

TRANSIT EMPLOYEE PROTECTION FACTSHEET Other Than Urbanized and Over-the-Road Bus Grants

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. The terms and conditions of the protective arrangements are included in the grantee's contract with the Federal Transit Administration (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.

Other Than Urbanized projects funded under Section 5311 of the Federal Transit law (formerly Section 18) and Over-the-Road Bus (OTRB) Accessibility projects must satisfy the employee protection requirements of Section 5333(b). This is accomplished through an expedited procedure administered by the Department of Labor (Department) which is based on the application of a Special Warranty Arrangement (Warranty) which is posted on the OLMS Web site and may be updated from time to time to reflect developments in the employee protection program. The FTA will include the current version of the Warranty in grants of assistance through reference in its Master Agreement.

The Department's procedures for application of the Warranty require that the Grantee or state agencies applying for funds under the Other Than Urbanized program must incorporate the terms of the Warranty into the contract with each recipient of funds. The grant applications must include 1) a listing of all transportation providers that are recipients of transportation assistance funded by the project; 2) a listing of all other transportation providers in the geographic service area of each recipient being funded;

and 3) a listing of all labor organizations representing employees of transportation providers identified in #2 and #3 above. To facilitate inclusion of this information in the grant application, a sample format is posted on the OLMS website.

Under the terms of the Warranty applicants for OTRB grants must include information in the application identifying labor organizations representing employees of the grant recipients.

The Department will notify labor organizations representing potentially affected transit employees in the service area when Other Than Urbanized and OTRB grants are funded by the FTA.

Additionally, the Warranty requires that the Recipient post, in a prominent and accessible place, the terms and conditions of the Warranty with a notice stating that the Recipient has received federal assistance under the Federal Transit statute and has agreed to comply with these terms.

Transportation related employees who believe they have been affected as a result of Federal transit assistance may file claims under the Warranty, which also requires that the Recipient make the necessary arrangements so that covered employees (or their union representative) may file such a claim.

For further information contact:
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. Click on "Search DOL A to Z Index." Click on "T" and select "Transit Employee Protections."

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