



SP:author:typist:date

[Grantee/Address]

[Union(s)/Address]

Re: FTA Application
Grantee
Description
Project Number

Gentlemen or names:

This is in reference to the above captioned grant application which is pending certification by the Department of Labor (the Department) under Section 5333(b) of the Federal transit statute.

Following the submission of final positions by the parties, the Department, pursuant to its Guidelines at 29 CFR 215.3(d)(7), has issued an interim certification for the above captioned grant based on terms and conditions no less protective than those in the Department's referral. This interim certification permits FTA to release funds, although no action is to be taken under the grant relating to the issues which remain in dispute which would result in irreparable harm to employees.

Pursuant to the Department's xxxx, xx, 2008 Guidelines at 29 CFR 215.3(e) the Department is responsible, following the issuance of an interim certification, for determining the manner in which any remaining issues are to be resolved. In this instance, the Department has concluded that the most expeditious way to proceed is to request the parties to submit briefs on specified issues. Therefore, the following briefing schedule is established for the resolution of outstanding differences between the parties.

Please provide the Department with your arguments in support of your position regarding: (1) The issue of ; and (2) the language ; and (3) etc..

The initial submission by the parties should be received by the legal representatives of the other party(ies) and by the Department at the address for this office, Room N-5112, no later than 4:00 p.m. on [insert Weekday,

Month, Day, Year, allowing 20 days for briefs]. Responses will be due at the Department of Labor by 4:00 p.m. on [insert Weekday, Month, Day, Year, allowing 10 days for replies], and shared between the parties in a timely manner.

Initial briefs should not exceed XX pages in length, including footnotes, on standard letter size (8½ x 11 inch) paper. Margins should be no less than one inch on all four sides of each page, and text **and footnotes** should be double spaced with a font size no smaller than 12 points. If you include quotes from, or references to, previous arguments involving other employee protection cases, these must be included in the body of the brief or its footnotes and must be fully descriptive of the point in question in order to be considered. The Department will use its judgment in researching any prior cases or determinations cited as references, but will not consider wholesale incorporation of previous arguments into the instant case. Text of proposed protective arrangements, copies of previous DOL certifications and determinations, excerpts from federal, state or local statutes, excerpts from relevant arbitration or court decisions, and visuals such as maps, charts, or graphs may be included as attachments, if properly referenced to text or footnotes in the body of the briefs, and will not count against page limitations.

Reply briefs are not to exceed XX pages and must conform to the same format and limitations as initial briefs. In addition, reply briefs must be limited to the rebuttal of arguments presented by the other party(ies) in the initial brief(s). No new issues may be included in reply briefs.

Any submission which does not comply with the parameters, limitations, and deadlines specified above may be subject to exclusion from consideration in the Department's determination of this matter.

If you have any questions, please feel free to call me at (202) 693- .

Sincerely,

[Name]

Project Representative

cc: xxx/FTA

OMB Control Number: 1245-0006 (Expires XX/XX/2017). According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. Public reporting burden for this collection of information is estimated to average 8 hours per response for composing answers to these briefing questions, including producing briefs to issues in dispute. The obligation to respond to this collection is required to obtain or retain a benefit, see 29 CFR part 215.3. Send comments regarding the burden estimate or any other aspect of this

collection of information, including suggestions for reducing this burden, to the Chief of the Division of Interpretations and Standards, Office of Labor-Management Standards, U.S. Department of Labor, 200 Constitution Avenue N.W., Room N-5609, Washington, DC 20210 or email olms-public@dol.gov, and reference the OMB Control Number 1245-0006.