



June 10, 2020

Cindy Terwilliger, Regional Administrator
Federal Transit Administration, Region VIII
12300 West Dakota Avenue, Ste. 310
Lakewood, CO 80228-2583

Re: U.S. Department of Labor 49 U.S.C. § 5333(b) Certification
FTA Grant Application ND-2020-005-00
City of Fargo/Fargo Metro Area Transit

Dear Regional Administrator:

This is in reply to the U.S. Department of Transportation, Federal Transit Administration's request for certification of employee protective provisions for the above-referenced grant application under 49 U.S.C. § 5333(b). Revisions and/or amendments to this grant may be subject to additional certification in accordance with 29 C.F.R. § 215.

The protective arrangements identified below provide protections to employees of the Grantee, and other service area providers, that satisfy the requirements of 49 U.S.C. § 5333(b).

GRANTEE: City of Fargo/Fargo Metro Area Transit	
Employee Representation	Protections
Int'l Brotherhood of Teamsters Local 116	Capital and Operating Assistance: Unified Protective Arrangement dated 01/03/2011
Service Area Provider : Vallley Senior Services	
Employee Representation	Protections
Int'l Brotherhood of Teamsters Local 116	Capital and Operating Assistance: Unified Protective Arrangement dated 01/03/2011

The Department of Labor makes the certification called for under the statute for the instant project on condition that:

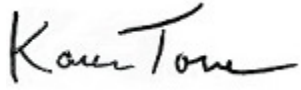
1. As a precondition to the release of assistance, this letter and the terms and conditions of the protective arrangements referenced above shall be made applicable to the instant

project and made part of the contract of assistance between the Grantee and the U. S. Department of Transportation, by reference;

2. The term "project" as used in each of the respective protective arrangements referenced above shall be deemed to cover and refer to those portions of the instant project to which they have been applied;
3. The protective arrangements certified by the Secretary of Labor are intended for the primary and direct benefit of transit employees in the service area of the project. These employees are intended third-party beneficiaries to the employee protective arrangements referenced in the grant contract between the U.S. Department of Transportation and the Grantee, and the parties to the contract so signify by executing that contract. Such transit employees are also third-party beneficiaries to the protective arrangements incorporated in any subsequent contract(s) of assistance between the Grantee and any Recipient(s). Employees not represented by any labor organization, or if so represented through their representative on their behalf, may assert claims with respect to the protective arrangements under this provision. This clause creates no independent cause of action against the United States Government;
4. Disputes over the interpretation, application and enforcement of the terms and conditions of the certified protective arrangements, including those disputes arising out of this letter of certification, shall be resolved in accordance with the procedures specified in the aforementioned certified arrangements; and
5. Employees of mass transportation providers in the service area of the project who are not represented by a union designated above shall be afforded substantially the same levels of protections as are afforded to the employees represented by the union(s) under the above referenced protective arrangements and this certification. Such protections include procedural rights and remedies as well as protections for individual employees affected by the project.

Should a dispute remain after exhausting any available remedies under the protective arrangements and absent mutual agreement to utilize another final and binding resolution procedure, any party to the dispute may submit the controversy to final and binding arbitration. With respect to a dispute involving a union not designated above, if a component of its parent union is already subject to a protective arrangement, the arbitration procedures of that arrangement will be applicable. If no component of its parent union is subject to the arrangements, the Recipient or the union may request the American Arbitration Association to furnish an arbitrator and administer a final and binding resolution of the dispute under its Labor Arbitration Rules. If the employees are not represented by a union for purposes of collective bargaining, the Recipient or employee(s) may request the Secretary of Labor to designate a neutral third party or appoint a staff member to arbitrate and render a final and binding determination of the dispute.

Sincerely,

A handwritten signature in black ink that reads "Karen Torre". The signature is fluid and cursive, with the first name "Karen" and last name "Torre" clearly distinguishable.

