

## 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

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**SHRR 210-010 Purpose.**

These Rules govern the practices of the Seattle Office of Labor Standards in administering the requirements of the Transportation Network Company (TNC) Driver Minimum Compensation Ordinance, Seattle Municipal Code (SMC) 14.33 (“TNC Driver Minimum Compensation Ordinance” or “SMC 14.33”).

**SHRR 210-020 Practice where Rules do not Govern.**

If a matter arises in administering the TNC Driver Minimum Compensation Ordinance that is not specifically covered by these Rules, the Director shall specify the practices to be followed.

**SHRR 210-030 Construction of Rules.**

These rules shall be liberally construed to permit the Seattle Office of Labor Standards to accomplish its administrative duties in implementing the TNC Driver Minimum Compensation Ordinance, including providing technical assistance, determining if a violation has occurred and prescribing penalties and remedies.

**SHRR 210-040 Severability.**

These Rules are declared to be separate and severable. If any clause, sentence, paragraph, subdivision, section, subsection or portion of these rules or the application thereof to any TNC, TNC driver, or person or circumstance, is held to be invalid, it shall not affect the validity of the remainder of these Rules, or the validity of the application of the Rules to other persons or circumstances.

**SHRR 210-050 Force of Law.**

These Rules supplement the provisions of the TNC Driver Minimum Compensation Ordinance and shall have the force and effect of law.

**SHRR 210-060 More Generous Practices.**

Nothing shall be construed as discouraging or prohibiting each TNC from adopting or retaining practices that provide more generous TNC driver labor standards than the protections established by SMC 14.33.

**SHRR 210-070 Employment Status.**

No provision of these Rules shall be construed as providing any determination regarding the legal status of TNC drivers as employees or independent contractors.

**SHRR 210-080 Other Legal Requirements.**

The TNC Driver Minimum Compensation Ordinance defines requirements for TNC driver minimum compensation and shall not be construed to preempt, limit, or otherwise affect the applicability of any other law, regulation, requirement, policy, or standard that provides for greater requirements; and nothing in SMC 14.33 shall be interpreted or applied so as to create any power or duty in conflict with federal or state law. Nor shall SMC 14.33 be construed to preclude any person aggrieved from seeking judicial review of any final administrative decision or order made under SMC Chapter 14.33 affecting such person.

**SHRR 210-090 Rounding.**

In exercising its authority to determine and adjust rates in SMC 14.33, the Agency shall round currency figures to the nearest cent and shall round non-currency figures to the nearest third decimal place number.

## **SHRR 210-100 Definitions**

Definitions are consistent with those in SMC 14.33.020 and are supplemented by the following definitions.

1. **“Assessment period”** means a period during which the Agency assesses relevant factors and information for purposes of adjusting each TNC’s passenger mileage utilization rate or passenger platform time utilization rates.
2. **Available platform time**
  - a. “Available platform time” means the time a TNC driver is logged in to the driver platform and available to receive a TNC dispatched trip prior to receiving a trip request from a TNC. Available platform time ends when a TNC driver accepts a trip in the driver platform, logs off of the driver platform, or the TNC logs the TNC driver off of the driver platform. A TNC driver cannot simultaneously be engaged in available platform time, dispatch platform time, and/or passenger platform time for the same TNC. For trips involving multiple passengers picked up from different passenger pick-up locations, available platform time means the period of time when a TNC driver is logged in to the driver platform prior to receiving the first trip request from a TNC.
  - b. “Prior to receiving a trip request from a TNC” means any period of time prior to receiving a trip request, regardless of when the trip request occurs. The period of time need not immediately precede the trip request.
3. **Dispatch platform time**
  - a. Dispatch platform time ends when a passenger cancels a trip, a driver cancels a trip, a TNC cancels a trip, or the driver begins the trip in the driver platform.
4. **Incentives**
  - a. “Incentives” means a sum of money paid to a TNC driver upon completion of a task, usually completing a certain amount of trips, a certain amount of consecutive trips, a trip subject to a price multiplier or variable pricing policy, or some other provision of TNC services.
  - b. “Some other provision of TNC services” may include, but is not limited to, providing TNC services in a certain geographical location or driving through a certain geographical location.
5. **“Passenger platform time minutes”** means the number of minutes or portion of a minute that a TNC driver spends in passenger platform time on a particular trip.
6. **“Passenger platform time miles”** means the number of miles or portion of a mile that a TNC driver drives during passenger platform time on a particular trip.
7. **Passenger mileage utilization rate.** The passenger mileage utilization rate is calculated by dividing the total miles that TNC drivers drive during passenger platform time by the total miles TNC drivers drive during available platform time, dispatch platform time, and passenger platform time, during an assessment period.
8. **Passenger platform time utilization rate.** The passenger platform time utilization rate is calculated by dividing the total amount of time that TNC drivers spend during passenger platform time by the total of the time TNC drivers spend during available platform time, dispatch platform time, and passenger platform time, during an assessment period.
9. **“Per minute amount”** means the per minute rate divided by the passenger platform time utilization rate, except that in the first three months after the effective date of SMC 14.33, the per minute amount shall be phased in according to a rate schedule filed by the Agency with the City Clerk. From April 2021 to December 2021, this calculation is expressed in equation form as follows:  $\$0.28 / 0.492 = \$0.57$ .

