

Amendment 1 Version 2 to CB 120294 – App-Based Worker Minimum Payment

Sponsor: Councilmembers Herbold and Lewis

Fix errors and provide clarifications

Effect: This amendment would correct typographical errors and omissions, and provide additional clarity, as follows:

1. clarify the definition of “incentive”;
2. clarify the definition of “unsealed”;
3. require tip disclosure, if applicable, before facilitation of the offer rather than completion of the offer; and
4. change cancelled review period from three days to 72 hours.

Amend Section 3 of CB 120294 as follows:

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“Incentive” means a sum of money paid to an app-based worker (~~((upon completion of services))~~) in addition to the guaranteed minimum network company payment for an offer, upon completion of specific tasks presented by the network companies, including but not limited to completing performance of a certain number of offers, completing performance of a certain number of consecutive offers, completing performance of an offer subject to a price multiplier or variable pricing policy, making oneself available to accept offers in a particular geographic location during a specified period of time, or recruiting new app-based workers.

“Marketplace network company” means a network company that ~~((+))~~a is exclusively engaged in facilitating pre-scheduled offers in which the prospective customer and worker exchange information regarding the scope and details of services to be performed prior to the customer placing the online order for those services or the app-based

worker accepting the offer, and ~~((2))b~~ exclusively facilitates services performed without the network company monitoring offers by geographic location, mileage, or time. On-demand network companies and companies that primarily provide delivery services are not marketplace network companies.

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“Unsealed” means ~~((unpackaged, visible within packaging, and/or in packaging that is not designed to withstand shipment. The term “unsealed” includes but is not limited to bags, boxes, or containers designed to allow customers to transport hot food or groceries to their homes))~~loose items or items in packaging that have the potential to open, spill, or otherwise expose an app-based worker to its contents, including but not limited to delivery bags, boxes, or other containers designed to allow customers to transport hot food or groceries to their homes. The term “unsealed” does not include individual items pre-packaged into a bag, box, or other container that is then sealed in a manner designed to keep its contents securely contained, inaccessible, and out of view of the app-based worker.

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8.37.070 Network company transparency

A. Right to up-front information regarding offers

1. A network company shall provide, and/or ensure a customer provides, an app-based worker the following information when facilitating or presenting an offer:

a. A reasonable estimate of the engaged time required to complete performance of the offer and, if applicable, the range of time in which the offer can be completed;

b. A reasonable estimate of the engaged miles required to complete performance of the offer and the approximate geographic location or locations where work in furtherance of the offer will occur, including pick-up and drop-off locations for offers involving deliveries;

c. A guaranteed minimum amount of network company payment for the offer; provided, that it does not fall below the minimum network company payment requirements established in Section 8.37.050 for an offer requiring the amount of engaged time and engaged miles provided in the estimate;

d. The amount of any tip that each customer has indicated they will provide, if the network company's online-enabled application or platform enables customers to tip in advance of facilitating or presenting the offer to the app-based worker~~((completion of an online order))~~);

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8.37.080 Flexibility

D. For all cancelled offers, network companies shall allow the app-based worker to communicate the reason for cancellation, including ~~((at least all))~~but not limited to the reasons included in subsection 8.37.080.C, via the worker platform. The network company shall review the stated reason for cancellation for a reasonable time of no less than ~~((three days))~~72 hours before taking any action.