

## **PART 35: INFRACTION ACCOUNTABILITY PROGRAM AND APPEALS PROCESS**

### **35.01 Basis**

All DEN employees including those employed by the City, contractors, vendors, airlines, and tenants are expected to comply with Airport Rules and Regulations, company policies and directives, and DEN safety practices. Each DEN SIDA badge holder will be held accountable for contributing to a safe work environment. In an effort to encourage participation in creating this safe environment and identifying necessary retraining and education efforts, an infraction point system will be used to document incidents that violate rules and expose airport employees and/or resources to unnecessary risk. Infraction points assessed to an individual will double in high-risk areas as determined by Airport Operations. Baggage tunnels, baggage makeup areas and construction areas are examples considered high-risk. Points will be assessed to an individual according to the allocation chart in Appendix A.

### **35.02 Administration**

35.02-1 Personnel designated by the Senior Vice President of Airport Operations will issue Safety Infraction Notices to individuals for failure to adhere to Airport Rules and Regulations. Safety Infraction Notices will include the individual's Universal Personal Identification Number ("UPID"), printed on the DEN Airport badge, nature of infraction and other necessary information that will be entered into an electronic Safety Infraction Notice form. The captured information will be transmitted and stored within the Infraction Accountability Database.

35.02-2 Designated DEN Safety Division personnel will review the database and generate a letter to be sent to the employee's company in addition to a copy of the Safety Infraction Notice. The letter will be sent to the Authorized Signatory on file with DEN Airport Security or other identified company representative. This letter will describe the nature of the infraction and points assessed. Further re-education and/or disciplinary action will be left to the discretion of the employing company and individual's supervisor. If an individual accrues twelve (12) or more points in a single 12-month period, the individual will be subject to a hearing conducted by designated DEN personnel. The hearing will be conducted to determine the action to be taken by DEN. This may include temporary removal of driving privileges, retraining, or suspension of the badge. At the hearing, the badge holder will be given the opportunity to present facts and arguments as to why the Safety Infraction Notice(s) was not properly issued, and the Hearing Officer shall consider the facts in support of the Safety Infraction Notice(s). The Hearing Officer shall then decide whether the accumulated points justify action against the employee's badge. Appeal procedures can be found in section 35.05

below. In certain circumstances, Airport Operations may impose additional training or recurrent training to DEN Stakeholders as warranted based on the infraction which occurred (including situations where less than twelve (12) points are issued).

### **35.03 Scope and Procedures**

- 35.03-1 This program applies to all DEN employees in possession of a DEN SIDA badge. Employees include those people employed by the City and County of Denver along with all contractors, vendors, and tenants. This program is not intended to replace existing methods of enforcement, such as those programs utilized by the Denver Police Department and DEN Airport Security.
- 35.03-2 Points will be assessed for each offense listed on the Safety Infraction Notice. Points are cumulative and will become part of the recipient's record for as long as they are badged at the airport. Points will be tracked against an individual, not against separate badges in instances where an individual may have multiple badges.

### **35.04 Responsibilities**

- 35.04-1 The employing company and/or supervisor will be expected to assist in training their employees regarding rules and regulations, address any infraction(s) and determine corrective action. Notification of actions taken by company leadership as the result of an issued infraction, will be forwarded back to DEN Safety within ten (10) days. If notification of actions taken is not received within the ten (10) days, the employee receiving the violation will be subject to badge deactivation until notification of action is received.
- 35.04-2 The DEN Safety Division will be responsible for maintaining the Infraction database, distributing Safety Infraction Notices to Authorized Signatories of affected companies, and creating reports as requested by management.
- 35.04-3 The DEN Safety Division will conduct hearings when an individual has accumulated 12 or more points in a 12-month period or as deemed necessary based on the infraction. A pre-hearing letter will be sent via email informing the Authorized Signatory or Designated Company Representative that a hearing must be scheduled with Airport Safety or designee within ten (10) business days of the date of the notice, and that a management representative or Authorized Signatory of the company/department must attend with the employee. If the prescribed time frame is not met, the individual who received the violation may have his or her Airport SIDA badge suspended until a hearing takes place. If, following the hearing, the Hearing Officer or designee determines that the

violation is valid, this will be communicated in writing to the Authorized Signatory of the company/department, indicating that a violation was believed to have been committed by the individual and the consequences for such violations. Such decision (except a decision to withdraw a Violation Infraction Notice) may be appealed as detailed within this Rule 35.

