

Recommendations for the Compensation, Wellbeing and Fair Treatment of Transportation Network Company Drivers

Dec. 30, 2023

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Letter from the committee chairs

Dec. 30, 2023

Dear Governor Walz,

As outlined in Executive Order 23-07, the Committee on the Compensation, Wellbeing, and Fair Treatment of Transportation Network Company Drivers has been meeting for the past six months to engage, collect and analyze data and information related to the working conditions of Transportation Network Company (TNC) drivers. We are pleased to share that the committee reached consensus on 24 recommendations in five topic areas.

During multiple meetings, drivers and drivers' representatives shared their experiences, TNCs shared their current policies and practices, and other stakeholders provided context, proposals and examples from other TNC markets. We could not have done our work without the dedication and commitment of many people who provided input and ideas for how to build consensus and craft recommendations for the compensation, wellbeing and fair treatment of TNC drivers. We say a big "thank you" to everyone who engaged in conversations about TNC-related topics and helped to advance our understanding of the underlying and overlapping issues at stake. We gratefully acknowledge the Office of Collaboration and Dispute Resolution for its facilitation support to help committee members reach consensus on the recommendations contained in this report.

TNCs are an important component of our state's transportation ecosystem, and they rely on TNC drivers who use their personal vehicles to transport riders. TNC drivers provide rides so Minnesotans can get to work, go the doctor, visit friends and family, attend a concert or theater show, or go grocery shopping – every day, on demand. TNC drivers connect people and places to keep our communities healthy, our economies vibrant and our relationships strong.

Thank you, Governor Walz, for recognizing the importance of fair treatment for workers in our state and directing the committee to engage with the challenges and benefits of TNCs operating in Minnesota. In accordance with the charge of Executive Order 23-07, the following 24 recommendations demonstrate consensus on pay transparency, minimum compensation, deactivation and due process, driver support and insurance to better support the fair treatment and wellbeing of TNC drivers in Minnesota.

Sincerely,

Grace Arnold, Commissioner, Department of Commerce
Nicole Blissenbach, Commissioner, Department of Labor and Industry

Executive summary

Background

Executive Order 23-07 established the Governor’s Committee on the Compensation, Wellbeing, and Fair Treatment of Transportation Network Company Drivers to provide a forum to engage, collect and analyze data and information related to the working conditions of transportation network company (TNC) drivers, and to draft recommendations related to compensation and fair treatment of TNC drivers by Jan. 1, 2024. The committee comprised 15 members, including TNC representatives, TNC drivers and other relevant stakeholders.

In the course of its discussion, the committee became familiar with industry terms that define activities and actions of TNC companies, riders and drivers. A deactivation is the suspension or termination of a driver’s ability to receive connections to potential riders from a TNC. Driver time periods are divided into three segments: period 1 (P1) time is when a driver is logged into the TNC app but has not yet accepted a ride offer; period 2 (P2) is when a driver has accepted a ride and is on their way to pick up a passenger; and period 3 (P3) is when a driver is transporting a passenger from the pick-up location to the drop-off location.

Recommendations

The committee built consensus for 24 recommendations in the areas of pay transparency, minimum compensation, deactivations and due process, driver support and insurance. Driver safety and enforcement were discussed as additional pressing concerns. Rather than make recommendations in these areas specifically, the committee agreed they encompass all the topic areas and are called out whenever there was consensus to do so.

The committee's recommendations are submitted in plain language and are not intended to substitute for further legislative drafting as to form and style. It is the committee’s hope that the knowledge gained, experiences shared, relationships formed and consensus built for these recommendations will lay a foundation for what comes next.

Pay transparency

1. Drivers should be provided with a plain-language notice regarding compensation upon initial account activation and annually thereafter.
2. A driver notice in English, Amharic, Arabic, Hmong, Oromo, Somali and Spanish 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 paid family and medical leave as of Jan. 1, 2026.
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 the 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 three 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.

Consensus reached on pay transparency recommendations 3, 4 and 5, which require up-front information provided to TNC drivers, trip receipts and weekly summaries, is contingent on the consensus reached on minimum compensation recommendations 9.C and 9.D to pay TNC drivers on a biweekly pay standard. The committee reached consensus on these recommendations taken together.

Minimum compensation

9. Minimum compensation paid by a TNC to a driver shall be as follows:
 - a. Minimum compensation paid in a per minute, per mile format.
 - b. At a minimum, compensation should be \$5 for any transportation of a rider by a driver.
 - c. Minimum compensation must be paid over a reasonable earnings period not to exceed 14 calendar days. The minimum compensation guarantees a level of compensation for drivers in an earnings period that cannot be reduced. In no way does the established minimum compensation prohibit drivers from earning a higher level of compensation.
 - d. For each earnings period, a TNC shall compare a driver’s earnings, excluding tips, against the required minimum compensation for that driver during the earnings period. In the event the driver’s earnings, excluding tips, in the earnings period are less than the required minimum compensation for that earnings period, the TNC shall include an additional sum accounting for

the difference in the driver's earnings and the minimum compensation no later than during the next earnings period.

- e. Higher minimum compensation paid to drivers operating a wheelchair accessible vehicle.
 - f. Tips are the property of the driver and must not be counted toward required minimum compensation.
10. A TNC must provide a driver all tips a rider provides to the applicable driver on the driver's next payment.
 11. A TNC that uses its software or collection technology to collect fees or fares must pay a driver the compensation earned by the driver, regardless of whether the fees or fares are actually collected.
 12. Beginning Jan. 1, 2025, and each Jan. 1 thereafter, the minimum compensation amounts must be adjusted annually by the same process as the statewide minimum wage under Minnesota Statutes, section 177.24, subdivision 1.
 13. The legislation should include an enforcement mechanism and responsible state entity for minimum compensation requirements.

