



U.S. Department
of Transportation
**Federal Transit
Administration**

REGION X
Alaska, Idaho, Oregon,
Washington

915 Second Avenue
Federal Bldg. Suite 3142
Seattle, WA 98174-1002
206-220-7954
206-220-7959 (fax)

REGION 10 BULLETIN NO: 09-32

Subject: Employee Protections for Transit Grants under ARRA

Program Area: ARRA

Date: April 28, 2009

An employer who receives Federal mass transit funds must protect all covered mass transit employees affected by the use of the Federal money. The Department of Labor (DOL) must approve the arrangements made to protect these employees. For covered employees the arrangements include:

- preserving their rights and benefits;
- continuing their collective bargaining rights;
- protecting them against a worsening of their employment conditions;
- assuring jobs for employees of acquired mass transit systems;
- providing priority of reemployment if the employee is laid off or his job is eliminated; and
- providing paid training.

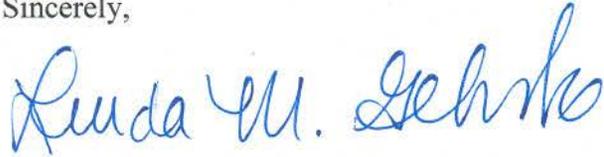
The requirement to protect transit employees is contained in Section 5333(b) of Title 49 U.S. Code (formerly Section 13(c) of the Federal Transit Act). Section 5333(b) specifies that the arrangements must provide for the preservation of rights and benefits of employees under existing collective bargaining 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.

Section 5333(b) statute requires that employee protections, commonly referred to as “protective arrangements” or “Section 13(c) arrangements” must be certified by the DOL and in place, before Federal transit funds can be released to a mass transit provider.

The DOL urges applicants to follow the Federal Transit Administration’s suggestion to submit your grant applications as early in the period of availability for these program funds as possible. Please see the enclosed letter for additional explanation. The DOL web site <http://www.dol.gov/esa/olms/regs/compliance/compltransit.htm>, has further information regarding this subject.

For further information, contact Region 10's Linda Gehrke at (206) 220-4463 or email linda.gehrke@dot.gov.

Sincerely,



R.F. Krochalis
Regional Administrator



Encl: DOL Letter