

Date: October 1, 2007

Subject: ERC interviews prior to accepting a report

It is FAA policy that the ERC may elect to interview a reporting employee prior to making an acceptance decision on a report, if the ERC determines that the interview is needed in order to make an informed decision on the disposition of a report. The decision to interview an employee *must be made through unanimous consensus of the ERC* that an employee interview is needed in order for the ERC to make an acceptance decision, or to make a decision on the appropriate disposition of an ASAP report.

The FAA considers information obtained from an employee during an ERC interview to be an extension of the employee's ASAP report itself, and therefore subject to all of the same protections as apply under FAA ASAP policy to the report itself. *This means that the FAA will not use the content of an interview in any legal enforcement action against an employee in the event the employee's report is excluded from the program (unless, as also applies to the report itself, the event involves criminal activity, substance abuse, controlled substances, alcohol, or intentional falsification).*