Minimum compensation recommendations 9.C and 9.D, to pay TNC drivers on a biweekly pay standard, are necessary for TNCs to comply with pay transparency recommendations 3, 4 and 5, related to up-front information provided to TNC drivers, trip receipts and weekly summaries. The committee reached consensus on these recommendations taken together.

Deactivation and due process

14. 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, Amharic, Arabic, Hmong, Oromo, Somali and Spanish.
15. 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.
16. TNCs are required to provide drivers a written warning prior to deactivation except in the case of deactivation for serious misconduct.
17. 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. driver's right to challenge the deactivation;

- f. process for challenging the deactivation; and
 - g. notice of a third-party driver advocacy group to assist in the deactivation appeal process.
18. Deactivation policies must include a process to challenge or appeal a deactivation with relevant deadlines.
 19. A process for review of deactivations prior to the effective date of any legislation. More discussions are necessary on the period covered.
 20. 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.

Driver support

21. A 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. This needs further discussion to reach specific recommendations about how the organization is selected and established.
22. Specific criminal penalties for threatening or assaulting a driver.
23. In-app support provided for drivers.

Insurance

24. The TNC will provide drivers with insurance coverage that provides the benefits below for driver's injuries or loss of life, sustained during P2 or P3 time, not currently covered by auto insurance (for example, assault of a driver):
 - a. provides medical expenses, lost compensation and disability benefits;
 - b. provides survivor benefits, including burial expenses and disability benefits for dependents of the driver;
 - c. offers a \$1 million limit of coverage;
 - d. is maintained by the TNC and provided at no cost to the driver; and
 - e. would be coverage outside the workers' compensation system.

Conclusion

The recommendations included in this report reflect the good faith effort of the Governor's Committee on the Compensation, Wellbeing, and Fair Treatment of Transportation Network Company Drivers to reach consensus based on many hours of productive conversation, sharing and listening. The knowledge gained, experiences shared, relationships formed and consensus built throughout this process will lay a foundation for what comes next.

Committee information and background

The Governor’s Committee on the Compensation, Wellbeing, and Fair Treatment of Transportation Network Company Drivers was established by Executive Order 23-07 in May 2023 by Gov. Tim Walz. (See Appendix A: Executive Order 23-07.) The executive order recognized transportation network companies (TNCs) and TNC drivers provide a vital service to Minnesotans, providing convenient, reliable and quality rides that increase transportation access for many, including low-income communities and individuals with disabilities. However, TNC drivers are typically classified as independent contractors and, thus, do not have access to the workplace protections and wage and hour laws that cover employees in a typical employee-employer relationship.

Given the complexity of the issues and the need for TNC policies in Minnesota that are informed by research, Minnesota-specific data and stakeholder input, Executive Order 23-07 ordered the establishment of the Governor’s Committee on the Compensation, Wellbeing, and Fair Treatment of Transportation Network Company Drivers.

Committee objectives

Executive Order 23-07 established the Governor’s Committee on the Compensation, Wellbeing, and Fair Treatment of Transportation Network Company Drivers with three objectives:

1. Provide a forum to engage, collect and analyze data and information related to the working conditions of TNC drivers.
2. Draft recommendations related to compensation and fair treatment of TNC drivers that achieve the following goals:
 - a. ensure TNC drivers receive fair compensation;
 - b. ensure TNCs have established procedures for the deactivation of TNC drivers that provide due process;
 - c. limit the impact on fares for riders, especially riders in the disability community and low-income communities who rely on these services; and
 - d. ensure continued operation of TNCs in the state of Minnesota.
3. By Jan. 1, 2024, provide recommendations for state policy and legislative changes.

Committee structure

Outlined in Executive Order 23-07 are the following duties of the committee:

1. Meet at least once a month and more often as necessary.
2. Identify and engage stakeholders who can inform discussion of strategies and plans necessary to achieve the committee’s objectives.
3. Review the results of the study.
4. By Jan. 1, 2024, submit a written report to the governor that sets forth the committee’s recommendations that relate to compensation and fair treatment of TNC drivers.
5. Communicate recommendations with interested stakeholders.

The committee appointments became effective July 19, 2023, and the first special meeting was held at the Department of Labor and Industry on July 25, 2023. Options for attending virtually for members and the public were provided. The committee met eight times between July and December 2023, and invited speakers and stakeholders to share their experiences, information and data to inform the conversation. For a complete list of meetings and topics, see Appendix B.

Committee membership is established by Executive Order 23-07. For a complete list of committee members, see Appendix C. The co-chairs of the committee are Nicole Blissenbach, Commissioner, Department of Labor and Industry, and Grace Arnold, Commissioner, Department of Commerce. The 13 other committee members comprise:

- one member of the Minnesota House of Representatives;
- one member of the Minnesota Senate;
- the attorney general or designee;
- three members representing TNC drivers;
- two members representing TNCs;
- two members of the general public;
- one member representing Minnesota cities;
- one member representing a labor union; and
- one member from a group that provides services to or advocates on behalf of individuals with disabilities.

TNC industry definitions

In the course of meeting its objective to collect and analyze data and information related to the working conditions and the compensation, wellbeing and fair treatment of TNC drivers, the committee became familiar with industry terms that define activities and actions of TNC companies, riders and drivers. This brief list of definitions is included for reference to accompany the committee's recommendations.

Transportation network company: a corporation, partnership, sole proprietorship or other entity that is operating in Minnesota that uses a digital network to connect transportation network company riders to transportation network company drivers who provide prearranged rides.

