

1/13/2020 - Issues the Ombuds Recommends Committee Consider

- **Timeline for Compensation Review by TNCs:** Uber support advised complainant/driver there is 10-day review process for compensation disputes, after which time to review will occur. This contradicts the Uber User / Driver Services Agreement, which is given to drivers and provides for 15 days. Regardless, this timeline is very short for drivers to seek remuneration in cases of missing compensation.
- **Uber Compensation made by TNC in Responses to Complaint Treated as Settled:** Drivers that complain regarding compensation and are paid any amount (e.g. \$5.00) but are not satisfied, are told they have settled their complaint and are declined further review. This is based upon a driver's complaint and it is unclear if this is the consistent policy at Lyft, with information requested pending.
- **Procedural Due Process in Suspension and Deactivation of Drivers:** The deactivation and suspension processes have been shared in part by Uber, with no response from Lyft to Ombuds' requests. TNC processes for driver review, suspension and deactivation are not transparent, appear to be one-sided and lack procedural safeguards and due process for drivers. Drivers report they have a telephone interview, sometimes with correspondence via the App, and drivers are then notified of the outcome within 2-3 days. Drivers with many positive reviews report they are fearful of deactivation even with one rider complaint. The agreements typically state they are non-appealable and the TNC has sole discretion to deactivate drivers. The User / Driver Services Agreements require mandatory binding arbitration for all disputes.

6/15/2020 - Issues the Ombuds Recommends Committee Consider

Procedural Due Process in Suspension and Deactivation of Drivers

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- Options:

Provide drivers with an opportunity to review the complaint, subject to confidentiality safeguards. And with exception should there be an allegation of fear of bodily harm by the rider or other extenuating circumstances.

Mandate that companies engage in the process review with the TNC Ombuds when a complaint is filed.

Explore implementing a model similar to Seattle's Driver (Dispute) Resolution Center, in which appeals of deactivations will be handled by the City and moved quickly through the process and with less expense to the TNC and drivers.¹

Service Animal Policy Protections for Drivers and Riders under the ADA

To protect the rights of those covered by the ADA, riders are not required to provide documentation that an animal is a service animal. Drivers are permitted to ask only two questions of a rider and may not request documentation to verify the animal is a

¹ This legislation was adopted in 2019 by the City of Seattle and has not yet been fully implemented.

service animal. Riders who seek to transport a non-service animal may file a complaint against a driver without repercussions, while the driver will be permanently deactivated if two such “plausible” complaints are made by riders. The standard of “plausibility” is so low as to be nearly imperceptible, with any report likely to meet this low threshold. Such complaints remain in a driver’s file permanently, and do not decrease in significance over time should another report be made even years later.

Drivers report they are not consistently reimbursed for damage to their vehicle caused by a non-service animal.

Drivers are placed in a situation in which they are risking unreimbursed damage to their vehicle should they transport a non-service animal, but rider complaints are treated as *de facto* valid unless proven otherwise. Drivers are left with two bad options: transport a non-service animal and risk unreimbursed damage to vehicle or decline the ride and incur an irrefutable rider complaint and risk deactivation. The system allows riders to strongarm drivers to transport non-service animals.

- Options:

Investigate a system in which riders voluntarily submit documentation that they are transporting service animals, so as not to violate the ADA. A voluntary system of compliance could result in less conflict for drivers.

Provide riders with an animal the opportunity to make a ride request for a driver that will transport non-service animals, with a minor charge.² Allow drivers to choose whether they will provide these rides and reimburse them for the damage incurred as a result of non-service animal damage.

² Uber has a similar program (“UberPet”) which is available in other markets and is under consideration for expansion by Uber later this year.

9/14/2020 - Issues the Ombuds Recommends Committee Consider

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- Provide drivers with an opportunity to review the complaint, subject to confidentiality safeguards. And with exception should there be an allegation of fear of bodily harm by the rider or other extenuating circumstances.
- Mandate that companies engage in the process review with the TNC Ombuds when a complaint is filed.
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Dash Cameras Available to Drivers at Reduced or No-Cost

Many drivers report they were the subject of false reports by riders, and without a camera, would have faced deactivation. Often drivers are not aware of the importance of this equipment

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until they are the subject of a rider complaint. In some of the most serious complaint categories, they could be deactivated over a single rider complaint.

Companies could include this information in the on-boarding / training materials and also provide opportunities for drivers to purchase dash cameras at the start of their work, rather than later after a complaint is received.

Transparency of Lyft Platform and Service Fees

Lyft drivers are charged a Platform Fee and Service Fee on a rider's payment. While drivers have access to a Weekly Summary of these fees, the final calculations may differ from the amounts represented on a Weekly Summary. There should be more transparency in how these fees are calculated and the ability to immediately access and/or calculate total fees charged.

Options:

- On a monthly basis, provide drivers with a summary of all final fees, payments, and non-ride earnings.
- Allow drivers access to information adequate to manually calculate Platform Fees.
- Drivers and the Public are informed that Platform Fees are:

Rider Charges – (Driver Fare + Tolls/Surcharges + Service Fee + 3rd Party Fees + Bonuses)

- However, the basis for how the Service Fee is calculated is not known. Efforts to determine the calculation have been challenging without clear information provided by the TNC to date.

24 Hour Lyft Driver Customer Service Line for Drivers Experiencing Fraud and Other Urgent Matters

Often, urgent matters experienced by drivers do not warrant calling 911 but need immediate attention nonetheless to avoid additional loss/harm. Lyft drivers have reported finding it

difficult or nearly impossible to get in contact with a live person via phone when an urgent matter arises (such as money being fraudulently stolen from account).

Options: Provide drivers with access to a 24/7 telephone line or live in-app messaging.