



# Seattle Office of Labor Standards

## PROPOSED RULES FOR NOTICE AND COMMENT

### SEATTLE OFFICE OF LABOR STANDARDS

#### Seattle Human Rights Rules (SHRR) Chapter 210

Rules for administering the TNC Driver Minimum Compensation Ordinance, Seattle Municipal Code 14.33

**Background:** In April and May, 2021, OLS released successive versions of proposed administrative rules for the Transportation Network Company (TNC) Minimum Compensation Ordinance ([SMC 14.33](#)). The ordinance requires TNCs like Uber and Lyft to provide a minimum per minute and per mile payment for each covered trip by a TNC driver. OLS received comments from the public during two different comment periods and subsequently considered those comments. Based on those comments, OLS made limited adjustments to the rules. Accordingly, OLS invites members of the public to comment on these limited changes until **July 14, 2021 at 5PM PST**.

#### Summary of Proposed Changes

The proposed changes appear on the following pages, signaled by strikethrough and underline. Note, however, that section or paragraph headings that are underlined in full do not indicate a change. This document includes only the portions of the rules that OLS has updated and enough additional material to provide context for those changes. The original proposed Chapter can be viewed in its entirety on the OLS website by clicking [here](#) and the limited changes made to those rules posted for comment in May 2021 [can be viewed here](#).

#### **SHRR 210-140 Notice and Posting**

Manner of distribution: The revision proposes changing the event that triggers the requirement that TNCs provide the Notice of Rights to a TNC driver from when a TNC driver “logs on to the driver platform” to when the TNC driver “begins a period of available platform time.”

#### **SHRR 210-150 TNC Records**

Revisions to this section do the following:

- Change the reference to “shared rides” to “shared trips”
- Clarify which records a TNC must retain under the session time provisions in SHRR 210-150.4.

#### **SHRR 210-160 Production of Records**

Revisions to this section do the following:

- Remove reference to “available platform time” in SHRR 210-160.3.a.ii.
- Clarify that dispatch platform time records must be produced for “each period of dispatch platform time.”
- Clarify which records a TNC must produce under the session time provisions in SHRR 210-160.3.d.
- Change the reference to “shared rides” to “shared trips”
- Clarify that a TNC may associate session time records with trip identification numbers, but is not required to.

#### **SHRR 210-190 Effective Date of Rules**

This revision changes the effective date of rules to October 1, 2021.

Note: The finalized chapter will include immaterial, technical corrections that this document does not describe.

Please send comments by email to [laborstandards@seattle.gov](mailto:laborstandards@seattle.gov) with the subject line “Comments: TNC Driver Minimum Compensation Proposed Rules” or by regular mail to:

Seattle Office of Labor Standards  
810 Third Ave., Suite 375  
Seattle, WA 98104-1627  
Attention: Kerem Levitas, OLS Policy Analyst

You can also comment by calling 206-256-5297.

## PROPOSED RULES FOR NOTICE AND COMMENT

### SEATTLE OFFICE OF LABOR STANDARDS Seattle Human Rights Rules (SHRR) Chapter 210

Practices for administering Transportation Network Company Driver Minimum Compensation Ordinance requirements under Seattle Municipal Code 14.33

- SHRR 210-140** Notice and Posting
- SHRR 210-150** TNC Records
- SHRR 210-160** Production of Records
- SHRR 210-190** Effective Date of Rules

#### **SHRR 210-140 Notice and Posting**

##### **1. Notice of Rights.**

- a. In general. Consistent with SMC 14.33, TNCs shall provide each TNC driver with a written Notice of Rights established by SMC 14.33. The Agency may create and distribute a model Notice of Rights in English and other languages. Regardless of whether the Agency has created and distributed a model Notice of Rights, TNCs are responsible for providing TNC drivers with the Notice of Rights required by this subsection 14.33.100.A, in a form and manner sufficient to inform TNC drivers of their rights under this Chapter 14.33.
- b. Agency provision of Notice of Rights. In the event that the Agency creates a model Notice of Rights in English and/or other languages, each TNC must distribute the written Notice of Rights in a substantially similar form in the languages provided by the Agency and must translate and distribute the Notice of Rights into any language that the TNC knows or has reason to know is the primary language of the TNC driver.
- c. Manner of distribution. The written Notice of Rights shall be made available to the TNC driver via smartphone application or online web portal. At least one time per calendar month in which the TNC driver logs on to the driver platform begins a

period of available platform time, the TNC shall affirmatively provide the TNC driver with the Notice of Rights via email and in one of the following two formats: text message or via a message in the TNC driver platform. The manner of distribution shall be the same manner that communications are typically sent from the TNC to the TNC driver. For a new TNC driver or a TNC driver who has not ~~logged on to the driver platform~~ begun a period of available platform time for a six-month period, the TNC shall affirmatively provide the TNC driver with the Notice of Rights within 48 hours of the TNC driver ~~logging into the driver platform~~ beginning a period of available platform time via email and in one of the following two formats: text message or via a message in the TNC driver platform. The manner of distribution shall be the same manner that communications are typically sent from the TNC to the TNC driver.