Transportation network company driver: an individual who receives connections to potential riders and related services from a transportation network company in exchange for payment of a fee to the transportation network company; and who uses a personal vehicle to provide a prearranged ride to riders upon connection through a digital network controlled by a transportation network company in return for compensation or payment of a fee.

Transportation network company rider: an individual or people who use a transportation network company's digital network to connect with a transportation network driver who provides prearranged rides to the rider in the driver's personal vehicle between points chosen by the rider.

Deactivation, waitlist and account “on hold”: the suspension or termination of a driver’s ability to receive connections to potential riders from a transportation network company. Different TNCs use the terms differently. Deactivation from Lyft can mean a temporary suspension or permanent removal. “Waitlisting” is used by Uber to mean a temporary suspension from the app.

Driver time periods:

- Period 1 (P1) – the time when a driver is logged into the TNC app but has not yet accepted a ride offer.
 - During P1, drivers receive ride offers based on their proximity to a rider and the TNCs matching algorithm, but there is no obligation to ever accept any ride offer.
 - In P1, drivers are not obligated to do anything work-related and may be on P1 in a TNC app while simultaneously completing an offer in another TNC app or while working another job.
- Period 2 (P2) – the time when a driver is on their way to pick up a passenger after choosing to accept a ride.
- Period 3 (P3) – the time when a driver is transporting a passenger from the pick-up location to the drop-off location.

Recommendations

Process and guiding principles

To level-set expectations for building consensus for recommendations to include in this written report, the committee adhered to the following process and guiding principles:

- consensus decision-making – the committee will make decisions by agreement rather than by majority vote;
- flexibility – the committee will issue recommendations in a manner it determines most suitable to address the issues and maintain consensus;
- shared control – the committee members share the responsibility for setting and maintaining the ground rules for a process and for creating outcomes, including to respect opinions, to respect the time, to understand silence is agreement and to abide by the rule of decision; and
- commitment to recommendations – all members stand behind the final recommendations.

During the past six months, the committee met to engage on the issues surrounding the compensation, wellbeing and fair treatment of TNC drivers. In the course of multiple conversations, drivers and drivers’ representatives shared their experiences, TNC companies shared their current policies and other stakeholders provided context, proposals and examples from other TNC markets. The committee organized the discussions around five topic areas – pay transparency, minimum compensation, deactivation and due process, driver support and insurance – and considered two other topics – safety and enforcement – as overarching issues. The committee recognizes the topic areas overlap and intersect. For ease of organization, the topic areas are listed here separately, with notes about the contingent relationship between pay transparency and minimum

compensation. The committee's recommendations are submitted in plain language and are not intended to substitute for further legislative drafting as to form and style.

See Appendix D for the recommendations the committee received from stakeholders and reviewed during this process.

Recommendation area: pay transparency

1. Drivers should be provided with a plain-language notice regarding compensation upon initial account activation and annually thereafter.
2. A driver notice in English, Amharic, Arabic, Hmong, Oromo, Somali and Spanish must be provided at the 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 paid family medical leave as of Jan. 1, 2026.
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 picking up to dropping off of the rider;
 - c. the total fare or fee paid by riders; 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 the application;
 - b. total P2 and P3 time and mileage;
 - c. total fares or fees paid by the riders;
 - d. total gratuities; and
 - e. total compensation.
6. TNCs will maintain trip receipts and weekly summaries for at least three 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.

Consensus reached on pay transparency recommendations 3, 4 and 5, which require up-front information provided to TNC drivers, trip receipts and weekly summaries, is contingent on the consensus reached on minimum compensation recommendations 9.C and 9.D to pay TNC drivers on a biweekly pay standard.

Recommendation area: minimum compensation

9. Minimum compensation paid by a TNC to a driver shall be as follows:
 - a. Minimum compensation paid in a per minute, per mile format.
 - b. At a minimum, compensation should be \$5 for any transportation of a rider by a driver.
 - c. Minimum compensation must be paid over a reasonable earnings period not to exceed 14 calendar days. The minimum compensation guarantees a level of compensation for drivers in an earnings period that cannot be reduced. In no way does the established minimum compensation prohibit drivers from earning a higher level of compensation.
 - d. For each earnings period, a TNC shall compare a driver's earnings, excluding tips, against the required minimum compensation for that driver during the earnings period. In the event the driver's earnings, excluding tips, in the earnings period are less than the required minimum compensation for that earnings period, the TNC shall include an additional sum accounting for the difference in the driver's earnings and the minimum compensation no later than during the next earnings period.
 - e. Higher minimum compensation must be paid for drivers operating a wheelchair accessible vehicle.
 - f. Tips are the property of the driver and must not be counted toward required minimum compensation.
10. A TNC must provide a driver all tips a rider provides to the applicable driver on the driver's next payment.
11. A TNC that uses its software or collection technology to collect fees or fares must pay a driver the compensation earned by the driver, regardless of whether the fees or fares are actually collected.
12. Beginning Jan. 1, 2025, and each Jan. 1 thereafter, the minimum compensation amounts must be adjusted annually by the same process used for the statewide minimum wage under Minnesota Statutes, section 177.24, subdivision 1.
13. The legislation should include an enforcement mechanism and responsible state entity for minimum compensation requirements.

Minimum compensation recommendations 9.C and 9.D, to pay TNC drivers on a biweekly pay standard, are necessary for TNCs to comply with pay transparency recommendations 3, 4 and 5 related to up-front information provided to TNC drivers, trip receipts and weekly summaries. The committee reached consensus on these recommendations taken together.

Recommendation area: deactivation and due process

14. 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, Amharic, Arabic, Hmong, Oromo, Somali and Spanish.

