

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1291.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
18301	40:1301.	Pub. L. 104-50, title IV, §402, Nov. 15, 1995, 109 Stat. 463.

In subsection (a)(7), the reference is to section 8 of article I of the United States Constitution to correct an error in the source provision.

§ 18302. Definitions

In this chapter, the following definitions apply:

- (1) **ARBITRATION.**—The term “arbitration”—
 - (A) means the arbitration of disputes, regarding the terms and conditions of employment, that is required under an interstate compact governing an interstate compact agency operating in the national capital area; but
 - (B) does not include the interpretation and application of rights arising from an existing collective bargaining agreement.

(2) **ARBITRATOR.**—The term “arbitrator” refers to either a single arbitrator, or a board of arbitrators, chosen under applicable procedures.

(3) **INTERSTATE COMPACT AGENCY OPERATING IN THE NATIONAL CAPITAL AREA.**—The term “interstate compact agency operating in the national capital area” means any interstate compact agency that provides public transit services and that was established by an interstate compact to which the District of Columbia is a signatory.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1292.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
18302	40:1302(1), (2), (4), (5).	Pub. L. 104-50, title IV, § 403(1), (2), (4), (5), Nov. 15, 1995, 109 Stat. 464.

The text of 40:1302(4) and (5) is combined to eliminate unnecessary words.

§ 18303. Standards for arbitrators

(a) **DEFINITION.**—In this section, the term “public welfare” includes, with respect to arbitration under an interstate compact—

- (1) the financial ability of the individual jurisdictions participating in the compact to pay for the costs of providing public transit services; and
- (2) the average per capita tax burden, during the term of the collective bargaining agreement to which the arbitration relates, of the residents of the Washington metropolitan area, and the effect of an arbitration award rendered under that arbitration on the respective income or property tax rates of the jurisdictions that provide subsidy payments to the interstate compact agency established under the compact.

(b) **FACTORS IN MAKING ARBITRATION AWARD.**—An arbitrator rendering an arbitration award involving the employees of an interstate compact

agency operating in the national capital area may not make a finding or a decision for inclusion in a collective bargaining agreement governing conditions of employment without considering the following factors:

- (1) The existing terms and conditions of employment of the employees in the bargaining unit.
- (2) All available financial resources of the interstate compact agency.
- (3) The annual increase or decrease in consumer prices for goods and services as reflected in the most recent consumer price index for the Washington metropolitan area, published by the Bureau of Labor Statistics.
- (4) The wages, benefits, and terms and conditions of the employment of other employees who perform, in other jurisdictions in the Washington standard metropolitan statistical area, services similar to those in the bargaining unit.
- (5) The special nature of the work performed by the employees in the bargaining unit, including any hazards or the relative ease of employment, physical requirements, educational qualifications, job training and skills, shift assignments, and the demands placed upon the employees as compared to other employees of the interstate compact agency.
- (6) The interests and welfare of the employees in the bargaining unit, including—

- (A) the overall compensation presently received by the employees, having regard not only for wage rates but also for wages for time not worked, including vacations, holidays, and other excused absences;
- (B) all benefits received by the employees, including previous bonuses, insurance, and pensions; and
- (C) the continuity and stability of employment.

(7) The public welfare.

(c) **ABILITY TO FINANCE SALARIES AND BENEFITS PROVIDED IN AWARD.**—An arbitrator rendering an arbitration award involving the employees of an interstate compact agency operating in the national capital area may not, with respect to a collective bargaining agreement governing conditions of employment, provide for salaries and other benefits that exceed the ability of the interstate compact agency, or of any governmental jurisdiction that provides subsidy payments or budgetary assistance to the interstate compact agency, to obtain the necessary financial resources to pay for wage and benefit increases for employees of the interstate compact agency.

(d) **REQUIREMENTS FOR FINAL AWARD.**—

(1) **WRITTEN AWARD.**—In resolving a dispute submitted to arbitration involving the employees of an interstate compact agency operating in the national capital area, the arbitrator shall issue a written award that demonstrates that all the factors set forth in subsections (b) and (c) have been considered and applied.

(2) **PREREQUISITES.**—An award may grant an increase in pay rates or benefits (including insurance and pension benefits), or reduce hours of work, only if the arbitrator concludes that