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July 26, 2011

Submitted Electronically via [Commissionmeetingcomments@eeoc.gov](mailto:Commissionmeetingcomments@eeoc.gov)

Chairman Jacqueline A. Berrien  
U.S. Equal Employment Opportunity Commission  
131 M Street, N.E  
Washington, DC 20507

**RE: EEOC Public Meeting on Employee Background Screening**

Chairman Berrien:

This is written to express the Aeronautical Repair Station Association's (ARSA) concerns regarding the Equal Employment Opportunity Commission's (EEOC) potential changes to its policies on employment background screening.

ARSA is an international trade association with a distinguished record of representing certificated aviation maintenance facilities before Congress, the Federal Aviation Administration, the European Aviation Safety Agency, and other civil aviation authorities. ARSA members are primarily small and medium-sized businesses.

Repair station owners and executives must make operational decisions, including the best manner to protect customers' property and employees' safety. Unfortunately, when the EEOC chooses to reexamine its policies on the use of arrest and conviction records in employment decisions, the small business community is sent confusing signals.

Federal departments and agencies (e.g., the Department of Defense, the Department of Homeland Security, the Federal Aviation Administration, the Social Security Administration, and the Occupational Safety & Health Administration), require contractors to use pre-employment and employee background screening. Additionally, employers can be held liable for negligent hiring if an employee injures a colleague at the workplace and the company should have known of a worker's potential threat to safety. Through these mandates, the government has set a public policy endorsing the benefits of background screening. Therefore, when another federal agency hints that background screening is improper, how are businesses supposed to operate?

While large companies may be in a better position to absorb the costs and inefficiencies of contradictory actions by federal departments and agencies, the uncertainty hits small businesses particularly hard. In either event, government-created conflict hinders economic growth and job creation for all entities. In fact, companies can legitimately put off hiring because of the confusion created; why open yourself up to federal action or potential lawsuits based upon discrimination because of contradictory inter-governmental actions?

To be clear, ARSA does not support government-mandated background screening; this business decision is best left to individual companies. However, when the federal government requires background screening and one agency signals that such investigations are inherently

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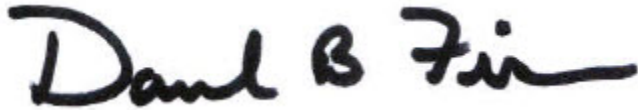
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**RE: EEOC Public Meeting on Employee Background Investigations**

wrong, businesses will bear the burden of the resulting confusion with no benefit to deterring discrimination.

Thank you for your consideration of my comments.

Sincerely,

A handwritten signature in black ink that reads "Daniel B. Fisher". The signature is written in a cursive, flowing style with a long horizontal line extending from the end of the name.

Daniel B. Fisher  
Legislative Counsel