

**Uber and Lyft Recommendations for the Governor's Committee on the Compensation, Wellbeing, and Fair Treatment of Transportation Network Company Drivers**

**Pay Transparency.**

(a) When a TNC alerts a driver of a possible assignment to transport a rider, the TNC must indicate:

- (1) the number of miles and likely travel time from the driver's current location to the pickup;
- (2) the length and likely travel time of the trip; and
- (3) the minimum fare compensation for the trip.

(b) Within 24 hours of each trip completion, the TNC must transmit a detailed electronic receipt to the driver containing the following information for each unique trip or portion of a unique trip:

- (1) the date, location, total distance traveled, and time spent from acceptance of the assignment to its completion;
- (2) the time taken and total distance traveled from pickup to drop-off of the rider;
- (3) the total fare or fee paid by the rider; and
- (4) the total compensation to the driver specifying the rate of pay, any applicable price multiplier or variable pricing policy in effect, tip compensation, and a specifically itemized list of all costs and reimbursements to, or charged to, the driver.

(c) The above is contingent on a bi-weekly pay standard. If the pay standard is per trip, we can no longer provide upfront pricing and destination information.

**Deactivation and Due Process.**

*Fair notice deactivation policy - restrictions on unwarranted deactivation – warnings*

- (1) A TNC must maintain a deactivation policy that meets the following requirements:
  - (a) The deactivation policy must be in writing;
  - (b) The deactivation policy must allow a driver to reasonably understand what constitutes grounds for a deactivation;
  - (c) The deactivation policy must be provided to the driver prior to the driver providing services through the TNC's online-enabled application or platform; and

- (d) The deactivation policy must be available to the driver in English, Spanish and Somali.
- (2) A TNC may not subject a covered driver to unwarranted deactivation. Unwarranted deactivation means deactivation for any of the following reasons:
- (a) A violation not reasonably part of a TNC's written deactivation policy;
  - (b) A driver's availability to work a minimum number of hours;
  - (c) A driver's acceptance or rejection of any offer of a ride(s);
  - (d) A driver's good faith statements regarding compensation and/or working conditions made to customers, other drivers, the TNC, the media, public officials, and/or the public; or
  - (e) A driver asserting their legal rights in good faith, whether in court or via procedures provided by any local, state, or federal agency.

#### *Deactivation warnings*

- (1) A TNC may not deactivate a covered driver unless the TNC provides the driver with at least one warning that the driver has violated the deactivation policy or is at risk of violating the deactivation policy. A warning must state what provision of the TNC's deactivation policy the covered driver violated or is at risk of violating.
- (2) A warning, available in English, Spanish and Somali, must be provided to a covered driver in writing via email, text message, or message through the TNC's online-enabled application or platform.
- (3) The requirement to provide a warning pursuant to this section does not apply if the violation of the TNC's deactivation policy is a result of serious willful misconduct, as defined in the deactivation policy. Such classifications are limited to violations that seriously impact public welfare or the TNC's business.

#### *Notice of deactivation*

- (1) A TNC must provide a covered driver with written notice of deactivation before the effective date of the deactivation.
- (2) A notice must include the following information:
  - (a) The reasons for deactivation, including the provision of the TNC's deactivation policy that was violated;
  - (b) The anticipated length of the deactivation, if the TNC has the ability to know;
  - (c) The effective date of deactivation;
  - (d) A description of the steps a driver can take to remedy the deactivation, if any;
  - (e) The driver's right to challenge such deactivation; and
  - (f) The TNC's process for challenging a deactivation.

### *Right to challenge deactivation - reinstatement*

- (1) A covered driver shall have the right to challenge the driver's deactivation through an internal deactivation challenge procedure established by the TNC.
- (2) A TNC shall create an internal deactivation challenge procedure that shall be available to the covered driver immediately upon notice of their deactivation and up to 90 days after the covered driver's receipt of notice.
- (3) The internal deactivation challenge procedure must be available to the covered driver in writing, in a format that is readily accessible to the driver, and in English, Spanish and Somali.
- (4) To sustain a deactivation the TNC must consider the information provided by the driver and conclude that substantial evidence supports that the driver violated a written rule and the length of the TNC's deactivation is reasonable under the totality of circumstances.
- (5) A TNC shall review and respond to a covered driver's challenge to deactivation within 30 days of receiving a challenge.
- (6) A TNC's response to a covered driver's challenge to deactivation must include a written statement providing one of the following:
  - (a) A determination reaffirming the deactivation, which must be accompanied by a summary of the reasons that the deactivation is reaffirmed and substantive responses to questions or claims made by the covered driver in challenging the deactivation;
  - (b) Any extraordinary circumstances necessitating a delayed timeline for response, and an anticipated date for a response either reaffirming the deactivation or reinstating the driver; or
  - (c) A determination that the covered driver did not violate the TNC's deactivation policy, which must be accompanied by information regarding when the driver's access to the TNC's online-enabled application or platform will be reinstated.
- (7) Following the conclusion of the internal deactivation challenge procedure, a TNC must reinstate a covered driver's access to the online-enabled application or platform if the TNC determines the covered driver did not violate the TNC's deactivation policy. A TNC must reinstate a covered driver's access as soon as possible, which in no case may be later than 72 hours following the TNC providing the written statement pursuant to subsection (5)(c).

### *Retroactive application*

- (1) Any covered driver who was deactivated in the 180 days preceding the effective date of this article shall have the right to challenge their deactivation upon the effective date of this article.
- (2) Within 30 days of the effective date of this article, a TNC must provide each covered driver who is subject to deactivation between the enactment date of this article and the effective date and who was not provided with the right to challenge their deactivation with a notice containing the information required by section XX and informing them of their retroactive right to challenge their deactivation.

#### *Notice of rights*

- (1) A TNC shall affirmatively provide each driver with a written notice of rights established by this article via email, text message, or message through the TNC's online-enabled application or platform. A notice of rights shall be provided in both English, Spanish and Somali.
- (2) Within 30 days of the effective date of this article, a TNC must provide the notice required by this section to each driver who has provided services in Minnesota within the 180 days preceding the effective date.
- (3) For a new driver or a driver who has not provided services within the preceding 180 days, the TNC shall provide the driver with the notice required by this section within 48 hours of the driver accepting an offer to provide services in Minnesota.

#### **Driver Support.**

##### *Driver Resource Center*

"Driver resource center" or "center" means a nonprofit organization that provides services to drivers. The nonprofit organization must have demonstrated experience: (i) Providing services to gig economy drivers in Minnesota state; and (ii) providing culturally competent driver representation services, outreach, and education.

The Driver Resource Center will be funded via an agreement with the TNC.

The Driver Resource Center will assist drivers seeking to understand and/or appeal their deactivation.