

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

Meeting date: **Dec. 19, 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. Carin Mrotz
10. Majority Leader Rep. Jamie Long
11. Steven Huser
12. Shenika Chambers – online
13. Sara Payne for 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) – online

Agenda items

1. Call to order and roll call

Co-chair Nicole Blissenbach called the meeting to order at 1:05 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 Dan Meyers and seconded by Carin Mrotz. A vote was taken and the motion passed unanimously.

3. Approval of Dec. 5, 2023 meeting minutes

Co-chair Blissenbach asked for a motion to approve the Dec. 5, 2023, meeting minutes as presented. The motion was made by Steven Huser and seconded by Meyers. A vote was taken and the motion passed unanimously.

Co-chair Blissenbach made an announcement that this meeting will be the last meeting of the committee, which will give time for the co-chairs to add the recommendations, where the committee has reached consensus, into the report that is due to the governor by Jan. 1, 2024. The discussions at today's meeting will focus on insurance and compensation. She also reminded members that any recommendation items, where consensus is not reached, will not be included as recommendations in the report. Before submission, the report will be reviewed by the co-chairs to verify it accurately reflects the consensus that was reached.

Blissenbach also encouraged members to review some proposals, which were included in their meeting packet, that were submitted by non-committee members.

4. Research overview and trends

Co-chair Blissenbach gave a brief preliminary overview of some transportation network company (TNC) data trends. A copy of this presentation is available at dli.mn.gov/about-department/boards-and-councils/governors-committee-compensation-wellbeing-and-fair-treatment.

5. Facilitated committee recommendation discussion

Co-chair Blissenbach introduced Jessica Shryack from the Department of Administration, Office of Collaboration and Dispute Resolution, who assisted in facilitating the discussions. Shryack talked about the goals of the meeting, including to get as clear as possible on what issues members agree on and to be efficient. All members will be given opportunity to comment on the draft recommendations (yellow handout). Members were then directed to take a few minutes to review the draft recommendations in their packet, as well as the other proposals included in their packet. The yellow handout is a working document that includes the two draft recommended topic areas that were discussed at length:

- insurance; and
- compensation.

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 at length and revised them to reach consensus. A copy of the revised handout as agreed to in the recommendation discussion is included below.

Adjournment

- Co-chair Blissenbach adjourned the meeting at 4:19 p.m.

Draft Recommendations Developed and Agreed to by the Committee on the Compensation, Wellbeing, and Fair Treatment of Transportation Network Company Drivers

Recommendation Area: Insurance

- A. 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):
1. Medical expenses, lost compensation, and **disability benefits**
 2. **Survivor benefits including but not limited to burial expenses and disability benefits** for dependents of the driver
 3. **\$1 million limit of coverage**
 4. The policy will be maintained by the TNC and be provided at no cost to the driver.
 5. This coverage would be outside the workers' compensation system.

Recommendation Area: Minimum Compensation

- A. Minimum compensation paid by a TNC to a driver shall be as follows:
 - 1. Per minute, per mile format.
 - 2. A minimum of \$5.00 for any transportation of a rider by a driver.
 - 3. 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.
 - 4. 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 that 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.
 - 5. Higher minimum compensation for drivers operating a Wheelchair Accessible Vehicle.
 - 6. Tips are the property of the driver and must not be counted towards required minimum compensation.
- B. A TNC must provide a driver all tips that a rider provides to the applicable driver on the driver's next payment.
- C. 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.
- D. Beginning January 1, 2025, and each January 1 thereafter, the minimum compensation amounts must be adjusted annually **by the same process as the statewide minimum wage.**
- E. The legislation should include an enforcement mechanism and responsible state entity for minimum compensation requirements.