



Seattle City Council

Central Staff - Memorandum

Date: Tuesday, September 08, 2015
To: Seattle City Council
From: Tony Kilduff
Subject: C.B. 118499: For-hire driver collective bargaining

Brief Overview

Council Bill (C.B.) 118499 will be heard in the Finance and Culture Committee on Wednesday, September 09, 2015 at 2:00 PM. The C.B. would require entities that hire, contract with, or partner with for-hire¹ drivers to negotiate with a driver representative concerning working conditions, including the amounts of any fare to be retained by the drivers, should the for-hire drivers select such a representative.

Detailed Description

C.B. 118499 amends SMC 6.310 to (a) add new definitions to Subsection 6.310.110 and (b) add a new Subsection 6.310.735.

The definitions added to Subsection 6.310.110 are:

- Driver Coordinator: any entity that hires, contracts with, or partners with for-hire drivers to provide for-hire services to the public;
- Qualifying Driver: a for-hire driver who has completed at least 150 trips for the Driver Coordinator in the 30 days prior to passage of the C.B.;
- Qualified Driver Representative (QDR): an entity that can assist Qualifying Drivers in reaching consensus on desired terms of work and negotiate those terms on their behalf with Driver Coordinators; and
- Exclusive Driver Representative (EDR): a QDR certified by the Director of FAS (Director) to be the sole and exclusive representative of for-hire drivers for a given Driver Coordinator.

The new Subsection 6.310.735 has the following key elements:

- Requires Driver Coordinators who contract with 50 or more for-hire drivers to provide the Director with contact information for their Qualifying Drivers within 120 days of

¹ Any person in physical control of a taxicab, for-hire vehicle, or transportation network company endorsed vehicle who is required to be licensed under this chapter (SMC 6.310.110).

passage of the Ordinance. Failure to comply results in a penalty of up to \$10,000 per day for every day the entity fails to comply (paragraphs C, J);

- Establishes a process by which the Director certifies an EDR. Within 30 days of receiving the driver contact information, the Director will share that information with the QDRs. They then have 120 days to secure an expression of interest in being represented from a majority of drivers for a given Driver Coordinator. The Director has 30 days to verify the expressions of interest—that process to be defined by Director’s rule—and to certify an EDR (paragraphs D, E);
- If no QDR succeeds in securing a majority of the drivers for a given Driver Coordinator, the Director will initiate the process again no earlier than 180 days later and no later than 360 days later (paragraph F);
- If the Director certifies an EDR, the EDR and Driver Coordinator have 90 days to negotiate the terms and conditions of work, including the amounts of any fare to be retained by the drivers. They must submit the agreement to the Director for review for compliance with existing code. If the Director finds the agreement complies it will go into effect and be binding on both parties. If not, the Director will remand it to the parties for revision (paragraph G);
- If the EDR and Driver Coordinator fail to reach agreement, either party may require the other to enter into interest arbitration (paragraph H);
- Prohibits retaliation by Driver Coordinators against Qualifying Drivers exercising their rights under this Subsection (paragraph I); and
- Provides for a private right of action (paragraph J) to enforce the provisions of
 - Paragraph C requiring Driver Coordinators to provide driver contact information;
 - Paragraph G requiring the EDR and Driver Coordinator to negotiate;
 - Paragraph H requiring interest arbitration should negotiations fail; and
 - Paragraph I prohibiting retaliation against drivers.