Karen Torre, Chief
Division of Statutory Programs
Office of Labor-Management Standards
Department of Labor
Torre.Karen@dol.gov
(202) 693-1209

cc: Julie Bommelman/Fargo
IBT/IBT L. 116



February 03, 2020

Kelly Brookins, Regional Administrator
Federal Transit Administration, Region V
200 West Adams Street, Ste. 320
Chicago, IL 60606-5232

Re: U.S. Department of Labor 49 U.S.C. § 5333(b) Certification
FTA Grant Application MN-2020-004-00
City of Moorhead

Dear Regional Administrator:

This is in reply to the U.S. Department of Transportation, Federal Transit Administration's request for certification of employee protective provisions for the above-referenced grant application under 49 U.S.C. § 5333(b). Revisions and/or amendments to this grant may be subject to additional certification in accordance with 29 C.F.R. § 215.

The protective arrangements identified below provide protections to employees of the Grantee, and other service area providers, that satisfy the requirements of 49 U.S.C. § 5333(b).

GRANTEE: City of Moorhead	
Employee Representation	Protections
N/A	Capital and Operating Assistance: See numbered conditions below.
Service Area Provider : City of Fargo/Fargo Metro Area Transit	
Employee Representation	Protections
Int'l Brotherhood of Teamsters Local 116	Capital and Operating Assistance: Unified Protective Arrangement dated 01/03/2011

The Department of Labor makes the certification called for under the statute for the instant project on condition that:

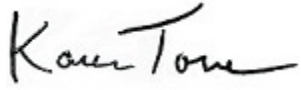
1. As a precondition to the release of assistance, this letter and the terms and conditions of the protective arrangements referenced above shall be made applicable to the instant

project and made part of the contract of assistance between the Grantee and the U. S. Department of Transportation, by reference;

2. The term "project" as used in each of the respective protective arrangements referenced above shall be deemed to cover and refer to those portions of the instant project to which they have been applied;
3. The protective arrangements certified by the Secretary of Labor are intended for the primary and direct benefit of transit employees in the service area of the project. These employees are intended third-party beneficiaries to the employee protective arrangements referenced in the grant contract between the U.S. Department of Transportation and the Grantee, and the parties to the contract so signify by executing that contract. Such transit employees are also third-party beneficiaries to the protective arrangements incorporated in any subsequent contract(s) of assistance between the Grantee and any Recipient(s). Employees not represented by any labor organization, or if so represented through their representative on their behalf, may assert claims with respect to the protective arrangements under this provision. This clause creates no independent cause of action against the United States Government;
4. Disputes over the interpretation, application and enforcement of the terms and conditions of the certified protective arrangements, including those disputes arising out of this letter of certification, shall be resolved in accordance with the procedures specified in the aforementioned certified arrangements; and
5. Employees of mass transportation providers in the service area of the project who are not represented by a union designated above shall be afforded substantially the same levels of protections as are afforded to the employees represented by the union(s) under the above referenced protective arrangements and this certification. Such protections include procedural rights and remedies as well as protections for individual employees affected by the project.

Should a dispute remain after exhausting any available remedies under the protective arrangements and absent mutual agreement to utilize another final and binding resolution procedure, any party to the dispute may submit the controversy to final and binding arbitration. With respect to a dispute involving a union not designated above, if a component of its parent union is already subject to a protective arrangement, the arbitration procedures of that arrangement will be applicable. If no component of its parent union is subject to the arrangements, the Recipient or the union may request the American Arbitration Association to furnish an arbitrator and administer a final and binding resolution of the dispute under its Labor Arbitration Rules. If the employees are not represented by a union for purposes of collective bargaining, the Recipient or employee(s) may request the Secretary of Labor to designate a neutral third party or appoint a staff member to arbitrate and render a final and binding determination of the dispute.

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Karen Torre, Chief
Division of Statutory Programs
Office of Labor-Management Standards
Department of Labor
Torre.Karen@dol.gov
(202) 693-1209

cc: Lori Van Beek/Moorhead
IBT/IBT L. 116