

# Meeting minutes: Governor's Committee on the Compensation, Wellbeing, and Fair Treatment of Transportation Network Company Drivers

Meeting date: **Oct. 17, 2023**

Minutes prepared by: Julie Klejewski

Location: Minnesota Room, Department of Labor and Industry (DLI), 443 Lafayette Road N., St. Paul, MN

## Attendance

### Members present

1. Eid Ali
2. Marianna Brown
3. Dawit Kassa
4. John Budd
5. Samantha Diaz
6. Dan Meyers
7. Freddi Goldstein
8. Saahil Karpe
9. Carin Mrotz
10. Majority Leader Rep. Jamie Long
11. Commissioner Grace Arnold (co-chair)

### DLI and Commerce staff members present

- Brittany Wysokinski (DLI)
- Ryan P. Anderson (DLI)
- Hared Mah (DLI)
- Jessica Stimac (DLI)
- Gretchen Longbehn (DLI)
- Julie Klejewski (DLI)
- Josiah Moore (DLI) – online
- Kyle Hart (DLI) – online
- Julia Dreier (Department of Commerce)
- Sara Payne (Department of Commerce)

### Members not present

Shenika Chambers, Steven Huser, Commissioner Nicole Blissenbach

## Agenda items

### 1. Call to order and roll call

Co-chair Grace Arnold called the meeting to order at 1:05 p.m. and a quorum was present.

### 2. Approval of meeting agenda

Co-chair Arnold asked for approval of the meeting agenda as amended to include flipping items 4 and 5. A vote was taken and the motion passed unanimously.

### 3. Approval of Sept. 26, 2023 meeting minutes

Co-chair Arnold ask for approval of the Sept. 26, 2023, meeting minutes as presented. A vote was taken and the motion passed unanimously.

Before moving on, co-chair Arnold reminded members this meeting will include an insurance presentation from Julia Dreier, deputy commissioner, Department of Commerce's Insurance Division. This presentation is intended to be an overview of a variety of the different kinds of insurance that come into play for a transportation network company (TNC) driver; every individual's situation will be different or can be different depending on the kind of policy one has.

### 4. Insurance presentation – Department of Commerce

**Julia Dreier, Insurance Division deputy commissioner, presented about the following topics:**

- state regulation of TNCs;
- TNCs and occupational accident insurance;
- key differences from workers' compensation insurance; and
- examples of scenarios.

A copy of the Department of Commerce insurance presentation is available at [dli.mn.gov/about-department/boards-and-councils/governors-committee-compensation-wellbeing-and-fair-treatment](https://dli.mn.gov/about-department/boards-and-councils/governors-committee-compensation-wellbeing-and-fair-treatment).

The committee asked several insurance-related questions to both Uber and Lyft and the Department of Commerce. Some topics discussed were:

- deductible – if driver is in an accident, the driver pays the TNC deductible of \$2,500 out of pocket to cover damage repair to vehicle, but could TNCs offer lower deductibles;
- rideshare insurance (additional purchased insurance coverage added to one's personal general auto policy;
- personal auto policy – there are risks with having a higher deductible to keep premiums lower and pay more out of pocket for damage repair if in an accident versus having a lower deductible and paying higher premiums, but will pay less out of pocket for damage repair to vehicle if in an accident;
- note the drivers' current compensation challenges and trends experienced, along with having to pay high costs of insurance and deductibles if in a vehicle accident;
- if in an accident while driving for a TNC, who pays for the damage to vehicle – it depends on scenario;
- if a driver is injured lifting heavy luggage into the vehicle, currently in Minnesota, the TNCs do not cover occupational accident insurance – however, the TNCs do support a solution to this issue;
- there's an expectation from the riders that the drivers will put luggage into the vehicle – and it's not a TNC policy for the drivers to do that, which puts the driver in a difficult position; and
- Minnesota only regulates auto insurance requirements for TNCs, what does Minnesota require for other driving professions like taxi or truck drivers (Commerce will review and respond; it also

depends on the situation – if they have workers’ compensation or not – auto and workers’ compensation are reviewed differently).

