



Memorandum

TO: NCDOL Inspection/Compliance Personnel (Standards & Inspections and OSH)

CC: Art Britt, Jennifer Haigwood, Renathe Cotten, Kevin Beauregard, Phil Hooper, Dolores Quesenberry, Jennifer Stackpole, Tom Chambers, Cliff Dautrich, Britne Becker, Carla Rose

FROM: Jill F. Cramer, General Counsel *JFC*

RE: Entering Federally-Owned Buildings or Federal-Leased Locations/NC REAL ID

DATE: May 20, 2019

This memo is to address recent issues that several NCDOL S&I inspectors have experienced when attempting to enter either a federally-owned building/installation or a building leased by the federal government. Issues have included onsite federal security personnel requiring an inspector complete basic security screening forms; requiring NCDOL inspectors to leave their ID with security personnel while at the location; and requiring an inspector to submit to a full background check prior to being allowed to enter a location leased by the U.S. Government. In addition, this memo discusses the requirement for U.S. citizens to obtain a REAL ID by October 1, 2020 to fly on commercial aircraft and to enter most federal facilities.

In relation to inspections either required or requested to be performed at federal facilities or federally-leased locations, please be advised that it is reasonable for onsite security personnel to ask an NCDOL inspector to produce a valid picture ID **and** submit to a basic security screening process prior to entering the facility. Federal agencies have the authority to set their own minimum access requirements. However, a basic security screening process does not include onsite security personnel obtaining information to perform a full background check. Currently, no federal background check prerequisite exists for NCDOL inspectors to enter a federal facility when they are on site to perform either required or requested inspections.

Should any NCDOL inspector be refused entry into a federally-owned site or a location leased to a federal agency, **inquire why you are being refused entry, then immediately contact the NCDOL Legal Affairs Division (LAD)**. LAD will contact the appropriate General Services Administration (GSA) North Carolina property manager to address the situation.

If security personnel at a federal location requires an NCDOL inspector to **submit his/her personal information for a background check** prior to entering either a federally-owned or a federally-leased building, **immediately contact LAD**. LAD will contact the Director of the GSA Southeast Sunbelt Region Property Management Offices Director to address the situation.

Increase in Security Measures at Federal Facilities

There have been recent increases in security measures at federal buildings and installations. This includes both federally-owned facilities and federal agency office space leased by the U.S. government. The increase is pursuant to the REAL ID Act, which Congress passed in 2005. The REAL ID Act is enforced by the U.S. Department of Homeland Security (DHS).

The REAL ID Act modified federal law regarding security measures and standards for issuance of forms of identification. The REAL ID Act established minimum security standards for state-issued driver's licenses/identification cards and prohibits federal agencies from accepting driver's licenses and identification cards from states that do not meet the established standards as of October 1, 2020.

DHS is responsible for overseeing the four (4) phases of enforcement of the REAL ID Act. The initial three phases began being implemented on April 21, 2014. The implementation date for the fourth and final phase is October 1, 2020. **Beginning October 1, 2020, every state and territory resident will need to present a REAL ID-compliant license or ID, or another acceptable form of identification (e.g., passport), to access Federal facilities, enter nuclear power plants, and board commercial aircraft.**

The DHS website stated that the REAL ID Act applies when an individual presents a state-issued driver's license or ID card to a federal agency for an "official purpose" as defined in the REAL ID Act. All entries to federal facilities by NCDOL compliance personnel would be for an "official purpose." Since North Carolina is currently compliant with the REAL ID Act, onsite security personnel may accept current North Carolina driver's licenses and identification cards at federal facilities and nuclear power plants until October 1, 2020. However, if NCDOL personnel do not have an NC REAL ID by that date such federal agencies may simply deny entry. Further, according to the DHS website, "Federal agencies have the authority to set their own minimum-security access requirements and, if desired, decide not to accept noncompliant marked cards before the October 1, 2020 deadline." The website recommended that members of the public contact the federal agency they plan to visit in advance to obtain information regarding identification requirements for entering the specific location.

(Note: Typically, OSH Compliance does not inspect federal facilities; however, they may perform joint inspections involving private sector employers, be involved at different phases of operations, or attend training at federal facilities. If there ever is a need for OSH personnel to enter a federal facility, and they do not have an NC REAL ID, LAD can contact the applicable federal facility to determine the additional documents required for identification purposes.)

It is recommended that NCDOL compliance employees who may perform an inspection or receive training at a federal facility obtain a Real ID prior to October 1, 2020.

More REAL ID information may be accessed here: <https://www.dhs.gov/real-id-public-faqs>

For those who travel by commercial airlines and do not obtain a REAL ID by October 1, 2020, acceptable forms of identification that adult passengers (age 18 and over) must show at the airport checkpoint are listed here: <https://www.tsa.gov/travel/security-screening/identification>

Obtaining a REAL ID

Information on how to obtain your NC REAL ID is available on the NCDOT website:

<https://www.ncdot.gov/dmv/license-id/nc-real-id/Pages/default.aspx>

According to NCDOT, a REAL ID will be needed for boarding commercial airplanes, visiting nuclear sites, military bases, federal courthouses, federal prisons and other federal facilities. NC citizens will **not** need a NC REAL ID to drive, vote, apply for/receive federal benefits (*e.g., Veterans Affairs, Social Security Administration*), enter a federal facility that does not require an ID (*e.g. a post office*), access a hospital, or participate in law enforcement proceedings (*e.g., serve on a federal jury*). If you choose not to obtain a REAL ID, you will still be able to board commercial flights or make visits to the federal facilities noted above, but you will be required to provide supplementary documentation, such as a passport, along with your non-REAL ID driver's license or ID.

If you choose to obtain a REAL ID and you reside in North Carolina, your initial NC REAL ID **must be obtained in person** at an NCDMV driver's license office, where the required documents will be scanned and permanently stored, as required under federal law, in your NCDMV record. You may either make an appointment at the NCDMV office of your choice (*recommended*) or walk in with the appropriate documents. If you make an appointment, you should notify the front desk administrative person when you arrive for the appointment that you have an appointment at a specific time. You will be taken ahead of anyone currently in line who does not have an appointment. Please note it may take several months to schedule an appointment, so it is recommended that you call to schedule well in advance of your license renewal date.

1. Obtaining your initial NC REAL ID license or ID card costs the same as getting a regular NC driver's license if you obtain it within six months of the expiration of your current license. You will have to take a vision test and take a new photo when you renew your license.

If you choose to obtain an NC REAL ID outside of the six-month renewal period, the cost is \$13. A new photo will be taken, but no tests are required at that time. You may access a printable list of documents that can be used as additional identification to obtain an NC REAL ID here:

<https://www.ncdot.gov/dmv/license-id/nc-real-id/Documents/real-id-brochure.pdf>

If you do not reside in North Carolina, please check the Motor Vehicle requirements for your state of residence. South Carolina residents may look here:

<http://www.scdmvonline.com/Driver-Services/Drivers-License/REAL-ID>

If you have additional questions, please contact me at 919-707-7710 or at jill.cramer@labor.nc.gov