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Miami Dade Aviation Department

P.O. Box 526624

Miami, FL 33152-6624

<http://www.miami-airport.com>

OPERATIONAL DIRECTIVE NO. 04 - 02

Effective: May 1, 2004

Amended Date: February 18, 2011

SUBJECT: MIAMI-DADE AVIATION DEPARTMENT'S

(A) MEDIATION IN DISPUTE RESOLUTION INVOLVING AIRLINES AND/OR AIRSIDE OPERATIONS AREA PERMITTEES, AND

(B) INVOLVEMENT IN APPEALS FROM DECISIONS REQUIRING AIRLINES' OR OTHER USERS' EMPLOYEES TO SURRENDER THEIR SIDA IDENTIFICATION BADGES OR DECISIONS REVOKING THE EMPLOYEES' AOA DRIVING PRIVILEGES

PURPOSE: To establish policy and procedures to enable Miami-Dade Aviation Department (MDAD) personnel to mediate and settle disputes involving airlines operating or wanting to operate at Miami International Airport (MIA) and/or Airside Operations Area (AOA) permittees, and to provide the procedures for an airline or other user's employee to appeal a decision requiring the employee to surrender his or her SIDA identification badge or revoking the employee's AOA Driving privileges.

I. AUTHORITY:

- A. Miami-Dade County Code of Ordinances, Chapter 25, Aviation Department Rules and Regulations; Section 25-2.20, Section 25-2.26(b), Section 25-9.3. Section 25-9.4 and 25-9.10 of such Code.
- B. Operational Directive No. 99-03. Aviation Department Written Directive System.

II. DEFINITIONS:

- A. SIDA – Security Identification Display Area(s) are those areas of the Airport designated by the Department, in accordance with Federal Aviation Regulations, in which each individual in the area is required to display on their person the identification badge issued by the Department or such other form of identification as approved by the Department.

II. POLICY:

- A. MDAD shall consider requests from AOA Driver License holders and airlines currently operating or desiring to operate at MIA to mediate in conflict resolutions.
- B. The procedures established by this Operational Directive (OD) are designed to help the process of settling such disputes inexpensively and more efficiently.
- C. Airline Employees or employees of other users of MIA who are required to surrender their AOA Driver Licenses and/or identification badges or who have had their SIDA access privileges revoked may appeal the decision to the Aviation Director or his designee in the manner provided herein.

III. MEDIATION PROCEDURE:

- A. Prior to a formal request, the airline or affected party may call the appropriate Airside Operations Division (AOD) personnel to explain the issue. The points of contact are defined as follows:
 - 1. *Aircraft Gate Control Supervisor (305-876-7038)* – Conflicts dealing with passenger aircraft gate assignments, aircraft apron control, flight schedules, Flight Display Information System (FDIS), hardstands, aircraft gate Maintenance of Traffic (MOT). In addition, for conflicts dealing with ticket counter control, the Properties Division (305-876-7031) must also be contacted.
 - 2. *AOD Access and Construction Control Supervisor (305-876-7482)* – Conflicts dealing with commercial deliveries, vehicle escorts, vehicle decals, AOA access, safety violations, special events and dealing with construction deliveries and construction vehicle escorts.
 - 3. *AOD Ramp Control Supervisor (305-876-7516)* – Conflicts dealing with runways, taxiways, remote passenger busing, aircraft cargo assignment, and general aviation aircraft.
- B. Formal requests for assistance shall be directed to MDAD AOD in writing. Parties are reminded that any written document submitted to the AOD becomes a public record. Therefore, any person asking for such document is entitled to review and copy.
- C. Within seven-calendar days from receiving the written request, an AOD supervisor will contact the interested parties to schedule an initial meeting. The attending representatives must be designated during this contact.

- D. At the initial meeting, each party will be permitted to present its position through a combination of oral comments and written documents. The AOD supervisor may ask questions or provide comments throughout the presentations and will maintain order.
- E. The AOD supervisor is not responsible for providing a court reporter or minutes of meetings.
- F. At the conclusion of each party's presentation, the AOD supervisor may attempt to resolve the matter. If the parties are willing to accept the resolution, the AOD supervisor's recommendation will be binding and provided to the affected parties in writing.
- G. If resolution is not accomplished at this point, a meeting will be arranged with the AOD Division Director, the AOD supervisor, and the affected parties. If necessary, further meetings will be arranged with the Aviation Assistant Director, Deputy Aviation Director and, ultimately, the Aviation Director. The decision of the Aviation Director will be binding and will be provided to the affected parties in writing.