15. 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.
16. TNCs are required to provide drivers a written warning prior to deactivation except in the case of deactivation for serious misconduct.
17. A written notice of deactivation must include the following information:
 - a. the reason for the deactivation;
 - b. the anticipated length of the deactivation, if known;
 - c. the effective date of the deactivation;
 - d. a 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.
18. Deactivation policies must include a process to challenge or appeal a deactivation with relevant deadlines.
19. A process for review of deactivations prior to the effective date of any legislation. More discussions are necessary on the period covered.
20. 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

21. A 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. This area needs further discussion to reach specific recommendations about how the organization is selected and established.
22. Specific criminal penalties for threatening or assaulting a driver.
23. In-app support provided for drivers.

Recommendation area: insurance

24. The TNC will provide drivers with insurance coverage that provides the benefits below for the driver’s injuries or loss of life, sustained during P2 or P3 time, not currently covered by auto insurance (for example, assault of a driver):
 - a. provides medical expenses, lost compensation and disability benefits;

- b. provides survivor benefits, including burial expenses and disability benefits for dependents of the driver;
- c. includes a \$1 million limit of coverage;
- d. is maintained by the TNC and coverage is provided at no cost to the driver; and
- e. is coverage outside the workers' compensation system.

The committee did not reach agreement on short-term disability insurance, or the elimination or reduction of the \$2500 deductible related to the comprehensive collision insurance coverage voluntarily provided by the TNCs. While the coverage is voluntarily provided by the TNCs at no cost to the drivers, the deductible is the responsibility of the driver.

Additional considerations

Throughout the course of the committee, two additional pressing concerns were discussed: driver safety; and enforcement mechanisms and entities for any enacted legislation. Rather than make recommendations in these areas specifically, the committee agreed they encompass all the topic areas and are called out whenever there was consensus to do so. Drivers shared their concerns about passenger identification, about the limits of current insurance coverage for assault or other driver injury, and about transporting passengers to remote or unsafe areas. There wasn't consensus reached about passenger identification because of many complicating factors, but there was consensus to recommend a change to insurance coverage and to improve the up-front information provided to drivers about the pick-up and drop-off destinations. The committee did recommend an enforcement mechanism and responsible state entity for minimum compensation and pay transparency requirements but did not identify a particular state entity.

Conclusion

The recommendations included in this report reflect the good faith effort of the Governor's Committee on the Compensation, Wellbeing, and Fair Treatment of Transportation Network Company Drivers to reach consensus based on many hours of productive conversation, sharing and listening. The knowledge gained, experiences shared, relationships formed and consensus built throughout this process will lay a foundation for what comes next. TNC drivers provide rides so Minnesotans can go about their daily lives, getting safely to work, to visit friends and family or to go grocery shopping – every day, on demand. TNC drivers connect people and places to keep our communities healthy, our economies vibrant and our relationships strong.

Appendix A: Executive Order 23-07

STATE OF MINNESOTA

Executive Department



Governor Tim Walz

Executive Order 23-07

Establishing the Governor’s Committee on the Compensation, Wellbeing, and Fair Treatment of Transportation Network Company Drivers

I, Tim Walz, Governor of the State of Minnesota, by the authority vested in me by the Constitution and applicable statutes, issue the following Executive Order:

Transportation network companies (“TNCs”) and transportation network company drivers provide a vital service to the citizens of Minnesota. Rideshare has dramatically changed the personal transportation industry, with a mix of both benefits and drawbacks for customers and drivers. The benefits of TNCs include convenience, increasing transportation access for low-income communities and individuals with disabilities, safety, and reliable quality. However, because drivers are typically classified as independent contractors, drivers are not afforded the same workplace protections as typical employees, including the protection of wage and hour laws.

Minnesota should advance laws that promote fairness and transparency for TNC drivers, and those policies should be informed by research, Minnesota-specific data, discussions, and stakeholder input. This Executive Order establishes a committee to engage on these important issues and assist in finding solutions that will benefit both TNC drivers and the Minnesotans who rely on them for their transportation needs.

For these reasons, I order as follows:

1. The Commissioner of Labor and Industry will commission and oversee a study to obtain and analyze data and information related to the working conditions of TNC drivers in Minnesota and how potential changes may impact access and cost for riders.
2. The Governor’s Committee on the Compensation, Wellbeing and Fair Treatment of Transportation Network Company Drivers (“Committee”) is established.

3. The Committee's objectives are to:

- a. Provide a forum to engage, collect, and analyze data and information related to the working conditions of TNC drivers.
- b. Draft recommendations related to compensation and fair treatment of TNC drivers that achieve the following goals:
 - i. Ensure that TNC drivers receive fair compensation
 - ii. Ensure that TNCs have established procedures for the deactivation of TNC drivers that provide due process
 - iii. Limit impact on fares for riders especially riders in the disability community and low-income communities who rely on these services
 - iv. Ensure continued operation of TNCs in the state of Minnesota
- c. By January 1, 2024, provide recommendations for state policy and legislative changes.

