others are simple. Sometimes all training is followed and still a violation occurs. Within the compliance with the training section up to two additional points can be accumulated.

- 0 Points - All Training was followed
- 1 Point - Over 50% of the training was followed
- 2 Points - Less than 50% of the training was followed

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Regulatory Outcome: Some violations lead to further regulatory compliance violations. If a TSA, FAA, CBP, DEP, or other regulatory agency issues a finding then one additional point will be added.

- 0 Points - No additional regulatory outcome
- 1 Point - Additional regulatory outcome

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Airport Rules and Regulations: Often violations are the result of multiple other violations. If additional Jetport rules and regulations were violated as part of the violation up to three additional points can be issued based on Appendix B.

- 0 Points - No additional violations of Airport Rules and Regulations
- 1-3 Points - Based on additional violations of Airport Rules and Regulations per Appendix B

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Progressive Discipline: With each violation by an individual it is more appropriate to further review their status as an airport badge holder. Additional Points will be issued for a second or third violation.

- 0 Points - First Violation
- 1 Point - Second Violation
- 2 Points - Third Violation

Point Matrix: Points are accumulated on a rolling 3-year calendar. Three years after a violation its points will fall off an individual's record. The below matrix shows the point values and associated suspensions.

1	2	3	4	5	6	7	8	9	10
Written Violation	2 Day Suspension		4 Day Suspension			7 Day Suspension			Badge Termination
Re-Training	Re-Training		Re-Training Meeting with Airport Management and Station Manager			Re-Training Meeting with Airport Management and Station Manager Final Notice			

First Offense Initiative: If an individual's first offense results in 1-3 points the airport will offer in lieu of a suspension the opportunity to create a training curriculum to educate others to not make the same mistake. The individual badge holder will have the option to:

- A. Accept the 2 Day Suspension and Retraining, or;
- B. Create a training curriculum on how not to make the same mistake, and provide that training to other airport stakeholders and complete the retraining (Option B requires the approval of both the individual and their station manager/signatory).

Negligence: If an individual's actions are determined to be negligent by airport management, immediate badge revocation will occur.

Appeal: If in the course of a NOV the individual disagrees with the adjudication, they have a right to appeal. Appeals must be written and submitted to the Airport Directors office within five (5) days of the NOV issuance. The Airport Director or their designee will respond to the appeal, and may hold a hearing on the matter within 10 business days of receipt of the appeal.

APPENDIX A NOV FORM

**Portland International Jetport
Notice of Violation**

NOV: You are receiving this Notice of Violation (NOV) due to your failure to follow the Jetport Rules & Regulations, Training, Procedures, Policy, and/or general Safety requirements of the Jetport or your company. Below, points have been assessed to determine the resulting penalty for your failure. Points are assessed based on five (5) criteria, including **Initial Violation**, **Compliance with Training**, **Regulatory Outcome**, **Airport Rules & Regulations**, and **Progressive Discipline**. Points are maintained on your record for a period of three (3) years and may result in increased penalties should future failures occur. Regardless of penalty, all NOV action requires the retraining in the failed category. If an individual's actions are determined to be negligent by airport management, immediate badge revocation will occur.

Name:		Company:		
Badge #:		Vehicle:		
Location:		Damage:	Yes	No
SMS Report:	Yes	No	Ops Report #:	

<u>Initial Violation:</u>	<u>Compliance with Training</u>	<u>Regulatory Outcome</u>	<u>Rules and Regs</u>	<u>Progressive Discipline</u>		<u>Violation Points</u>	<u>Prior Points on Record</u>	<u>Total Points</u>
	0	0	0	0	=			
1	1	1	1	1				
2	2		2	2				
3			3					
4			4					

1	2	3	4	5	6	7	8	9	10
Written Warning	2 Day Suspension Re-Training	4 Day Suspension Re-Training Meeting with Airport Management and Station Manager			7 Day Suspension Re-Training Meeting with Airport Management and Station Manager Final Notice			Badge Termination	

Description:

Penalty:

Appeal: If in the course of a NOV the individual disagrees with the adjudication they have a right to appeal. Appeals must be written and submitted to the Airport Directors office within five (5) days of the NOV issuance. The Airport Director or their designee will respond to the appeal, and may hold a hearing on the matter within 10 business days of receipt of the appeal.

