

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

Meeting date: **Dec. 5, 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. Josh Gold for Freddi Goldstein
8. Saahil Karpe
9. Laura Sayles for Carin Mrotz
10. Majority Leader Rep. Jamie Long
11. Steven Huser
12. Shenika Chambers – online
13. Commissioner Grace Arnold (co-chair)
14. Commissioner Nicole Blissenbach (co-chair)

DLI and Commerce staff members present

- Maureen Ramirez (DLI)
- Naheeda Hirji-Walji (DLI)
- Hared Mah (DLI)
- Gretchen Longbehn (DLI)
- Julie Klejewski (DLI)
- Laura Zajac (DLI)
- Josiah Moore (DLI)
- Ryan P. Anderson (DLI)
- Nichole Sorenson (DLI)
- Sara Payne (Department of Commerce) – online
- Julia Dreier (Department of Commerce) – online

Agenda items

1. Call to order and roll call

Co-chair Nicole Blissenbach called the meeting to order at 1:02 p.m. Roll call was taken and a quorum was present.

2. Approval of meeting agenda

Co-chair Blissenbach asked for a motion to approve the meeting agenda as presented. The motion was made by Josh Gold and seconded by co-chair Grace Arnold. A vote was taken and the motion passed unanimously.

3. Approval of Nov. 9, 2023 meeting minutes

Co-chair Blissenbach asked for a motion to approve the Nov. 9, 2023, meeting minutes as presented. The motion was made by Marianne Brown and seconded by Steven Huser. A vote was taken and the motion passed unanimously.

Co-chair Blissenbach made an announcement that today's meeting discussions will focus on three topic areas of the five the committee agreed upon at the most recent meeting. Today's topics include: pay transparency; deactivation and due process; and driver support. At the Dec. 19 meeting, the discussions will focus on compensation and insurance. The Dec. 19 meeting will also be extended one hour, from 1 to 4 p.m.

She reminded members the committee co-chairs must submit recommendations in a report to the governor's office by Jan. 1, 2024. From the discussions at today's meeting and the Dec. 19 meeting, the recommendations the committee comes to consensus on will be included in the report. Before submission, the report will be reviewed by the co-chairs to verify it accurately reflects the consensus that has been reached. Any recommendation items, where consensus is not reached, will not be included as recommendations in the report.

She gave a brief outline of what the report will include:

- a letter from the co-chairs Blissenbach and Arnold;
- an executive summary;
- an introduction to the committee – who is on it, background and outline of the process used;
- industry definitions;
- recommendations in each of the five topic areas that have garnered consensus from the committee; and
- appendices containing the names of the committee members, their position with the committee and meeting information (agendas, minutes, documents and the governor's executive order).

4. Facilitated committee recommendation discussion

Blissenbach introduced Katie Pratt from the Department of Administration, Office of Collaboration and Dispute Resolution, who assisted in facilitating the discussions. She pointed members to the yellow handout in their packets for review. This is a working document that includes the three draft recommended topic areas that were discussed at length:

- pay transparency;
- deactivation and due process; and
- driver support.

A copy of this draft handout is available at dli.mn.gov/about-department/boards-and-councils/governors-committee-compensation-wellbeing-and-fair-treatment.

The committee discussed the draft recommendations and revised them to reach consensus. A copy of the revised handout as agreed to in the recommendation discussion is included below.

Next meeting

Date: **Tuesday, Dec. 19, 2023**

Time: **1 to 4 p.m.**

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

This meeting will include a review of the study and trends from data analysis and reach recommendations.

Adjournment

- Blissenbach adjourned the meeting at 4:02 p.m.

Recommendation Area: Pay Transparency

1. Drivers should be provided with a **plain language notice** regarding compensation upon initial account activation and annually thereafter.
2. Driver notice in **English, Spanish, Somali, Oromo, Arabic, and Amharic**, must be provided at initial driver account activation and annually thereafter. The notice must include the following:
 - a. Right to legally required minimum compensation,
 - b. Policies outlining frequency and manner of pay,
 - c. Rights and process for allegations of TNC's failure to comply with legal obligations related to minimum compensation, and
 - d. Right to sign up for PFML starting 1/1/26.

The following recommendations: #3, #4, and #5, received consensus from the committee. However, the TNCs agreement is contingent on the condition that TNCs use a bi-weekly pay standard to pay drivers. If the pay-standard is per-trip, the TNCs report that they do not have the ability to provide this information upfront to the driver.

3. When a TNC alerts a driver of a possible assignment to transport a rider, **the offer card must be available for sufficient time for the driver to review**, and the TNC must indicate:
 - a. the number of miles and likely travel time from the driver's current location to the pickup,
 - b. the length and likely travel time of the trip, and
 - c. the **estimated** compensation for the trip.
4. 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:
 - a. the date, location (origin and destination), total distance traveled, and time spent from acceptance of the assignment to its completion,
 - b. the time taken and total distance traveled from pickup to drop-off of the rider,
 - c. the total fare or fee paid by the rider, and
 - d. 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.
5. Each week, the TNC must transmit a weekly summary to the driver containing the following information:
 - a. Total time logged into application,
 - b. Total P2 and P3 time and mileage,
 - c. Total fares or fees paid by riders,
 - d. Total gratuities, and
 - e. Total compensation.

6. TNCs will maintain trip receipts and weekly summaries for at least 3 years.
7. The TNC must provide **48-hour** notice to drivers of any changes to the drivers' compensation **policy** in writing or electronically prior to the date the changes take effect.
8. Enforcement mechanism **and responsible state entity** for pay transparency requirements.

Recommendation Area: Deactivation and Due Process

1. TNCs must maintain a written **plain language** deactivation policy. Drivers should be provided with the deactivation policy upon initial account activation and annually thereafter. The policy should be provided in English, **Spanish, Somali, Oromo, Arabic, and Amharic**.
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 ability 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.**
3. TNCs are required to provide drivers a written warning prior to deactivation except in the case of deactivation for serious misconduct.
4. A written notice of deactivation must include the following:
 - a. Reason for the deactivation,
 - b. Anticipated length of the deactivation, if known,
 - c. Effective date of the deactivation,
 - d. Description of the steps the driver can take to remedy the deactivation, if applicable,
 - e. The driver's right to challenge the deactivation,
 - f. The process for challenging the deactivation, and
 - g. The notice of a third-party driver advocacy group to assist in deactivation appeal process.**
5. Deactivation policies must include a process to challenge or appeal a deactivation with relevant deadlines.
6. A process for review of deactivations prior to the effective date of any legislation. More discussions necessary on the period covered.
7. In circumstances where the deactivation occurs because of a technical issue or processing errors on the side of the TNC, drivers should receive compensation at an agreed upon amount.

Recommendation Area: Driver Support

1. **Third-party organization should be identified to support drivers with the deactivation appeals process, communications with the TNC, quality courses, and other issues to assist potential drivers, current drivers, and deactivated drivers. Needs further discussion to reach specific recommendations on how the organization is selected and established.**
2. Specific criminal penalties for threatening or assaulting a driver, and
3. In-app support for drivers.