3. The members of the Committee are:

- a. The Commissioners of the following agencies or their designees:
 - i. Department of Commerce
 - ii. Department of Labor and Industry
- b. One member of the Minnesota House of Representatives, appointed by the Speaker of the House
- c. One member of the Minnesota Senate, appointed by the Majority Leader of the Senate
- d. The Attorney General or his designee
- e. Ten additional members appointed by the Governor:
 - i. Three members representing TNC drivers
 - ii. Two members representing TNCs
 - iii. Two members of the general public
 - iv. One member representing Minnesota cities

- v. One member representing a labor union
 - vi. One member from a group that provides services to or advocates on behalf of disabled individuals
4. The Commissioners of Labor and Industry and Commerce, or their designees, will serve as the Committee's Co-Chairs.
 5. The duties of the Committee are as follows:
 - a. Meet at least once per month and more often as necessary.
 - b. Identify and engage stakeholders who can inform discussion of strategies and plans necessary to achieve the Committee's objectives.
 - c. Review the results of the study commissioned pursuant to paragraph 1.
 - d. By January 1, 2024, submit a written report to the Governor that sets forth the Committee's recommendations that relate to compensation and fair treatment of TNC drivers.
 - e. Communicate recommendations with interested stakeholders.
 6. The following individuals will provide assistance and resources to the Committee as needed:
 - a. Chief Equity Officer
 - b. Commissioner of Employment and Economic Development
 - c. Commissioner of Transportation

This Executive Order is effective fifteen days after publication in the State Register and filing with the Secretary of State. It will remain in effect until rescinded by proper authority or through June 1, 2024, whichever occurs first.

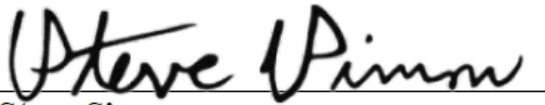
A determination that any provision of this Executive Order is invalid will not affect the enforceability of any other provision of this Executive Order. Rather, the invalid provision will be modified to the extent necessary so that it is enforceable.

Signed on May 25, 2023.



Tim Walz
Governor

Filed according to law:

A handwritten signature in black ink that reads "Steve Simon". The signature is written in a cursive style and is positioned above a horizontal line.

Steve Simon
Secretary of State

Filed May 25, 2023
Office of the Minnesota
Secretary of State
Steve Simon

Appendix B: Committee meetings and topics

Meeting date, time	Topics
July 25, 2023 1 p.m.	<p>Introduction to the Open Meeting Law and Minnesota Government Data Practices Act by Brittany Wysokinski (attorney, Department of Labor and Industry)</p> <p>Review of TNC-related statutes and ordinances in other states and municipalities by Ryan Anderson (attorney, Department of Labor and Industry) and Hared Mah (research scientist, Department of Labor and Industry)</p> <p>Committee discussion</p>
Aug. 15, 2023 1 p.m.	<p>TNC driver experiences and perspectives</p> <p>Forum for drivers to share their experiences</p>
Sept. 7, 2023 1 p.m.	<p>Transportation network company presentations:</p> <ul style="list-style-type: none"> • An introduction to Uber by Freddi Goldstein (Uber) • An introduction to Lyft by Saahil Karpe and Brent Kent (Lyft) <p>Committee discussion</p>
Sept. 26, 2023 1 p.m.	<p>Lyft presentation: Deactivations, by Brent Kent</p> <p>Uber presentation: Driver access to the platform, by Freddi Goldstein</p> <p>Driver representatives' presentation about the current deactivation landscape</p> <p>Committee discussion about deactivation policy</p>
Oct. 17, 2023 1 p.m.	<p>Department of Commerce presentation: Insurance overview, by Julia Dreier</p> <p>State regulation of TNCs</p> <p>TNCs and occupational accident insurance</p> <p>Key differences from workers' compensation insurance</p> <p>Examples</p> <p>Committee discussion</p>

Meeting date, time	Topics
Nov. 9, 2023 1:30 p.m.	<p>City of Minneapolis presentation regarding current TNC regulation, by Steve Huser</p> <p>SEIU presentation: Overview of current state and local proposals regarding the compensation, wellbeing and fair treatment of TNC drivers, by Samantha Diaz (Local 26 political director) and Brian Elliot (Minnesota State Council executive director)</p> <p>Committee discussion</p> <p>Recommendation topic areas</p>
Dec. 5, 2023 1 p.m.	<p>Committee discussion about recommendation topic areas:</p> <ul style="list-style-type: none"> • Pay transparency • Deactivation and due process • Driver support
Dec. 19, 2023 1 p.m.	<p>Research overview and trends</p> <p>Committee discussion about recommendation topic areas:</p> <ul style="list-style-type: none"> • Insurance • Minimum compensation

Appendix C: Committee members

1. Eid Ali, TNC driver representative
2. Marianna Brown, TNC driver representative
3. Dawit Worku Kassa, TNC driver representative
4. John Budd, public member
5. Shenika Chambers, public member
6. Samantha Diaz, labor union representative
7. Steven Huser, Minnesota cities representative
8. Dan Meyers, disability advocacy representative
9. Freddi Goldstein, TNC representative
10. Saahil Karpe, TNC representative
11. Carin Mrotz, attorney general designee
12. Vacant, Minnesota Senate member
13. Rep. Jamie Long, Minnesota House of Representatives
14. Grace Arnold, Department of Commerce, co-chair
15. Nicole Blissenbach, Department of Labor and Industry, co-chair

Appendix D: Committee recommendation proposals received

The following recommendations were received from committee members:

TNC Drivers and Labor submitted jointly: MULDA and SEIU Recommendations	Page 24
TNC Companies submitted jointly: Uber and Lyft Recommendations	Page 29
General Public Member John Budd	Page 36
Minnesota Cities Member Steven Huser	Page 38
Disability Community Service Provider or Advocate Member Dan Myers	Page 39

The following recommendations were received from interested stakeholders:

MNRDA Drivers	Page 40
MULDA Members	Page 41



SEIU and MULDA Policy Proposal to the Governor's Task Force
on the Compensation, Wellbeing, and Fair Treatment
of Transportation Network Company Drivers



December 5, 2023

Pay Transparency

Plain-Language Notice in English and the driver's primary language, at activation and annually, including

