

**RESOLUTION NO. 2024-05
OF THE
JACKSON HOLE AIRPORT BOARD**

RE: AVIATION WORKER SCREENING

August 21, 2024

The Jackson Hole Airport Board (the “Board”), a body corporate, organized under the laws of Wyoming, finds that:

WHEREAS, the Board is the operator and proprietor of the Jackson Hole Airport (the “Airport”) located in Teton County, Wyoming;

WHEREAS, the Board is an airport board organized to operate, maintain and improve the Airport under W.S. §10-5-101 through §10-5-204, and Chapter 12.16 of the Ordinances of the Town of Jackson;

WHEREAS, on April 27, 2023, the Transportation Security Administration (“TSA”) issued National Amendment 23-02, requiring certain airports, including the Jackson Hole Airport, to conduct aviation worker screening to protect against insider threats;

WHEREAS, TSA subsequently established a deadline of September 24, 2024, by which airports must begin aviation worker screening;

WHEREAS, Town of Jackson Code of Ordinances Section 12.16.170(B) provides, “No Person shall enter or be present in a Restricted Area without complying with the systems, measures, procedures, screening and/or inspection being applied to control access to or presence in such areas;” and Airport Rule 8.10.4 correspondingly provides, “No Person shall enter or be present in a Restricted Area without complying with the systems, measures, procedures, screening and/or inspection being applied to control access to or presence in such areas”;

WHEREAS, reviewing courts repeatedly have found that administrative searches at airports are constitutional;

WHEREAS, the Board wishes to put aviation workers at the Airport on notice that they may be subject to search going forward;

THEREFORE, BE IT RESOLVED BY THE JACKSON HOLE AIRPORT BOARD:

1. Aviation Workers Must Submit to Screening.

1.1 As a condition of employment or work at the Airport, all individuals seeking unescorted or escorted access to the Sterile Area and/or Secured Area of the Airport shall submit to screening at designated access points by Board employees or contractors assigned to conduct such screening.

1.2 The nature, type and location of aviation worker screening shall be as determined by the Airport Executive Director and Assistant Airport Director for Security Operations.

1.3 Aviation workers shall have no right to see the written protocols established by the Airport Executive Director or Assistant Airport Director for aviation worker screening, as such protocols may be considered Sensitive Security Information in accordance with 49 C.F.R. Part 1520, and further shall have no right to advance notice of when and at which access points screening will occur.

1.4 The Board reserves the right to direct an aviation worker to the Security Screening Checkpoint for secondary screening.

1.5 The Board reserves the right to deny access to the Sterile Area and/or Secured Area, to notify an aviation worker's employer of the results of screening, and to refer an aviation worker for detention or criminal prosecution if warranted based on the results of screening.

2. Prohibited Items.

2.1 The Board adopts the list of prohibited items considered by TSA to be weapons, explosives and incendiaries, as such list exists upon the date of adoption of this resolution and as the list may be amended by TSA in the future. The current list as of the date of adoption is published at 88 Federal Register 73,537 (Oct. 26, 2023).

2.2 Except as provided in Section 2.3 immediately below, no aviation worker is permitted access to the Sterile Area or Secured Area with a prohibited item.

2.3 An aviation worker may be permitted access to the Sterile Area or Secured Area with tools-of-trade that otherwise are prohibited. Each employer is responsible for designating and certifying to the Board those employees whose job responsibilities within the Sterile Area or Secured Area require tools-of-trade. Such aviation workers must have a designation on their Airport-issued security credential or a supplemental airport issued authorization to be able to travel through Airport access points (other than the security screening checkpoint) with tools-of-trade.

2.4 The Board reserves the right to deny access to the Sterile Area or Secured Area upon finding drugs, drug paraphernalia, stolen articles or other criminal contraband

during screening and to refer such aviation workers to their employer and/or to law enforcement.

3. Reservation of Rights.

3.1 The Board reserves the right to adjust the protocols for aviation worker screening as necessary to comply with TSA directives and mitigate insider threats.

3.2 The Board reserves the right to defend itself in any legal action challenging the Board’s authority to conduct aviation worker screening, including to present any defenses available under the Wyoming Governmental Claims Act, W.S. § 1-39-101 through § 1-39-120.

3.3 The Board reserves the right to supplement this resolution by the adoption or amendment of rules in accordance with the Wyoming Administrative Procedure Act, W.S. § 16-3-101 through § 16-3-106.

4. Effectiveness.

4.1 This Resolution shall be and remain in full force and effect until and unless repealed, amended or superseded by formal action of the Board taken at a duly-noticed public meeting.

Upon motion duly made and seconded, the foregoing Resolution was adopted by the Jackson Hole Airport Board this 21st day of August, 2024.

Attest:

JACKSON HOLE AIRPORT BOARD

Signed by:
Robert McLaurin
By: _____
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Bob McLaurin, Secretary

Signed by:
Valerie G. Brown
By: _____
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Valerie Brown, President