## 5. Follow-up on committee member requests

- Uber’s follow-up from the Sept. 7, 2023 meeting is as follows.
  - *Request for more data about earnings per hour:* [Online hours are considered from the time the app is turned on to the time the driver goes off the platform.] For the second quarter of 2023:
    - for 25% of online hours, drivers made less than \$18.13;
    - for half of online hours, drivers made \$23.37 [this median amount was presented at the meeting]; and
    - for 25% of online hours, drivers made more than \$27.32.
  - *Request for including the rider names on the offer card:*
    - because of different issues related to discrimination, they do not do that. However, once a driver has accepted a trip and is enroute to that trip, Uber provides that information – which is the same time that the rider receives the driver’s name.
  - *What happens when a rider and driver both rate each other poorly:*
    - Uber will block dispatch between those trips and, if anyone ever gets a one-star rating on either side, then it is automatic that the rider and driver never see each other again.
- Uber’s follow-up from the Sept. 17, 2023 meeting:
  - *What can Uber share about written guidelines on deactivation:*
    - will email committee members information about this.
  - *What is the average general amount of time drivers are waitlisted:*
    - the vast majority of waitlists are resolved within seven days; a resolution could mean the driver is moved to deactivated status or moved back to active status. They usually need seven days because there are a number of follow-ups with both parties and it takes a little bit of time to work through those things. One exception would be waitlists related to background checks, since that is largely at the discretion of the driver when they upload whatever supporting documentation is needed.
  - *Look-back period for background checks:*
    - it varies depending on the state because some states have laws in place regarding it. Minnesota is not one of those states; Uber usually looks at the full adult driving history of the driver, from 18 years old on.
  - *What are the ratings if a driver has fewer than 500 trips:*
    - they start looking at the average from 25 trips on. After a driver has moved to 500 trips and beyond, then the average is just for the most recent 500 trips.
- Lyft’s follow-up from the Sept. 17, 2023 meeting:
  - *Backgrounds checks:*
    - search for all available adult criminal history.
  - *Driver ratings:*
    - the average of the past 100 rides; if a driver has fewer than 100 rides, it is the average of all rating received so far.

- *Service animal policy:*
  - will also follow-up by email to committee members;
  - in terms of service, drivers to have to accept service animals;
  - Lyft sends informational, educational videos to drivers with closed captions in 300 languages; and
  - will follow up with more details about the service animal policy, including service animal fraud.
- *Earnings:*
  - will follow up with information around earnings, but wanted to mention the data sharing study DLI is managing and when it is published that it may also address some of the questions around pay.
- *Length of deactivations:*
  - working with the Lyft team about this issue;
  - will come back with more information; and
  - does agree there needs to be a better process.

There was more committee discussion regarding service animals and the expectations of the TNCs. How do drivers know when it's a service animal? What if the driver is allergic? Safety concerns – what if the driver is scared of the animal or it is not properly trained and attacks the driver?

A question was asked about what the TNCs do with the money they take for each ride. Uber responded it goes toward a number of things, such as: paying people who work at Uber; covering expenses of the company; credit card fees; insurance costs; and, if it's a trip to the airport, there's a fee that goes directly to the airport.

## Next meeting

Date: **Thursday, Nov. 9, 2023**

Time: **1:30 to 3:30 p.m.**

Location: Minnesota Room, Department of Labor and Industry, 443 Lafayette Road N., St. Paul, MN

This meeting will include a presentation from the city of Minneapolis about some of the proposals it has gone through.

DLI is currently working on the data study it is conducting as required by the executive order and hopes to bring findings to the committee in December.

### **Future meetings:**

Date: Tuesday, Nov. 28, 2023

Time: 1 to 3 p.m.

Date: Tuesday, Dec. 19, 2023

Time: 1 to 3 p.m.

## Adjournment

- A motion was made by Marianna Brown to adjourn the meeting and seconded by Freddi Goldstein; a vote was taken and passed unanimously. The meeting adjourned at 2:25 p.m.