- Minimum rates
- Payout policy
- Right to contest pay and how to do so
- Protection against retaliation
- ESST notice requirements in [MN §181.9447 Subd 9](#)
- PFML notice requirements in [MN §268B.26](#) , starting 10/1/25
- Right to opt out of arbitration and how to do so
- Right to file a private right of action

Trip Receipt within 24 hours of passenger dropoff or trip cancellation, including

- Origination and destination
- Total P2 and P3 time and mileage, including return from destination
- Itemized passenger fare, including any surge pricing
- Applicable rates of pay
- Driver share of passenger fare
- Gratuity
- Gross and net pay
- Itemized deductions required by court or law or explicitly authorized by the driver

Weekly Summary, including

- Total time logged in to app
- Total P2 and P3 time and mileage, including return from destinations
- Total passenger fares
- Itemized rates of pay
- Itemized trip receipts
- Driver share of total passenger fares
- Total gratuities
- Itemized gross and net pay
- Total ESST hours accrued and available
- ESST hours used that week
- Regular rate of pay for the purposes of ESST
- Itemized deductions required by court or law or explicitly authorized by the driver

Easily accessible trip receipts for 3 years

48 hour notice required of changes to compensation and payout policies

Enforcement

- Mechanism
 - Private Right of Action
 - DLI Compliance Orders
 - Attorney General
- Injunctive Relief
- Administrative Penalty

Deactivation and Due Process

Plain-Language Notice in English and the driver's primary language, at activation and annually, of

- Deactivation policy, including
 - Egregious infractions qualifying for immediate deactivation or temporary suspension
 - All other infractions and whether they result in deactivation or temporary suspension
 - Duration of temporary suspension by infraction
 - Deactivation or temporary suspension notice requirements
 - Right to all applicable information/evidence of infraction
- Right to appeal and appeals process
- Protection against retaliation
- Right to opt out of arbitration and how to do so
- Right to file a private right of action

Deactivation Process

- 14 days advance notice of deactivation/suspension, except for egregious misconduct, including specific reason, effective date, duration all applicable information/evidence of infraction, and right to and process for appeal
- Notice of deactivation/suspension for egregious misconduct no later than time of deactivation, including specific reason, duration, all applicable information/evidence of infraction, and right to and process for appeal
- Notice 5 days after deactivation/suspension providing specific reasons and all applicable information/evidence of infraction, and right to and process for appeal
- Driver has 90 days from deactivation/suspension to appeal
- Process for review of past deactivations prior to effective date
- TNC must show violation by preponderance of evidence
- Hearing and investigation of appeals by a 3rd party
 - Department of Labor and Industry
 - Office of Administrative Hearings/Administrative Law Judge
 - Independent panel of arbitrators
- Appeals process funded by a per trip fee
- Driver Relief for Successful Appeals
 - Reactivation
 - Back pay
 - Damages
- Possible Administrative penalty

Driver Support

Driver Safety

- Passenger Identity Verification
 - Registration with government ID
 - Multi-factor account protection
 - Account monitoring and driver notification if passenger account may be compromised
 - Current home address, phone number
 - Clear profile photo
 - Credit card matches passenger name
 - Considerations for
 - Domestic violence survivors
 - Immigrants and others without government ID
 - People with disabilities
 - Specific criminal penalties for threatening or verbally/physically assaulting a driver
- Live and in-app support in driver's primary language



SEIU & MULDA Policy Proposal to the Governor's Task Force
On the Compensation, Wellbeing, and Fair Treatment
Of Transportation Network Company Drivers
December 19, 2023



Driver Compensation

Minimum Pay to Drivers

- Per-minute Rate/Hourly Pay
 - Paid on a P2 and P3 time (pay basis), for
 - Completed trips
 - Passenger-canceled trips
 - Trips canceled by driver for cause
 - Scaled by utilization rate to ensure minimum per-minute/hourly rate covers all time logged in to app
 - Total app login time minimum computed as
 - Minimum wage
 - Rest breaks
 - Employer PFML premium starting 1/1/26
 - Health Insurance
 - Employer side payroll taxes
 - Unemployment Insurance rate for new Taxi/Limousine Service
- Per-mile Rate
 - Paid on P2 and P3 mileage (pay basis), for
 - i. Completed trips
 - ii. Passenger-canceled trips
 - iii. Trips canceled by driver for cause
 - Scaled by utilization rate to ensure minimum per-mile rate covers all miles while logged in to app
 - Total app login mileage minimum includes
 - i. Fuel costs
 - ii. Vehicle acquisition costs (purchase or lease)
 - iii. Vehicle insurance carried by the driver
 - iv. Vehicle maintenance and cleaning
 - v. Vehicle license and registration fees
 - vi. Safety equipment
 - vii. Rate add-on for wheelchair accessible vehicles (WAVs) related to vehicle accessibility modifications
- Minimum percent of surge pricing
- Per-trip minimum of \$5
- Plus all gratuities
- All rates/minimums increase with inflation annually by August 31

Earned Sick and Safe Time under [MN §181](#)

Insurance

Liability Insurance

- Eliminate the \$2500 deductible
- Increased P1 coverage

Additional Insurance

- Short-term disability insurance
- Coverage for injuries to the driver by a passenger
- Coverage for damage to driver property by a passenger

**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 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 made 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) 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 a 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 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.

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

Company Drivers

Minimum Compensation.

Previously as part of the taskforce and in conversations with stakeholders, the TNCs have offered a rate of \$24 per P3 hour for rides starting in MSP and \$15 per P3 hour for rides starting outside MSP. As a show of good faith, to better account for time spent without a passenger, and in order to arrive at an agreement across this group, we are prepared to increase the earnings floor to \$30 per P3 hour/\$20 per P3 hour for the 2 regions.

