



ATU

The Transit Union AFL-CIO/CLC

Legislative Victory Alert

Congress Passes Transit Security Legislation

WASHINGTON, DC, August 31 – After the ATU aggressively fought for its passage for six years, Congress finally enacted comprehensive transit and over-the-road bus security legislation that includes a number of the ATU's top priorities for increasing the security of our nation's public transportation systems.

"This bill is an overwhelming victory for U.S. transit workers," declared ATU International President Warren S. George.

The bill, H.R. 1, was signed into law on August 3. The bill includes significant funding for transit and over-the-road bus security initiatives, requires security training for employees, includes Section 13(c) transit labor protections for new grant programs, and sets out new whistleblower and other employee protections for transit workers. We have outlined the relevant provisions in the bill below:

Transit & Over-the-Road Bus Security Funding

- Authorizes \$3.4 billion over four years for capital and operating grants to transit systems
- Authorizes \$87 million over four years for grants to over-the-road bus companies
- These grants will be available to transit and over-the-road bus companies for both capital and operating expenses, including costs associated with training.
- Section 13(c) transit labor protections are included in both the transit and the over-the-road bus grant programs.

Security and Emergency Response Training:

Ensuring that frontline workers receive meaningful

security training has been a top priority of the ATU for several years and this legislation clearly delivers on this issue.

- All transit security grant recipients and all over-the-road bus companies will be required to provide training to their frontline employees in emergency response and preparedness techniques and procedures.
- Training must be updated regularly and must comply with training regulations developed by the Department of Homeland Security (DHS) **in coordination and consultation with transit labor.**
- DHS will have until August 3, 2008 to issue the regulations (February 3, 2008 for over-the-road bus employee training). Once the regulations are issued, transit systems will have a year and a half to develop, adopt and fully implement a training program that complies with the regulations. At the latest, transit systems must complete training of all employees by February 2009.

Whistleblower and Employee Protections: New and expanded protections for transit and over-the-road bus employees are now some of the strongest in federal law and will provide workers with a fair and timely process to adjudicate whistleblower complaints.

- These protections prohibit a transit agency or over-the-road bus company from discharging, demoting, suspending, reprimanding, or otherwise discriminating against an employee who reports security

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and safety breaches, refuses to violate safety or security rules, or who refuses to work when confronted with a hazardous safety or security condition that presents an imminent danger of death or serious injury.

Background Check Protections: Currently, transit agencies are not required by federal law to conduct criminal background checks on transit employees. Under this law, if the DHS issues any guidance or recommendations to transit employers (including contractors) on the performance of background checks, the guidance or recommendations must include the following protections and limitations:

- Maximum look-back periods for background checks
- Limit checks for only certain defined permanent and interim disqualifying offenses
- Workers must be afforded an appeal and waiver process

Security Screenings: While the legislation does not require transit and over-the-road bus companies to conduct background checks on employees, it does require DHS to check all transit employee names against the consolidated terrorist watchlist and to conduct an immigration status check on all employees.

- Includes protections for employees who are wrongfully discharged as a result of this check.

Security Strategies, Assessments and Plans

- DHS and the Department of Transportation (DOT) must establish a national strategy and assessment for securing public transit. As part of this review, DHS is required to consult with labor organizations representing public transit employees.
- In addition to this national plan, DHS will conduct or supplement security assessments for transit providers and over-the-road bus companies that will identify security vulnerabilities including an assessment of current employee training practices and emergency response.

School Bus Security

- DHS is required to conduct a comprehensive assessment of the security risks of the nation's school bus transportation systems. The report will include a review of public and private systems, an assessment of actions already taken to address security risks, and what additional actions and investment are necessary to improve security.
- In conducting the risk assessment, DHS is required to consult with various stakeholders including labor organizations representing school bus drivers.

For more information on this legislation and transit and over-the-road bus security, contact the ATU Legislative Department or go to <http://www.atu.org>.

