

Amendment A Version 1 to CB 120580 – App-Based Worker Deactivation Rights

Sponsor: Councilmembers Herbold and Lewis

Make Technical Corrections Clarifying OLS Enforcement Role

Effect: This amendment would do the following:

1. Renumber the current subsection 8.40.050.C.1 to 8.40.050.D.
2. Remove extraneous phrasing from Section 8.40.125, to clarify that OLS will have rulemaking authority for the entire Chapter upon the January 1, 2025 effective date.
3. Clarify that the Agency shall not have the power to enforce certain subsections until June 1, 2027.
4. Add subsections 8.40.050.C and 8.40.060.A to the list of subsections that OLS shall not have the power to enforce until June 1, 2027.

This amendment would delay the substantive Agency enforcement of determining egregious misconduct and unwarranted deactivations until OLS is authorized to enforce the entire ordinance. It would allow for OLS to enforce the requirement that an investigation to determine egregious misconduct shall not take longer than 14 days, except in the case of extraordinary circumstances, upon the January 1, 2025 effective date.

Amend Section 2 of CB 120580 as follows:

8.40.050 Deactivation requirements

A. A network company shall adopt the following measures prior to deactivating an app-based worker, except as provided in subsections 8.40.050.C and 8.40.050.D:

* * *

C. Subject to the provisions of this Section 8.40.050 and rules issued by the Director, a network company may immediately deactivate an app-based worker if such action is required to comply with any applicable court order or local, state, or federal laws or regulations, or where an app-based worker has engaged in egregious misconduct.

D.((—1.)) In the case of allegations of egregious misconduct, the network company may deactivate the app-based worker before completing an investigation. The investigation shall not

take longer than 14 days except in the case of extraordinary circumstances. If the investigation is delayed due to extraordinary circumstances, the network company must provide the app-based worker with written notice that the investigation is delayed, the reason(s) for the delay, and the date on which the completion of the investigation is anticipated.

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8.40.125 Rulemaking authority

~~((Except as provided in subsection 8.40.130.B, the Director is authorized to administer and enforce this Chapter 8.40.))~~ The Director is authorized to promulgate, revise, or rescind rules and regulations deemed necessary, appropriate, or convenient to administer, evaluate, and enforce the provisions of this Chapter 8.40 pursuant to Chapter 3.02, providing affected entities with due process of law and in conformity with the intent and purpose of this Chapter 8.40. Any rules promulgated by the Director shall have the force and effect of law and may be relied on by network companies, app-based workers, and other parties to determine their rights and responsibilities under this Chapter 8.40.

8.40.130 Enforcement power and duties

A. Except as provided in subsection 8.40.130.B, on or after January 1, 2025, the Agency shall have the power to administer and enforce this Chapter 8.40 and shall have such powers and duties in the performance of these functions as are defined in this Chapter 8.40 and otherwise necessary and proper in the performance of the same and provided for by law.

B. The Agency shall not have the power to enforce subsections 8.40.050.A.3, 8.40.050.A.4, 8.40.050.A.5, 8.40.050.A.6, 8.40.050.B, 8.40.050.C, and 8.40.060.A until June 1, 2027. Starting June 1, 2027, the Agency may ~~((have the power to))~~ enforce subsections

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Full Council

August 1, 2023

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8.40.050.A.3, 8.40.050.A.4, 8.40.050.A.5, 8.40.050.A.6, ~~((and))~~ 8.40.050.B, 8.40.050.C, and

8.40.060.A. This subsection 8.40.130.B does not limit the ability of an app-based worker to seek other avenues of relief for violations of those subsections.