10. **“Per mile amount”** means the per mile rate divided by the passenger mileage utilization rate.
11. **“Primary language”** means the language in which the TNC driver feels most comfortable communicating. Each TNC shall make a good faith effort to determine the primary languages of TNC drivers performing TNC services.
12. **“Shared trip”** means a trip requested or selected by a passenger, which may be shared with one or more passengers, who each independently use TNC services to select the trip, regardless of whether the passenger actually shares all or part of the trip with one or more passengers; provided, that each passenger is charged a fare that is calculated, in part, based on the passenger’s request or acceptance of the request to share all or part of the trip.

### **SHRR 210-110 TNC Driver Coverage**

1. **In general.** Consistent with SMC 14.33,
  - a. A TNC driver is covered by Chapter 14.33 if the TNC driver provides TNC services within the geographic boundaries of the City for a TNC covered under Chapter 14.33.
  - b. For a trip with a passenger pick-up location in the City, all minimum compensation requirements under Section 14.33.050 apply, regardless of the passenger drop-off location.
  - c. For a trip with a passenger pick-up location outside the City, minimum compensation under Section 14.33.050 is due only for the portion of passenger platform time and mileage that occurs within the City.
2. **Trips that pass through the City.** SMC 14.33 does not apply to a trip with both a passenger pick-up location and a passenger drop-off location outside the City.

### **SHRR 210-120 TNC Driver Minimum Compensation**

1. **Minimum Compensation**
  - a. Per Trip Amount.
    - i. **In general.** Consistent with SMC 14.33, for each TNC dispatched trip, a TNC shall compensate TNC drivers a minimum per trip amount of at least \$5. “Each TNC dispatched trip” includes but is not limited to a trip in which the TNC driver transports the passenger to the passenger’s desired drop-off location, a trip cancelled by a passenger or the TNC unless the TNC refunds the passenger cancellation fee due to driver conduct, and a trip where the passenger does not appear at the passenger pick-up location.
    - ii. **Passenger fails to appear.** Each TNC shall pay the minimum per trip amount under SMC 14.33.050.A.4 where:
      1. The passenger does not appear at the passenger pick-up location within five minutes of the TNC driver arriving at the passenger pick-up location as indicated by the TNC driver denoting arrival in the driver platform or the driver platform recording such arrival based on GPS coordinates or other internal functionality; and
      2. The TNC driver remains available to pick-up the passenger for the duration of the five-minute period.

- iii. **Passenger pick-up location outside the City.** For a trip with a passenger pick-up location outside the City, the minimum per trip provisions of SMC 14.33.050.A.4 apply provided the passenger drop-off location is within the City.

## 2. Deductions

- a. In general. Consistent with SMC 14.33, a TNC may only deduct compensation when the TNC driver expressly authorizes the deduction in writing and does so in advance for a lawful purpose for the benefit of the TNC driver. Any such authorization by a TNC driver must be voluntary and knowing. Neither the TNC nor any person acting in the interest of the TNC may derive any financial profit or benefit from any of the deductions under SMC 14.33.050.C.
- b. Reduction below promised compensation rates. Subject to the provisions of SHRR 210-120.2.c, each TNC may only reduce a TNC driver's pay below compensation rates agreed to by the TNC and the TNC driver or established by SMC 14.33 through a deduction made pursuant to and consistent with SMC 14.33.050.C.
- c. Deductions without Written Authorization.
  - i. Each TNC may deduct any portion of the TNC driver's compensation below the rates established in SMC 14.33.050 without prior written authorization for any of the following reasons.
    - 1. Required by state or federal law; or
    - 2. To satisfy a court order, judgment, wage attachment, trustee process, bankruptcy proceeding, or payroll deduction notice for child support payments.
  - ii. A deduction made pursuant to this section shall be labeled as a "mandatory deduction" in the TNC driver trip receipt and weekly pay statement.
- d. Financial profit or benefit. A deduction will be considered for financial profit or benefit if it results in a gain over and above the fair market value of the goods or services for which the TNC made the deduction. In determining whether a deduction resulted in a financial profit or benefit to the TNC, or any person acting in the interest of the TNC, the Agency may consider any of the following non-exhaustive factors.
  - i. The cost of the goods or services incurred by the TNC, including reasonable administrative costs to provide the goods or services to the TNC driver;
  - ii. The fair market value for the goods or services; and
  - iii. Whether the deduction resulted in a gain over and above expenditures.
- e. Knowing authorization of deductions. A TNC driver's authorization of a deduction shall be considered knowing if the TNC driver was informed of the potential consequences of the deduction.
- f. Voluntary authorization of deductions. A TNC driver's authorization of a deduction shall be considered voluntary if the TNC driver was not pressured, manipulated, or coerced into authorizing the deduction.
- g. Written authorization of deductions. To be a valid deduction, the written authorization of deductions must:
  - i. Be written in the TNC driver's primary language;
  - ii. Clearly and simply state that the TNC driver authorizes a deduction from their compensation;
  - iii. Clearly and simply state the estimated amount and nature of the deduction;
  - iv. State the effective date(s) of the deduction;

- v. State how the TNC driver may rescind the authorization at a future date, including the option to rescind such authorization in writing; and
- vi. Be signed by the TNC driver, including by electronic signature.
- h. Deductions for vehicle rental or lease.
  - i. Prior to commencing any deduction for vehicle rental or lease, each TNC shall obtain written authorization in accordance with this section and SMC 14.33.050.C. The authorization shall be provided in a stand-alone format in at least 14-point font and shall list any variance in the deduction based on hours or miles of TNC service. The authorization shall also estimate the total weekly deduction amount to TNC drivers who provide 10, 20, 30, and 40 hours of TNC services per week based on all charges, whether assessed on a weekly, monthly, per minute, per mile or other basis.
  - ii. Deductions for vehicle rental or lease must be for the benefit of the TNC driver and the TNC may not derive a financial profit or benefit from such rentals or leases.
  - i. Impermissible deductions. The cost of damage to or loss of TNC equipment, software, intellectual property, or other tangible or intangible property may not be deducted from a TNC driver's compensation.

**3. Adjustment of the passenger platform time utilization rate and the passenger mileage utilization rate.**

- i. Reasonable Notice of assessment period. Prior to beginning any assessment period on which the Agency will base a passenger platform time utilization rate or the passenger mileage utilization rate adjustment, the Agency shall provide no less than 30 days' notice to the TNCs and other stakeholders of the date on which the assessment period begins.
- ii. Assessment period. The assessment period for the first adjustment of the passenger platform time utilization rate or passenger mileage utilization rate shall be 12 months in duration. The assessment period for any subsequent adjustment to the passenger platform time utilization rate or passenger mileage utilization rate shall be up to 12 months in duration. Provided however, that the Agency is authorized to base its assessment on sample periods that are shorter in duration than the full assessment period. In determining sample periods, the Agency shall take into consideration:
  1. Methods to account for seasonal fluctuation;
  2. Methods to ensure uniformity of data sampling methods across sample periods, but within a single assessment period; and
  3. Methods to ensure consistency of data sampling methods and periods between different assessment periods.

**SHRR 210-130 Provision of Personal Protective Equipment and Disinfecting Supplies**

1. **In general.** Consistent with SMC 14.33, while the civil emergency proclaimed by Mayor Durkan on March 3, 2020 remains in effect, each TNC covered by this Chapter 14.33 must provide to each TNC driver, at the TNC's expense, a reasonable amount of non-medical grade face coverings, gloves, hand sanitizing agents, and disinfecting supplies, such as disinfecting wipes or sprays.
2. **Reimbursement for personal protective equipment and disinfecting supplies.** If a TNC elects to reimburse drivers for personal protective equipment and disinfecting supplies,

in lieu of providing such items directly, the TNC shall provide reimbursement within two weeks of a TNC driver's request for such reimbursement.

**3. Notice of the TNC's Personal Protective Equipment and Disinfecting Supplies policy.**

Each TNC shall provide notice of the TNC's policy and procedure for meeting the requirements of SMC 14.33.070 to new TNC drivers within two weeks of the TNC driver's approval to perform TNC services and to existing TNC drivers upon the effective date of SMC 14.33.

**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, the TNC shall display the Notice of Rights as a pop-up notification when a TNC driver first opens the driver platform. For a new TNC driver or a TNC driver who has not logged on to the driver platform for a six-month period, the TNC shall display the Notice of Rights as a pop-up notification when the TNC driver first opens the driver platform.

**2. TNC Driver Per-Trip Receipt.**

- a. In general. Consistent with SMC 14.33, within 24 hours of each trip completion, a TNC must transmit a single electronic receipt to the TNC driver that contains the information itemized in SMC 14.33.100.C and this Rule. Trip receipts shall be clear, accurate, and not misleading.
- b. Timing of Payment. If a TNC has not processed payment for a trip at the time the TNC provides the trip receipt to the TNC driver, the trip receipt shall provide notice of when the payment will be processed.
- c. Trips with a passenger pick-up location outside of the City. For a trip with a passenger pick-up location outside of the City, the itemized trip receipt shall indicate the amount of passenger platform time minutes and passenger platform time miles that took place within the City, and corresponding payment of the minimum compensation rates required by SMC 14.33.050.
- d. Date and time. The per-trip receipt required under SMC 14.33.100.C shall include the date and time of passenger pick-up and passenger drop-off.

- e. Passenger pick-up location and passenger drop-off location. In describing the passenger pick-up location and passenger drop-off location pursuant to SMC 14.33.100.C.3, each TNC shall:
  - i. Indicate the location by naming the street and city of each passenger pick-up location and passenger drop-off location. Each TNC is authorized to indicate the location with greater specificity at its discretion, provided the location is sufficiently anonymized to protect passenger safety and privacy; and
  - ii. Provide a map depicting the general route of the trip and the passenger pick-up and drop-off locations, sufficiently anonymized to protect passenger safety and privacy.
- f. Incentive pay. The per-trip receipt shall include a separate itemization of any incentive pay earned on the trip.
- g. Accessibility of pay statements. Each TNC shall make TNC driver per-trip receipts available in a downloadable format, such as .csv, via smartphone application or online web portal for a period of three years from the date the TNC provided the receipt to the TNC driver.

**3. TNC Driver Weekly Notice of Pay Information.**

- a. In general. Consistent with SMC 14.33, on a weekly basis, the TNC shall provide written notice to the TNC driver that contains the information itemized in SMC 14.33.100.D and this Rule for trips, or a portion of a trip, that is covered by SMC 14.33 and which occurred in the prior week (“written weekly notice of pay information”). The weekly notice of pay information shall be clear, accurate, and not misleading.
- b. Incentive pay. The TNC’s written weekly notice of pay information shall include a separate itemization of any incentive pay for the statement period.
- c. Deductions for vehicle rental or lease payments. In addition to the itemized list of deductions required by SMC 14.33.100.D.7, the TNC’s written weekly notice of pay information shall include a subtotal for the total deductions made for any vehicle rental or lease payments.
- d. Accessibility of pay statements. Each TNC shall make weekly pay statements available in a downloadable format, such as .csv, via smartphone application or online web portal for a period of three years from the date the TNC provided the weekly notice of pay information to the TNC driver.
- e. Weekly pay statement schedule. Each TNC shall establish a weekly pay information schedule and provide notice of such schedule to TNC drivers. Notice shall be provided:
  - i. To existing TNC drivers upon the effective date of these rules;
  - ii. To new TNC drivers, when a TNC approves a TNC driver to provide TNC services; and
  - iii. Within two weeks of any change to the weekly pay information schedule.

**4. Passenger receipts.**

- a. In general. Consistent with SMC 14.33, within 24 hours of a trip’s completion, a TNC must transmit an electronic receipt to the passenger on behalf of the TNC driver that contains the information itemized in SMC 14.33.100.E and this Rule. Passenger receipts shall be clear, accurate, and not misleading.
- b. Passenger pick-up location and passenger drop-off location. In describing the passenger pick-up location and passenger drop-off location pursuant to SMC 14.33.100.E.2, each TNC shall describe the location by indicating the specific block



(e.g. “the 300 block of Pine Street”) in which the passenger pick-up and passenger drop-off occurred. Each TNC is authorized to indicate the location with greater specificity, such as with a street address or intersection, at its discretion, provided the location is sufficiently anonymized to protect TNC driver and passenger safety and privacy.

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

- 1. In general.** Each TNC shall retain for three years records that document compliance with SMC 14.33.
- 2. Trip records.** Each TNC shall retain the following records on a per-trip basis:
  - a. Available Platform Time:
    - i. The date, time (to the nearest second), and location (latitude and longitude to the fifth decimal place), that the TNC driver began and ended each period of available platform time.
    - ii. The distance travelled in miles to the third decimal place and time spent in seconds during each period of available platform time.
  - b. Dispatch Platform Time:
    - i. The date, time (to the nearest second) and location (latitude and longitude to the fifth decimal place), that the TNC driver began and ended dispatch platform time.
    - ii. The distance travelled in miles to the third decimal place and time spent in seconds during dispatch platform time.
  - c. Passenger Platform Time:
    - i. The date, time (to the nearest second), and location (latitude and longitude to the fifth decimal place), that the TNC driver began and ended passenger platform time.
    - ii. The distance travelled in miles to the third decimal place and time spent in seconds during passenger platform time. In the case of a trip with a passenger pick-up location outside of the City, the TNC shall retain records of the distance travelled in miles to the fifth decimal place and time spent in seconds during passenger platform time in the City.
  - d. The date and time the TNC driver arrived at the passenger pick-up location, as indicated by the TNC driver denoting arrival in the driver platform, or the driver platform recording such arrival based on GPS coordinates or other internal functionality.
  - e. TNC driver compensation, itemized to include any tip compensation, incentive compensation, individually itemized deductions, fees, tolls, surcharges, commissions, lease or rental fees, or other charges. In the case of a trip with a passenger pick-up location outside of the City, the TNC shall retain records of the payment of the per-minute amount and per mile amount for the distance travelled and time spent during passenger platform time in the City.
  - f. A designation of whether the trip began outside the City.
  - g. A designation of whether the trip was a shared trip.
  - h. Passenger fares.
  - i. The time the passenger waited from trip request to passenger pick-up.
- 3. Shared rides.** For all shared rides, 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 and logged off of 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.
- 5. Records of Deductions.** Each TNC shall retain records of any written authorizations of deductions and deductions itemized by trip. Records shall indicate the type of deduction.

### **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 210-160.7.b.ii, records shall be transmitted at least monthly.
- 2. Per-trip records.** Each TNC shall routinely and affirmatively transmit to the Agency, at least monthly, the following per-trip records in a form and format to be specified by the Agency:
- a. Dispatch Platform time:
    - i. The date and time that the TNC driver began and ended dispatch platform time. The time may be rounded to the nearest 30-minute interval.
    - ii. The distance travelled in miles to the third decimal place and time spent in seconds during dispatch platform time.
  - b. Passenger Platform time:
    - i. The date and time the TNC driver began and ended passenger platform time. The time may be rounded to the nearest 30-minute interval.
    - ii. The distance travelled in miles to the third decimal place and time spent in seconds during passenger platform time. In the case of a trip with a passenger pick-up location outside of the City, the TNC shall provide the distance travelled in miles to the third decimal place and time spent in seconds during passenger platform time in the City.
  - c. TNC driver compensation, itemized to include any tip compensation, incentive compensation, individually itemized deductions, fees, tolls, surcharges, commissions, lease or rental fees, or other charges. In the case of a trip with a passenger pick-up location outside of the City, the TNC shall also provide the payment for the distance travelled and time spent during passenger platform time in the City.
  - d. A designation of whether the trip began outside of the City.
  - e. A designation of whether the trip was a shared trip.
  - f. Passenger fares, rounded to the nearest dollar.
  - g. The time the passenger waited from trip request to passenger pick-up.
- 3. Identification numbers.** For each record enumerated in SHRR 210-160.2; 210-160.5; and 210-160.8, the TNC shall create and associate a unique TNC driver identification number, unique trip identification number, and unique vehicle identification number. 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.

4. **Records not for transmission.** Except as provided in SHRR 210-160.7, a TNC shall not transmit to the Agency any personally identifiable TNC driver information, including name, age, date of birth, home address, social security number, vehicle make, vehicle model, vehicle identification number, vehicle license plate number, or other similar records. Records required to be produced under these Rules or SMC 14.33 are deemed not to constitute personally identifiable TNC driver information for purposes of SHRR 210-160.4.
5. **Shared rides.** For all shared rides, 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.
6. **Location information.** Each TNC shall separately transmit to the Agency the origin and destination of each trip covered by SMC 14.33. The location information may be provided to the U.S. Census block group 2010 level, or subsequent Census Block group as designated by the Agency. Location information shall not be associated with the unique driver identification number, unique trip identification number, or unique vehicle identification number required under SHRR 210-160.3 or any other personally identifiable TNC driver information.
7. **Available platform time.**
  - a. Records for transmission.
    - 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 210-160.3.
    - iv. The Agency is authorized to require that anonymization protocols be applied to the for-hire driver permit number prior to transmitting such records to the Agency.
  - b. 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 available platform time records specified in SHRR 210.160.7.a 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 210.160.7.a in a form, format, and frequency designated by the Agency.
8. **Session times.** Each TNC shall transmit to the Agency the time and date of each instance a TNC driver logged on to and logged off of 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. The TNCs shall

associate the unique TNC driver identification number and unique vehicle identification number required under SHRR 210-160.3 to the session time records.

9. **Sample periods.** The Agency is authorized to require each TNC to produce sample data, for a subset of specifically identified trips that includes:
  - a. The exact start and end times and location to the fifth decimal place for each period of available platform time, dispatch platform time, and passenger platform time;
  - b. The date and time (to the nearest second) the TNC driver arrived at the passenger pick-up location, as indicated by the TNC driver denoting arrival in the driver platform, the driver platform recording such arrival based on GPS coordinates or other internal functionality;
  - c. Other information as specified by the Agency.
10. **Agency Authority.** The Agency is authorized to order that each TNC produce records in a particular form or format and to order particular security or privacy protocols. The Agency is further authorized to order that each TNC produce records more frequently than once a month. Notice of such orders will be provided directly to each TNC or via posting on the Agency website.

#### **SHRR 210-170 Enforcement**

1. **In general.** Practice and procedure for enforcement of this ordinance (SMC 14.33) are determined by the Seattle Office of Labor Standards Rules: Practice and Procedure for Labor Standards Enforcement, (SHRR) Chapter 140.
2. **Notice of Investigation.** Should the Agency require the TNC to post or otherwise notify TNC drivers that the Agency is conducting an investigation, the TNC shall make such notice available in English and any language that the TNC knows or has reason to know is the primary language of the TNC driver and via the method(s) specified by the Agency in the notice of investigation.

#### **SHRR 210-180 Remedies**

1. **In general.** Where the precise amount of unpaid compensation cannot be determined due to a respondent's failure to produce records, the Director may assess unpaid compensation in favor of the aggrieved party for each week that each violation occurred or continued.
2. **Remedy for non-production of records or impracticable records.** Where the precise amount of unpaid compensation cannot be determined due to a respondent's failure to produce records, or where a respondent produces records in a manner or form which makes timely determination of the amount of unpaid compensation impracticable, the Agency shall assess an amount for unpaid compensation in an amount of \$400 per aggrieved party for each week that each violation occurred or continued. This amount shall be increased annually to reflect the rate of inflation, as defined by SMC 14.33.020, and calculated to the nearest cent on January 1 of each year. The Agency shall determine the amounts and file a schedule of such amounts with the City Clerk.
3. **Technical error.** SMC 14.33.170.B contains a technical error. That section reads, in part, "The Director may designate an amount for unpaid compensation in a minimum amount of \$200 for the Director may assess unpaid compensation in an amount to be determined by rules..." (emphasis added). The section is properly read as "The Director may designate an amount for unpaid compensation in a minimum amount of \$200 or

the Director may assess unpaid compensation in an amount to be determined by rules...” (emphasis added).

**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.

PROPOSED