IV. APPEAL PROCEDURE FOR DECISIONS REQUIRING SURRENDER OF SIDA IDENTIFICATION BADGES OR REVOCATION OF AOA DRIVING PRIVILEGES.

- A. Within five days of any decision by MDAD's AOD to (i) require an airline or other user's employee to surrender his or her SIDA identification badge, or (ii) revoke such an employee's AOA driving privileges, the employee may notify the Aviation Director of his or her intention to appeal such decision. The notice of appeal must be in writing and must be received in the Aviation Director's office within five business days of receipt of the decision.
- B. The Aviation Director or his designee shall advise the employee within three business days of receipt of the notice as to when the Aviation Director or his designee shall hear the appeal.
- C. At the appeal hearing the employee shall state orally his or her grounds for contesting the decision. The employee may present other evidence to support his or her position. The employee may be represented in said hearing by the representative of his or her choice. The Aviation Department shall provide a representative of the AOD to explain the reasons why the decision was made. The employee shall be entitled to cross examine any representative presented by the AOD. The rules of evidence shall not apply. The Aviation Director or designee shall announce his or her decision at the conclusion of the hearing, or else announce whether the decision shall be issued at a later time, in any case such delayed announcement to be made no later than three business days from the date of the hearing.
- D. The decision of the Aviation Director or designee shall be final.

- E. The decision being appealed is valid and binding from the date and hour of its entry by the AOD, and is not affected or stayed during the appeal process.

V. TIME LIMITS APPLICABLE TO SURRENDER OF SIDA ACCESS BADGES OR REVOCATION OF AOA DRIVING OR MOVEMENT LICENSES.

- A. Pursuant to Section 25-2.20, the Aviation Director hereby establishes the following maximum time limits applicable to a decision requiring an employee to surrender his or her SIDA identification badge and/or AOA Driving/Movement license following a dispute resolution process:

- 1. For four occasions within a 12-month period the employee is issued a Safety (SVN) or Civil (CVN) Violation Notice:

- a. Surrender of the AOA Driving/Movement License for not longer than 30 days.

- 2. For five SVNs/CVNs issued in a 12-month period:

- a. Surrender of the AOA Driving/Movement License for up to 12 months.

- 3. For any single CVN where the violator pays the civil penalty:

- a. Surrender of the AOA Driving/Movement License for up to 30 days.

- 4. For a Code Inspector's determination that the employee violated Section 25-9.3 (failure to yield to aircraft), Section 25-9.4 (improper crossing of runways and taxiways), or Section 25-9.10(a) (speeding at more than 20 miles per hour above the speed limit):

- a. Surrender of the AOA Driving/Movement License for not longer than 60 days.

- B. Pursuant to Section 25-2.26(b), the Aviation Director hereby establishes the following maximum time limits applicable to a decision to revoke an employee's SIDA access privileges and/or Driving/Movement License for failure to make timely payment of a civil penalty:

- 1. Revocation of SIDA access privileges and/or the AOA Driver/Movement License until such time as either the fine is paid or the employee has exhausted all appeals.

VI. EFFECTIVE DATE:

This OD shall become effective 15 days subsequent to its being filed with the Clerk of the Circuit Court as required by Sections 2-3 and 2-4 of the County Code.

VII. AMENDMENTS:

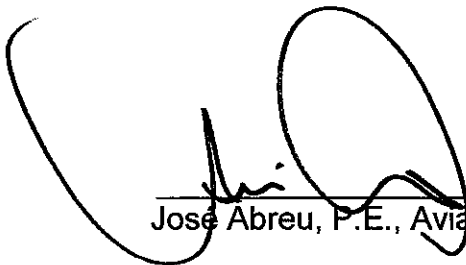
MDAD reserves the right to amend this OD at any time and from time to time, and notice of such amendment will be furnished to all affected parties who register with MDAD. Such amendment shall become effective 15 days subsequent to its being filed with the Clerk of the Circuit Court.

VIII. SEVERABILITY:

If any court of competent jurisdiction determines that any provision in this OD is illegal or void, the remainder of the OD shall continue in full force and effect.

REVOCATION: None

CROSS REFERENCES: None



Jose Abreu, P.E., Aviation Director

Date: 1/27/11