### **SHRR 210-150 TNC Records**

1. **In general.** Each TNC shall retain for three years records that document compliance with SMC 14.33.  
  
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3. **Shared rides trips.** For all shared rides trips, each TNC shall retain, in addition to the records specified in SHRR 210-150:
  - a. Tip compensation itemized on a per-passenger basis;
  - b. The distance travelled in miles to the third decimal place and time spent in seconds commencing when the first passenger is picked-up and ending when the last passenger is dropped off.
4. **Session times.** Each TNC shall retain the date and time (to the nearest second) of each instance a TNC driver logged on to (i.e. became available to receive a TNC dispatched trip) and logged off of (i.e. terminated the availability to receive a TNC dispatched trip) the TNC driver platform, including instances when the TNC logs off the TNC driver. Each TNC shall retain a record of whether a session ended due to the TNC logging the TNC driver off of the driver platform.

### **SHRR 210-160 Production of Records**

1. **In general.** Consistent with SMC 14.33, each TNC shall routinely and affirmatively transmit to the Agency the records specified in this Rule. Except as provided in SHRR 210-160.3.a.ii, records shall be transmitted at least monthly.  
  
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3. **Available platform time, dispatch platform time, and session time records.**
  - a. Form, format, and frequency of transmission.
    - i. **During Assessment Period.** During an assessment period, each TNC shall routinely and affirmatively transmit to the Agency, at least monthly, the records specified in SHRR 210.160.3 in a form and format designated by the Agency.
    - ii. **Outside of Assessment Period.** Outside of an assessment period, each TNC shall routinely and affirmatively transmit to the Agency, not more than monthly, the

~~available platform time~~ records specified in SHRR 210.160.3 in a form, format, and frequency designated by the Agency.

- b. Available platform time records.
    - i. Each TNC shall transmit the distance travelled in miles to the third decimal as well as the date and time (to the nearest second) the TNC driver began and ended each period of available platform time.
    - ii. Available platform time records shall be associated with the TNC driver's King County/City for-hire driver license or permit number.
    - iii. Available platform time records shall not be associated with the unique driver identification number, unique trip identification number, or unique vehicle identification number required under SHRR 210-160.7.
    - iv. The Agency is authorized to require that anonymization protocols be applied to the King County/City for-hire driver license or permit number prior to transmitting such records to the Agency.
  - c. Dispatch platform time records.
    - i. Each TNC shall transmit the date and time that the TNC driver began and ended each period of dispatch platform time. The time may be rounded to the nearest 30-minute interval.
    - ii. Each TNC shall transmit the distance travelled in miles to the third decimal place and time spent in seconds during each period of dispatch platform time.
  - d. Session times records. Each TNC shall transmit to the Agency the time and date of each instance a TNC driver logged on to (i.e. became available to receive a TNC dispatched trip) and logged off of (i.e. terminated the availability to receive a TNC dispatched trip) the TNC driver platform, including instances when the TNC logs off the TNC driver. Each TNC shall indicate whether a session ended due to the TNC logging the TNC driver off of the driver platform.
- 4. Shared rides trips.** For all shared rides trips, each TNC shall transmit at least monthly, in addition to the records specified in SHRR 210-160:
- a. Tip compensation itemized on a per-passenger basis;
  - b. The distance travelled in miles to the third decimal place and time spent in seconds commencing when the first passenger is picked-up and ending when the last passenger is dropped off.

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- 7. Identification numbers.** For each record enumerated in SHRR 210-160.2; 210-160.3.c; 210-160.3.d; and 210-160.4, the TNC shall create and associate a unique TNC driver identification number, unique trip identification number, and unique vehicle identification number. Provided however, that the TNC ~~shall~~ is not required to associate a trip identification number with the session time records required under SHRR 210-160.3.d. These identification numbers shall be unique from any TNC driver identification number, trip identification number, or vehicle identification number submitted to King County, The Port of Seattle, or other government entity.

## **SHRR 210-190 Effective Date of Rules**

These rules shall take effect on ~~July 1, 2021, provided however that SHRR 210-160 shall take effect on August 1, 2021~~ October 1, 2021.

Proposed Rules