

Agenda: Item 9

Consideration of Proposed Rules to Ban the Collection of Prepayments and Deposits from Drivers [POSSIBLE ACTION]

CITY AND COUNTY OF
SAN FRANCISCO



TAXI COMMISSION
MAYOR GAVIN NEWSOM

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JORDANNA THIGPEN, EXECUTIVE DIRECTOR

August 26, 2008

At the meeting of the Taxicab Commission on Tuesday, August 26, 2008 the following resolution was adopted:

RESOLUTION NO. 2008-XX

Urging San Francisco Taxicab Companies to Cease the Collection of Deposits and Prepayments From Drivers:

WHEREAS, the San Francisco Board of Supervisors urged the Taxi Commission to adopt certain rules prohibiting the collection of deposits or prepayments from taxicab drivers; and

WHEREAS, the San Francisco Taxi Commission held a hearing to clarify the practice of the collection of prepayments

WHEREAS, certain types of collection of deposits, prepayments, and other monies from San Francisco taxicab drivers is prohibited by case law; and

WHEREAS, the State of California Employment Development Department, Department of Industrial Relations, and other state agencies have begun enforcing employment laws based on their interpretation of the employment status of taxicab drivers in the State of California; and

WHEREAS, the Employment Development Department issued "Guidelines" for the Taxicab Industry in California which specifically mentions the collection of lease prepayments for periods longer than 28 days as only one *possible* factor in interpreting drivers as independent contractors rather than employees; and

WHEREAS, while the status of California taxicab drivers is far from settled on a permanent basis, San Francisco taxicab drivers are facing many important financial challenges at this time; and

THEREFORE BE IT RESOLVED that the Taxi Commission strongly urges all San Francisco taxicab companies to adhere to prior decisions on the status of taxicab drivers and comply with existing law; and

BE IT FURTHER RESOLVED that the Taxi Commission strongly urges companies not to require any deposits or prepayments from drivers for any term of time longer than one shift.

AYES:
ABSENT:

NOES:
RECUSED: