

City of Portland, Oregon, TNC Drivers Advisory Committee (“DAC”)

Quarterly Ombudsperson Report: June 4, 2021

Prepared for TNC Drivers Committee Meeting June 14, 2021

Executive Summary

Thirty-two New Complaints Filed. Despite Portland’s increasing crime and public safety concerns, which are impacting both day-to-day business operations and tourism, this quarter complaints again increased with a total of 32 new complaints filed compared to 13 last quarter. Drivers filed complaints in the categories of deactivation or suspension, compensation, insurance, safety, and “other” regarding tax documents and a City of Portland TNC Permit.

All Pending Complaints Closed. All 13 complaints that were open as of the February 8, 2021, Quarterly Report have now been closed.

Status of New Complaints. Out of the 32 new complaints received this quarter just eight are open and pending, and 23 have been resolved. Of all 32 complaints, ten have been resolved satisfactorily (for both the driver and TNC), seven were closed with a neutral resolution (neither a positive nor negative resolution), five were unresolved and instead the driver was referred to arbitration/small claims, two were closed due to driver withdrawal or unresponsiveness, and eight are open and pending.

Industry Sharing Safety Program Announced by Uber and Lyft. Since the last Quarterly Report, Uber and Lyft jointly launched the Industry Sharing Safety Program Announced on March 12, 2021, “This initiative enables companies to exchange basic information about drivers and delivery people who have been deactivated for serious sexual assault or physical assault fatalities to help prevent these individuals from operating on another platform.” Uber.com¹. Information sharing is now administered by a third party called HireRight. Three of the complaints filed this quarter were by drivers deactivated based on HireRight reports.

Recommendations. The Ombuds has the ability to make policy recommendations for DAC consideration, and also to present recommendations or general topic submissions directly from drivers to the Committee. This Quarter the Ombuds has no recommendations. Past recommendations are addressed at pages 14-15 of this report.

This report includes one recommendation / general topic submission from a driver relating to excessive rates charged to riders.

¹ <https://www.uber.com/newsroom/industry-sharing-safety/>

Introduction

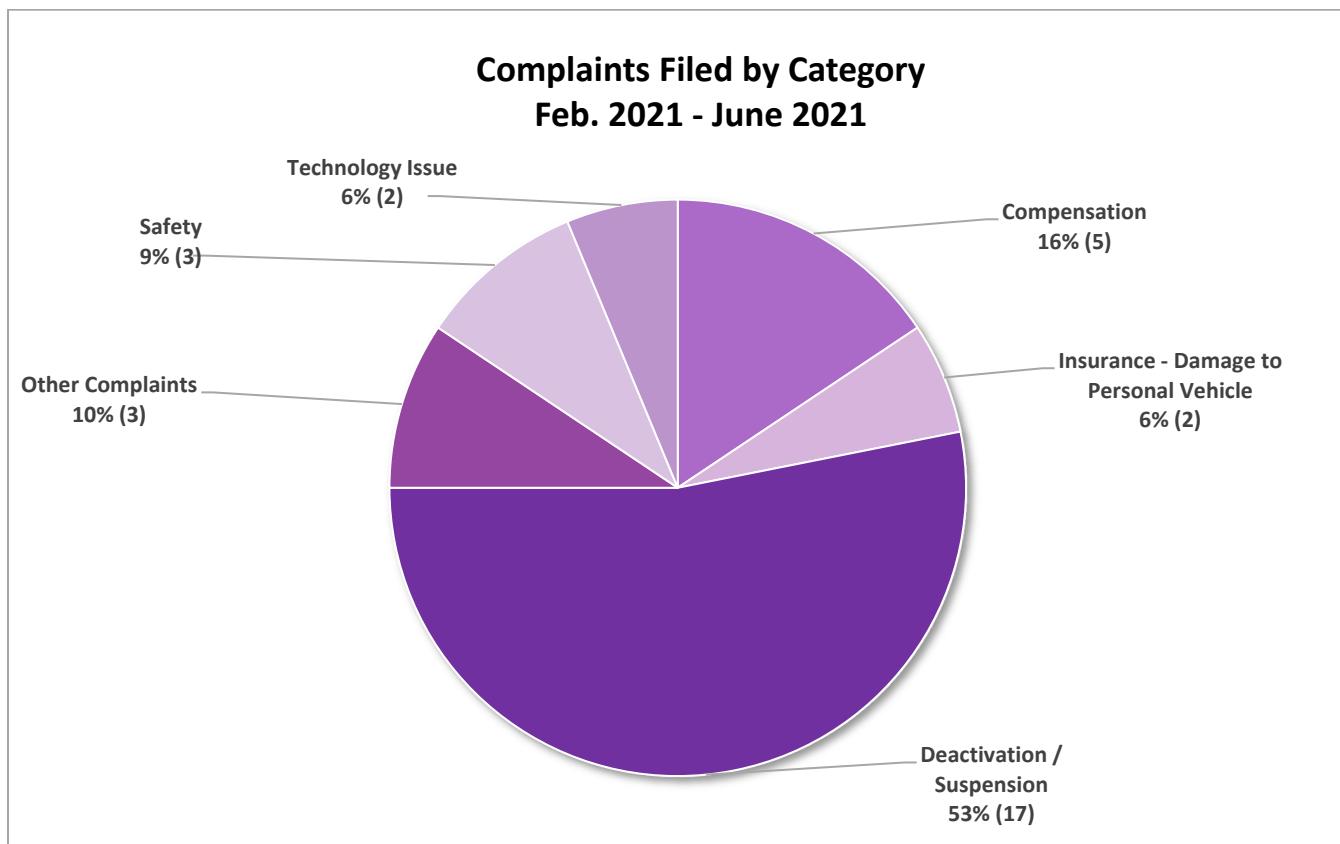
In the 6th Quarter, a total of 32 complaints were filed.