- (a) A transportation network company shall ensure that for each earnings period, a driver is compensated at not less than the net earnings floor as set forth in this section. The net earnings floor establishes a guaranteed minimum level of compensation for drivers that cannot be reduced. In no way does the net earnings floor prohibit drivers from earning a higher level of compensation.

- (b) For each earnings period, a transportation network company shall compare a driver's net earnings against the net earnings floor for that driver during the earnings period. In the event that the driver's net earnings in the earnings period are less than the net earnings floor for that earnings period, the transportation network company shall include an additional sum accounting for the difference in the driver's earnings no later than during the next earnings period.

- (c) For purposes of this section, the following definitions apply:
 - (1) "Earnings period", means a time period, set by the transportation network company, not to exceed 14 consecutive calendar days.
 - (2) "Net earnings", means all earnings remitted to a transportation network driver in an earnings period.
 - (3) "Twin Cities area" means the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington

- (d) Minimum compensation paid by a TNC to a driver shall be as follows:
 - (1) for all trips that start in the Twin Cities area, at least \$30/hr. for the time transporting a rider; or
 - (2) for all trips that start outside of the Twin Cities area, at least \$20/hr. for the time transporting a rider;
 - (3) a minimum fee of \$5.00 for any transportation of a rider by a driver.

- (e) A TNC that uses its software or collection technology to collect fees or fares must pay a driver the fees or fares earned by the driver, regardless of whether the fees or fares are actually collected.

(f) A TNC must provide a driver all tips that a rider provides to the applicable driver on the driver's next payment.

(g) Beginning July 1, 2025, and each July 1 thereafter, the minimum compensation amounts under paragraph (d), clauses (1) to (3), must be adjusted annually using the lower of (i) a 3 percent annual rate; or (ii) the average inflation rate for that year as reflected in the Consumer Price Index for Urban Wage Earners and Clerical Workers ("CPI-W") for the Midwest Region.

Insurance.

Uber and Lyft support additional coverage for medical benefits and wage loss stemming from injuries on the job unrelated to the operation of a motor vehicle. This additional insurance would come at no cost for drivers and would cover many of the issues and gaps that were discussed and outlined over the course of the task force, including medical expenses and lost earnings resulting from injuries suffered when the driver is engaged including disability payments, benefits for spouses, children or other dependents.

Relationship of the Parties.

This language comes directly from Washington State Law.

If a transportation network company is in substantial compliance with this chapter, any obligations that the transportation network company has with respect to a driver, including but not limited to any obligations related to taxation, wages, insurance, and terms and conditions of work, under any law beyond this chapter shall be deemed fully satisfied and the transportation network company shall be fully exempt from those obligations. Any party seeking to establish otherwise bears the burden of doing so by clear and convincing evidence.

To the extent a driver is found to have any rights with respect to his or her work as a driver under any law beyond this chapter those rights shall be deemed to be satisfied in full, the transportation network company shall be exempt from any obligations concerning those rights, and the driver shall not be considered the agent of the network company for any purpose, if the transportation network company with which the driver contracts is in substantial compliance with the obligations imposed by this chapter. Any party seeking to establish otherwise bears the burden of doing so by clear and convincing evidence.

Preemption of local law.

Notwithstanding any other provision of law, local governmental units of this state may neither enact nor enforce any ordinance or other local law or regulation that regulates any matter relating to the requirements of transportation network companies or transportation network company drivers which are addressed by this act.

TNC Committee

Policy Recommendations (initial)

John Budd

November 30, 2023

1. Minimum compensation standards

I think I'm in favor of a guaranteed minimum pay of \$_____ per hour while in P2 and P3 rather than a miles and minutes minimum while in P3 because of its simplicity. I've spent a lot of time trying to figure out the equivalence between the two approaches and the \$24 minimum proposed by Uber seems very low compared to, for example, Washington's miles and minutes floors but it depends on how much time is spent in P2 (a lot of time in P2 makes the per hour approach more generous because it's being compensated, little time in P2 makes the per trip approach more generous because drivers can quickly get another trip and avoid uncompensated P2 time). So my proposal:

Guaranteed minimum pay of \$26 per hour while in P2 and P3 (same as New York outside of NYC).

But I'll be looking forward to hearing more about the rationales for different approaches and assumptions that underlie different calculations.

Regardless of the approach, I think the rates need to be adjusted annually to reflect inflation (changes in the CPI-U seem like a natural benchmark). This could be partly tied to the Gasoline subcomponent if desired, though this would also make it more complicated.

Beginning July 1, 2025, and each July 1 thereafter, the minimum compensation amount(s) must be adjusted annually by the percentage increase, if any, in the Consumer Price Index for all urban consumers published by the United States Department of Labor. If the Consumer Price Index declines, there will not be a decrease in the minimum(s).

I also propose that we discuss paid sick time accrual. The NY settlement provides for accrual at 1 hour per every 30 hours of P2 and P3 time up to a maximum of 56 hours. For regular employees, the Minneapolis ordinance provides 1 hour for every 30 hours worked up to a max of 48 hours. This could be paid out using the driver's average earnings. So proposal:

Accrual of 1 hour paid sick leave per every 30 hours of P2 and P3 time up to a maximum of 48 hours, paid out at the driver's average earnings for the previous quarter.