### **35.05 Safety Infraction Accountability Program Appeals Process**

- 35.05-1 Following the employee hearing, the individual may request an appeal with the Director of Airport Safety (“Appeals Officer”) and will be required to coordinate this through their supervisor. An appeal must be filed within ten (10) business days from issuance of the hearing decision. If the prescribed time frame is not met, the hearing decision becomes final. The Appeals Hearing shall be conducted as expeditiously as possible. In all matters, the petitioner shall have the burden of proof to show by a preponderance of the evidence the correctness of his or her position. The Appeals Officer shall thereafter make a final written determination as to the action being appealed.
- 35.05-2 Airport Operations, serving on behalf of the City reserves the right to deny, revoke or limit the scope of an individual’s Airport issued SIDA badge, endorsements or privileges based upon reasonable grounds and giving due consideration to the nature of the offense.
- 35.05-3 A request for reconsideration of the determination may be made if filed in writing with the Deputy Chief Operating Officer within fifteen (15) calendar days of the date of determination, or the final determination of the Appeals Officer may be reviewed under Rule 106(a)(4) of the Colorado Rules of Civil Procedure. If a request for reconsideration is made, the Deputy Chief Operating Officer shall review the record and issue a written order concerning the reconsideration. The reconsideration determination shall be considered a final order on behalf of the Chief Executive Officer upon the date the reconsideration determination is issued. The reconsideration determination shall be the final order and may be reviewed under Rule 106(a)(4) of the Colorado Rules of Civil Procedure.
- 35.05-4 An employee requesting an Airport SIDA badge must resolve all pending or valid violations before being allowed to proceed in the badging process. If the employee no longer works for the company listed on the Safety Infraction Notice and is attempting to be employed by a different company, a management representative from the “new” company must attend the Infraction Notice Hearing with the employee. Any revocation, suspension or additional actions required of the badge holder are transferred to any other company of which the employee is badged.

**Appendix A**  
**Infraction Point Allocation Chart**

<b>INFRACTION</b>	<b>POINTS</b>	<b>RULE REFERENCED</b>
Movement Area Surface Deviation / Incursion	12	130.11-2, 4
Non-Movement Area Deviation / Pedestrian, Vehicle	6	40.14-1, 40.15
Failure to yield to Aircraft, Emergency Response Vehicle, Snow Equipment, or Tug/Supertug	8	130.04-3, 5, 6
Operating a vehicle in an area or manner not authorized	6	130.04, 130.07-1
Failure to provide proper vehicle escort	4	130.06-3
Unsafe Operation of Vehicle	6	130.10-1, 2, 130.17
Unsafe Fueling Operation	6	150. 24
Unsafe or Unauthorized Operation of Electric Carts	6	40.09-11, 12, 14, 15
Unsafe Operation of Baggage cart train	6	130.17-1, 2
Parking Violation	3	80.01-80.10
Failure to display Airport Vehicle Permit	2	20.14
Failure to provide required Operator Documents	4	20.04-1, 2, 3, 4
Smoking outside of designated areas	6	30.13-1,2, 40.23-1,2
Environmental infraction	4	40.02-4, 5, 180.03, 180.04
Failure to wear required Personal Protective Equipment	4	30.15-1, 2, 40.22-1, 2
Vandalism	6	40.04, 40.06
FOD Hazard, Littering, Feeding of wildlife	6	160.08-3, 40.02-1, 40.03
General Conduct	6	20.09
Possession of marijuana or THC	4	40.24
Possession of a prohibited item	4	40.25-4
Failure to comply with DEN SMS program	6	DEN SMS Manual
Misuse of Public Facilities and seating areas	4	40.10
Warning for any of the above infractions	0	