

## U.S. DEPARTMENT OF LABOR - FACTSHEET PROTECTIONS FOR URBAN TRANSIT WORKERS

When Federal funds are used to acquire, improve, or operate a transit system, Federal law requires arrangements to protect the rights of affected transit employees. These arrangements must be approved by the Department of Labor (DOL) before the Department of Transportation's Federal Transit Administration (FTA) can release funds to grantees. The terms and conditions of the protective arrangements are included in the grantee's contract with FTA.

The requirement to protect transit employees is contained in Section 5333(b) of Title 49 U.S. Code (formerly Section 13(c) of the Federal Transit Act). Section 5333(b) specifies that the arrangements must provide for the preservation of rights and benefits of employees under existing collective bargaining agreements, continuation of collective bargaining rights, protection of individual employees against a worsening of their positions in relation to their employment, assurances of employment to employees of acquired transit systems, priority of reemployment, and paid training or retraining programs.

DOL Procedural Guidelines ([Federal Register](#) 29 CFR Part 215), encourage the development of employee protections through local negotiations, but establish time frames for certification to expedite the process and make it more predictable, while assuring that the required protections are in place. Under the guidelines, a DOL certification permitting the release of transit funds will occur within 60 days from the date the DOL begins processing a grant application. This may be a final certification or an interim certification.

Pursuant to the Guidelines, DOL refers for review the grant application and the proposed terms and conditions to unions representing transit employees in the service area of the project and to the applicant and/or recipient. No referral is made if the application falls under one of the following exceptions: 1) employees in the service area are not represented by a union; 2) the grant is for routine replacement items; 3) the grant amends a previous grant in a manner that is not material, 4) the grant is for a Job Access project serving populations less than 200,000; 5) the grant capitalizes a State Infrastructure Bank account; or 6) the grant is for the Over-the-Road Bus or Other Than Urbanized program.

When a grant application is referred to the parties, DOL recommends the terms and conditions to serve as the basis for certification. ***The parties have 15 days to inform DOL of any objections to the recommended terms including reasons for such objections.*** If no objections are registered, or if objections are found not sufficient, DOL certifies the project on the basis of the recommended terms.

***If DOL determines that the objections are sufficient, the parties are directed to negotiate*** for up to 30 days, limited to issues defined by DOL.

***If the parties are unable to reach agreement within 30 days, DOL will review the final proposals and issue an interim certification*** permitting FTA to release funds, provided that no action is taken relating to the issues in dispute that would irreparably harm employees.

Following the interim certification, the parties may continue negotiations. If they are unable to reach agreement, ***DOL sets the terms for Final Certification within 60 days.*** DOL may request briefs on the issues in dispute before issuing the final certification.

Employees who believe they have been adversely affected as a result of Federal transit assistance may file claims under the procedures set forth in the protective arrangements certified by DOL.

### FOR FURTHER INFORMATION:

U.S. Department of Labor  
Employment Standards Administration  
Office of Labor-Management Standards  
Division of Statutory Programs  
Washington, DC 20210  
Telephone: (202) 693-0126 Fax: (202) 693-1342

The DSP WEB PAGE can be reached by going to [www.dol.gov](http://www.dol.gov). Click on "Search DOL A to Z Index." Click on "T" and select "Transit Employee Protections."