Employee

Date:

Issued By:	Supervisor:
Date:	Date:

APPENDIX B

VIOLATIONS

1. Class I Violations (1 Points)

- A.** Towing More Than Five (5) Carts
- B.** Non-operational Headlights/Brake Lights/Beacon (If Equipped)
- C.** Failure To Secure Trash Container, Cargo, Mail, Or FOD Producing Items
- D.** Improper Use Or Operation Of Equipment
- E.** Failure To Wear Seat Belts
- F.** Speeding Inside A Drive Lane
- G.** Driving Outside Of Drive Lane
- H.** Failure To Display Badge Properly
- I.** Incomplete Challenge Procedure
- J.** Failure To Report A Security Violation
- K.** Failure To Report A Door Alarm
- L.** Defacing A SIDA Badge
- M.** Smoking Inside The Security Perimeter Fence or Terminal
- N.** Vehicle/Equipment Accident With No Damage/Injuries
- O.** Unable To Produce Driver's License
- P.** Illegally Parked Vehicle / Equipment
- Q.** Blocking An Emergency Exit, Fire Extinguisher, Eye Flush Station, Or Electrical Panel
- R.** Inappropriate Language or Behavior In A Public Space
- S.** Failure To Provide Two (2) Wing Walkers During Aircraft Pushback Or Arrival

2. Class II Violations (2 Points)

- A.** Failure To Yield Right Of Way To Wing Walkers/ Aircraft Pushing Back Or Approaching Gate
- B.** Failure To Report An Accident/Incident/Hazardous Material Spills To Airport Operations Center
- C.** Failure To Obey Traffic Signs Or Markings
- D.** Second Warning Issued Within 365 Consecutive Calendar Day Period
- E.** Speeding Outside A Drive Lane
- F.** Staging Vehicles Or Equipment In Unauthorized Areas/ Or Impact To Aircraft Operations
- G.** Unapproved Above Idle Engine Run-up On Ramp
- H.** Above Idle Engine Run-up Without Wing Walkers
- I.** Distracted Driving
- J.** Unauthorized Crane Operations
- K.** Failure To Secure Trash Container, Cargo, Mail, Or FOD Producing Items That May Impact Operations

- L. Failure To Secure A SIDA Access Point
- M. Unauthorized Access To A SIDA Area
- N. Loss Of Escort (Security)
- O. Failed Challenge Procedure
- P. Vehicle/Equipment Accident With Damage
- Q. Failure To Report An Arrest With Impacts To Driving Or Disqualifying Offenses
- R. Walking Or Standing On A Bag Belt
- S. Prohibited Storage Of Hazardous Materials Or Waste
- T. Improper Use Of An Escalator, Elevator, Or Wheelchair
- U. Introducing Or Feeding Animals Within The Security Perimeter Fence
- V. Unapproved Taxiing Of An Aircraft That Is Not Intended For Flight On The Movement Area
- W. Using Security Access Credentials To Gain Access To The SIDA Or Sterile Areas Of The Jetport For Purposes Other Than Official Work Duties

3. Class III Violations (3 Points)

- A. Failure To Yield Right Of Way To Aircraft And Emergency Vehicles
- B. Reckless Driving
- C. Speeding Within 100ft Of An Aircraft
- D. Unapproved High-power Engine Run- Up On Ramp
- E. Movement Area Violation
- F. Failure To Report/Negligent Damaging Hazardous Material Spill
- G. Creating An Environmental Hazard
- H. Operating Aircraft Fueling Equipment Without Proper Fueling Badge
- I. Improper Fueling Procedures Observed
- J. Smoking Near Fueling Equipment Or Storage
- K. Driving Without Authorization On A Non-movement Area
- L. Breach Of SIDA Area Access Point
- M. Piggy-backing Through A Gate Or Door To Sterile Or Secured Areas
- N. Loss Of Escort (Driving)
- O. Improperly Introducing Baggage Or Prohibited Items To The Sterile Area
- P. Vehicle/Equipment Accident With Injuries
- Q. Unreported Vehicle/Equipment Accident
- R. Using Or Allowing Another Person To Use Your SIDA Badge
- S. Inappropriate Possession Of Prohibited Items In The Sterile Area
- T. Failure To Secure Or Possessing Prohibited Items In The Sterile Area Without Authorization
- U. Failure To Present To Screening
- V. Inappropriate Runway Access
- W. Working While Under The Influence Or In Possession Of Drugs, Alcohol, Or Other Illicit Substances

4. Class IV Violations (4 Points)

- A. Vehicle/Pedestrian Deviation
- B. Runway Incursion**
- C. Threats Or Acts Of Violence
- D. Threats Against An Aircraft
- E. Unauthorized Tampering Or Operation Of Any Aircraft
- F. Vehicle/Equipment Accident Resulting In Damage To Aircraft
- G. Driving Without Proper Authorization On A Movement Area
- H. Breach Of Sterile Area Access Point
- I. Circumventing Or Attempting To Circumvent Security
- J. Operating A Vehicle Inside The Security Perimeter While Under The Influence Or In Possession Of Alcohol, Drugs, Or Other Illicit Substances
- K. Being Found Guilty Of Having Committed A Crime Pursuant To Any Penal Code Applicable To The Jetport While On Jetport Property