City of Seattle

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Rule FHDR-1, Qualifying Driver and Lists of Qualifying Drivers (SMC 6.310.110, .735.D and .735.E)

Introduction

The following Rule establishes the conditions that define a Qualifying Driver as authorized by the Seattle Municipal Code (SMC).

In adopting the Rule, the Director has considered the available data regarding trips by for-hire drivers, discussions with and survey responses from drivers, standards established by other jurisdictions for granting persons the right to vote and to be represented in negotiations pertaining to the terms and conditions of employment and the factors set forth in the SMC, and has established conditions that indicate that a driver's work for a Driver Coordinator is significant enough to affect the safety and reliability of for-hire transportation in that the driver has a sufficient stake in and knowledge of conditions that affect the safety and reliability of that Driver Coordinator's for-hire transportation services.

Qualifying Driver

A qualifying driver is a for-hire driver licensed under the SMC who meets the following conditions:

- Was hired by or began contracting with, partnering with or maintaining a contractual relationship with a particular Driver Coordinator at least 90 days prior to the commencement date;[1] and
- Drove at least 52 trips originating or ending within the Seattle city limits for a particular Driver Coordinator during any three-month period in the 12 months preceding the commencement date. A trip is defined as transporting a passenger from one place to another for compensation.
    - Any driver who is an active member of the U.S. military and could not provide trips because he/she was deployed on a military assignment outside of the greater Seattle area will qualify if he/she drove at least 52 trips originating or ending within the Seattle city limits for a particular Driver Coordinator during any three-month period in the 24 months preceding the commencement date. A trip is defined as transporting a passenger from one place to another for compensation. The driver must provide documentation corroborating the deployment and trips driven to the Director for inspection and to confirm qualification.

The City recognizes that a driver may drive for multiple Driver Coordinators and may be a qualifying driver for more than one Driver Coordinator. For purposes of determining whether a driver is a "qualifying driver" under the provisions of the SMC, a Driver

[1] The initial commencement date is January 17, 2017. Ninety days prior to the initial commencement date is October 19, 2016 and 12 months prior is January 17, 2016. Subsequent commencement dates will be promulgated by the Director pursuant to the SMC.

Coordinator should count only the trips driven by the driver for that particular Driver Coordinator.

Nothing in this Rule or in the SMC will be construed to require or authorize a Driver Coordinator to ask drivers to identify themselves as driving for another Driver Coordinator.

Lists of Qualifying Drivers Created by Driver Coordinators

Within 14 calendar days of its designation as a Qualified Driver Representative (QDR), or within 58 days of the commencement date if the QDR has previously been designated, a QDR will notify a Driver Coordinator of its intent to represent those drivers.[2] Driver Coordinators that hire, contract with or partner with 50 or more non-employee for-hire drivers for the purpose of assisting them with, or facilitating them in, providing for-hire services to the public (which may include taxicab associations, for-hire vehicle companies, TNCs or other entities) will then create qualifying driver lists (driver list) based on the conditions established by this Rule. The accuracy of a driver list's content is the responsibility of the Driver Coordinator creating it, not the City's responsibility.

A driver list will include all drivers who satisfy the specified conditions above. After a QDR gives a Driver Coordinator notice as specified in the SMC, a Driver Coordinator will produce and transmit the list of qualifying drivers to the QDR within 75 calendar days of the commencement date. That same list will later be used to ascertain whether a QDR has obtained statements of interest from a majority of qualifying drivers.

A Driver Coordinator will notify the City by e-mail (DriverRepresentation@seattle.gov) of the date the driver list was transmitted to a QDR. A QDR will notify the City by e-mail (DriverRepresentation@seattle.gov) of the date the driver list was received from a Driver Coordinator. The notifications will not include a copy of the driver list.

At a minimum, a driver list will include the following information for all non-employee qualifying drivers working for a Driver Coordinator:

1. Name (last name, first name and middle initial)
2. Mailing address
3. E-mail address (if available)
4. Phone number (if available)
5. Valid for-hire driver license/permit number (issued by King County/City of Seattle)[3]

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[2] Per the SMC, a Driver Coordinator will not be subject to the requirements of a driver representation effort associated with a specified commencement date more than once in any 12-month period. The 12-month period begins on the date a Driver Coordinator transmits a list of its qualifying drivers to any QDR. However, if the FAS Director determines that a Driver Coordinator has willfully delayed transmittal of the list in violation of the SMC, then the FAS Director has discretion to specify that the 12-month period begins on the date that the list was due. For any specified commencement date, however, more than one QDR may attempt to organize the drivers of the same Driver Coordinator.

[3] For purposes of creating a list of qualifying drivers, a driver must possess a valid (i.e., unexpired or, if expired, expired for no more than 60 days) for-hire driver license/permit on the date the list is created. Sixty days is given as a grace period while an expired license/permit goes through the renewal process.

A Driver Coordinator will make a driver list available in an electronic format such as an Excel spreadsheet that allows a QDR to read, sort and organize the driver information/data supplied. A scanned document presented in the Portable Document Format (PDF), for example, does not meet the standard under this Rule. A Driver Coordinator will devise and employ a way to securely transfer driver lists to a QDR and to secure, through password protection or other means, access to those lists.

Per the SMC, a QDR will use driver lists solely for the purpose of contacting drivers to solicit their interest in being represented by the QDR. A QDR may not sell, publish or otherwise disseminate driver contact information outside the QDR, the QDR's employees and the QDR's agents. A QDR must take all reasonable steps to ensure that another party does not misuse the list. A QDR will be held responsible if another party misuses the list provided by a Driver Coordinator to that QDR. Violations of this provision by a QDR and/or another party will be addressed through the enforcement processes specified in the SMC.