

ORDER

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION

AL 3750.9A

ALASKAN REGION

March 20, 1991

**SUBJ: EMPLOYEE RESPONSIBILITY CONCERNING ALCOHOL WHERE PROHIBITED BY
ALASKAN COMMUNITIES AND EMPLOYEE RIGHTS INVOLVING PERSONAL SEARCH**

1. PURPOSE. This order covers an employee's responsibility to comply with the policy of Alaskan communities which have, pursuant to state law, banned the importation, sale, and/or possession of alcohol within their boundaries. It also establishes regional policy recognizing an employee's right to refuse a personal search when entering an Alaskan community that has instituted a personal search policy that is unsupported by state or Federal law. This order is being updated due to changes in Appendix

2. DISTRIBUTION. This order is distributed to all employees in the Alaskan Region.

3. CANCELLATION. Order AL 3750.9, Employee Responsibility Concerning Alcohol Where Prohibited by Alaskan Communities and Employee Rights Involving Personal Search, dated November 28, 1988, is canceled.

4. BACKGROUND.

a. Several Alaskan communities have suffered tragedy and deep personal loss due to alcohol and drug abuse. Instituting "drug and alcohol programs" has been helpful, but not entirely successful in eliminating the problem. As a result, some communities have elected, pursuant to state law, to ban the importation, sale, and/or possession of alcohol within their boundaries. Additionally, some communities have instituted a "search policy." Under their search policy, all persons entering the community must undergo a personal search. This action is designed to restrict the flow of drugs and alcohol into their area. While we are sympathetic to the community leaders' concerns, we must be sensitive to our employees' rights. Therefore, refusal of an Alaskan Region employee to consent to a personal search conducted solely as a condition for entering the community will not be used as the basis of any adverse action against the employee by this agency.

b. Agency policy as it pertains to employee use, possession, manufacturing, selling, and/or transportation of drugs is addressed in Order 3750.4, Conduct and Discipline, paragraph 213.

5. POLICY.

a. Employees are expected to comply with the policy of Alaskan communities which have instituted a ban, pursuant to state and local law, on the importation, sale, and/or possession of alcohol.

b. When an Alaskan Region employee, functioning in his/her official capacity, is requested to submit to a personal search solely as a condition for entering into a community to perform his/her duties, the employee will not be required by the FAA, incident to his/her employment, to submit to the search. An employee may, of course, voluntarily submit to a personal search. An employee who does not agree to a personal search and is refused entry into the community to perform his/her duties is expected to return to their official duty station or proceed on their previously arranged travel schedule. It shall be clearly understood that no employee will be criticized or penalized in any way for refusing a personal search under these circumstances.

Distribution:

Initiated By:

6. ACTION.

a. Supervisors shall ensure employees on official travel to Alaskan communities are advised in advance of travel as to the communities that have banned the importation, sale, and/or possession of alcohol.

b. The following actions shall be taken if employees are refused entry into a community on the basis that they refused to be searched solely as a condition for entering the community to perform their duties and that such a search is unsupported by state or Federal law.

(1) Employees refused entry to a community as a result of the above circumstances shall verbally contact their immediate supervisor and provide a verbal account as soon as practical. Upon arriving at their permanent duty station, employees shall provide a written account of the incident to the immediate supervisor.

(2) Supervisors, upon receiving verbal notification that an employee has been refused entry to a community, shall contact the Manager, Human Resource Management Division (HRMD), AAL-10, through their managerial channels. Supervisors shall also receive and review the employee's statements, annotate any other pertinent information, and transmit the statement to AAL-10 through managerial channels.

(3) The Manager, Human Resource Management Division, AAL-10, will receive the verbal and written statements provided and shall coordinate the appropriate action to be taken. The local coordinator having jurisdiction over the area will be collaborated with by AAL-10.

(4) The Manager, Staffing and Compensation Branch, shall ensure that Merit Promotion Plan (MPP) announcements for temporary assignment/permanent assignment to field positions specify, if applicable, that the position is located in a community that prohibits the importation, sale, and/or possession of alcohol.

(5) The appropriate regional managers shall ensure that Internal Placement Program (IPP) solicitations for temporary assignment/permanent assignment to field positions specify, if applicable, that the position is located in a community that prohibits the importation, sale, and/or possession of alcohol.

7. RESPONSIBILITIES.

a. The Manager, Human Resource Management Division (HRMD), AAL-10, is responsible for developing policy and issuing guidance concerning employee responsibility to comply with the policy of Alaskan communities which have banned the importation, sale, and/or possession of alcohol within their boundaries and employees' rights involving personal search while on official travel status when such search is unsupported by state or Federal law. AAL-10 is also responsible for monitoring and evaluating implementation of this order. In coordination with the Assistant Chief Counsel, AAL-7, and local coordinators, the Manager, HRMD, is responsible for updating Appendix 1, List from the State Alcohol Beverage Board of Communities that have Banned the Importation, Sale, and/or Possession of Alcohol. The list shall be distributed to all managers and supervisors, at least once a year, along with any other pertinent information.

b. Manager/supervisors are responsible for the following:

(1) Ensuring employees are advised of their responsibility to comply with the policy of Alaskan communities which have instituted a ban on the importation, sale, and/or possession of alcohol. This may be accomplished during the annual supervisory-employee discussion covering standards of conduct;

(2) Advising employees of the Alaskan communities which have banned the importation, sale, and/or possession of alcohol;

(3) Ensuring that AAL-10 receives verbal and written notification identified under paragraph 6; and

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(4) Briefing employees who are selected for temporary assignment at "bush" facilities on their responsibilities as prescribed within this order.

c. Employees are responsible for complying with the policy of Alaskan communities which have instituted a ban, pursuant to state and local law, on the importation, sale, and/or possession of alcohol. They are also responsible for being aware of the circumstances under which they may refuse a personal search as outlined in this order, and for completing the actions identified under paragraph 6.

Ted R. Beckloff, Jr.

Regional Administrator