2. Deactivation procedures that provide due process

From the vetoed Minnesota bill:

A TNC must provide the driver with a written basis for any proposed deactivation or other sanction, including the alleged infraction and the rule or rules the TNC alleges have been violated. The driver has a right to a meeting with the TNC to reconsider the deactivation. The deactivated driver must have an opportunity to present their position and any other relevant information or witnesses regarding the alleged rule violation. The TNC must consider any information presented by the driver. For a deactivation to be upheld, there must be evidence under the totality of the circumstances to find that it is more likely than not that a rule violation subjecting the driver to deactivation has occurred. A traffic ticket or other traffic or criminal charge alone is not conclusive of a rule violation unless there has been a conviction.

To which I would also add the right to be accompanied by an advocate, and the right to appeal to a [Driver deactivation review panel](#).

3. Driver support

Not sure.

4. Pay transparency

Would like to hear whether the companies have concern with the transparency language that was in the [vetoed Minnesota bill](#). So that's my starting proposal.

5. Insurance

My proposal is from [Washington State](#):

As of _____, rideshare companies must pay for and provide workers' compensation coverage for their drivers. The drivers are covered workers only while they are on dispatch platform time and passenger platform time.

TNC Driver Pay and Safety Work Group/City Positions 12/4/23 – Steven Huser

Topic Areas for Recommendation

1. Minimum Compensation Standards
 - a. Open to whatever is agreed to by drivers and companies. We support drivers and want this service to be available for those who have grown to depend on it.
 - b. Pay minimums should be revisited on a regular basis or could have a mechanism to move with cost of living, minimum wage or another metric.
 - c. Regional differences related to pay should be considered.
2. Deactivation process that provides due process
 - a. This should be available for the drivers, while also keeping the safety of the public in mind. Time bound mediation should be included in legislation.
 - b. Drivers should have the ability to address reasons for deactivation quickly, but not in a way that could put an unsafe driver back on the street.
 - c. Rider conduct and accountability could be addressed as well.
3. Driver Support with safety considerations
 - a. Any driver support that is included in state law should be set up in a way that it is easily accessible to all drivers.
 - b. If there is a cost for this support, revenue should be identified. This could be in the form of a fee or licensing fee.
4. Pay transparency for drivers
 - a. Support transparency and are open to what works for both drivers and company. Pay transparency has benefits for both riders and drivers.
5. Insurance
 - a. Support any changes that will keep drivers and public safe or that mitigate any harm that happens to drivers while they are working.
 - b. Goal of this should be to uphold the rights and dignity of those who are driving, as well as providing a safe riding environment.
6. Who or how this will be enforced
 - a. Needs to be clearly articulated in any legislation. Preferably we recommend that a state agency, such as DOLI or Commerce, be tasked with enforcement, either through regular/random audit or by rider/driver complaint.
 - b. Needs to include minimum data requirements from companies to ensure enforcement can be carried out.
 - c. Should include rule making authority to allow the agency to be responsive to changes in the industry.

From: Dan Meyers

Sent: Thursday, November 30, 2023 10:07 AM

Subject: RE: Message to TNC Committee members from Commissioner Nicole Blissenbach

At the end of the day, my recommendation is that drivers receive more pay but not so much that the people I represent get priced out. (Feels like the guaranteed \$24 per hour was a good solution) I feel that both Uber/Lyft and the drivers should be able to come up with something that is fair and doable. I will weigh in as needed during our next meetings.

I'm also hoping that a fair transparent process for deactivations and appeals is part of the recommendations. It will benefit both driver and passengers.

Regarding insurance, I would recommend that the deductible be lowered for drivers when they need to repair their vehicles. The current deductible (\$2,500?) seems to be very high.

Thank you,

Dan

MNRDA drivers ask:

1. Fair deal for drivers and riders
2. Clear language as an independent contractor
3. Minimum driver take home rate of \$1.30 Per Mile, \$0.25 per minute
4. Deactivation/ Reactivation process and center
5. 1M Occupational Insurance
6. Extent vehicle life up to fifteen years
7. Sick and safe time pay of 9 days a year
8. Stop losing time and help legislate

From: Yusef Haji
Sent: Tuesday, December 5, 2023 4:44 PM
Subject: Fair and comprehensive ride-share regulations

Dear Governor's Task Force Members,

I hope this message finds you well. We, the Mulda Members, wish to express our collective concerns and propose our key recommendations regarding ride-share regulations in Minnesota.

Recognizing the importance of fair representation, we've formed MULDA Members, distinct from MULDA, to voice the perspectives of 1000 rideshare drivers in our state.

Our proposals aim to establish a fair and equitable environment for all stakeholders including drivers, riders, TNCs and state officials.

We kindly request your consideration of the following key points:

1. **Fair Deal for Drivers and Riders:** We advocate for a balanced arrangement that benefits both drivers and riders.
2. **Clear Independent Contractor Status:** We seek clear language defining drivers as independent contractors.
3. **Minimum Driver Take-Home Rates:** Proposing a minimum rate of \$1.30 per mile and \$0.40 per minute.
4. **\$1M Occupational Insurance:** Ensuring comprehensive occupational insurance coverage for drivers, with adjustments tied to inflation.
5. **Extended Vehicle Life:** Requesting an extension of vehicle life up to fifteen years, with periodic reassessments linked to inflation.
6. **Sick and Safe Time Pay:** Advocating for 9 days of sick and safe time pay per year, with adjustments tied to inflation, to support driver well-being.

We believe these measures, tied to inflation, will contribute to a more sustainable and just rideshare ecosystem.

We understand the importance of collaboration and urge the task force to consider the majority viewpoint.

If there are different proposals, we kindly request further discussions to align with the collective needs and aspirations of the majority of rideshare drivers in Minnesota.

Thank you for your time and consideration. We look forward to constructive dialogue and meaningful regulations that benefit the entire rideshare community.

Sincerely,

MULDA Members

Yusef Haji, Public Relations