



*Know-Your-Rights to the
Transportation Security Administration's
New Criminal Background Checks
Of Hazmat Drivers & Port Workers*

► Are you a commercial truck driver applying for, or renewing, your Hazmat Material Endorsement (HME)?

If you have a felony criminal record going back 7 years (or were released from prison in the past 5 years) involving any of several "security risk" crimes listed by TSA under the federal rules, you may be disqualified from receiving an HME. Some of the broadest disqualifying crimes listed by TSA include drug crimes (other than felony possession), weapons possession, fraud and other "dishonesty" offenses.

► Are you a port worker who will have to apply for the new Transportation Worker Identification Credential (TWIC)? TSA's rules deny a TWIC to any worker with a felony criminal record dating back 7 years (or a worker released from prison in the past 5 years) based on the same list of disqualifying crimes that TSA applies under the hazmat program.

► You have the right to apply for a waiver if you have a disqualifying felony record. There's a special "waiver" process that can exempt many workers with a felony record from being denied an HME or TWIC if they can show they are not a terrorism security risk. Those workers who have an isolated criminal record and a solid work history are good candidates for a TSA waiver.

► You have the right to appeal if TSA made a mistake about your criminal record. TSA also has an "appeal" process that can help the many workers wrongly denied an HME or TWIC based on incomplete or inaccurate rap sheets generated by the FBI (like criminal charges that should have been listed as dropped or dismissed).

► For free help to appeal or apply for a waiver from TSA, contact the **National Employment Law Project's Second Chance Labor Project**: Laura Moskowitz at (510) 663-5705 (lmoskowitz@nelp.org).