The complaints by category in QR6: 32

- Deactivation/Offboarding/Suspension: 17
- Compensation: 5
- Insurance: 2
- Safety: 3
- Technology: 2
- Other Complaints: 3

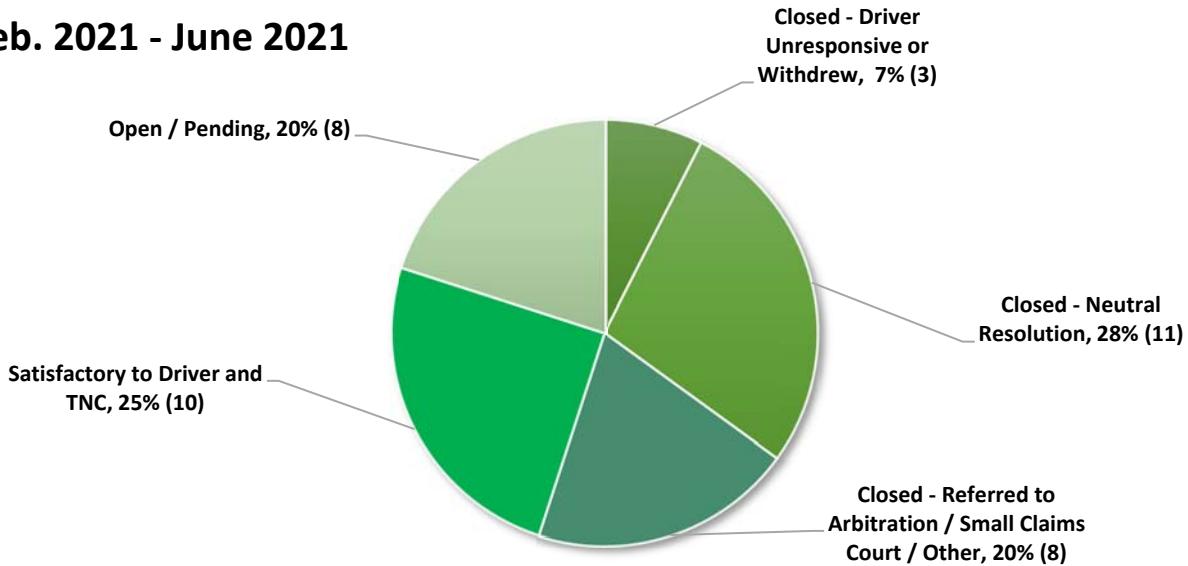
Status of Complaints filed in current reporting period (QR6):

- Complaints resolved as driver requested / in favor of driver & TNC: 10
- Complaints open / pending: 8
- Complaints unresolved / neutral / closed: 9
- Complaints referred to outside source: 5



Resolutions

Feb. 2021 - June 2021



Update on Closure of Pending/Open Complaints in the Fifth Quarterly Report (February 2021).

Of the 13 complaints from the February 8, 2021, Quarterly Report, seven were still pending at the time the Quarter 5 Report was submitted plus one additional complaint pending since early 2020. Of those 8, all complaints have now been closed.

- Lyft. 19018-01. Driver filed a complaint in February 2020 after being deactivated by Uber and Lyft due to a DMV code for CDL expirations. This code did not appear as a violation and the Ombuds team confirmed via Portland Bureau of Transportation “PBOT” that driver had no disqualifying factors on their record. However, the DMV code erroneously appeared as a violation in Uber and Lyft’s systems. Driver was promptly reinstated by Uber but not by Lyft. PBOT continued to work with DMV regarding the problematic CDL code. In January 2021, Lyft agreed to run another background and DMV check on driver. Driver declined opportunity to run background check. Until driver decides to pursue reactivation on Lyft, Ombuds has closed file.
- Lyft. 19061-00. In July 2020, driver was denied all future damage reimbursement on the basis that driver did not provide receipts to Lyft for two prior reimbursements. Driver was unable to get into an auto body shop within 24 hours (due to Covid). Driver did have estimate within five days, although Lyft noted that driver did not submit the estimate. Ombuds contacted Lyft for clarification of the damage reimbursement process, provided an explanation from driver, and requested Lyft reconsider the decision. Lyft reviewed driver’s file and determined driver would remain ineligible. Ombuds sent driver arbitration and small claims information and closed file.

- Uber. 19057-02. Driver filed a safety/technology complaint after the app's navigation feature stopped working mid-ride on the freeway and driver had to pull over to reboot it. Ombuds contacted Uber who advised that driver had been taken offline due to canceling three ride requests in a row, but the app's navigation feature should not have been affected. Ombuds advised driver and closed file.
- Uber. 19057-03. Driver's vehicle was damaged after an underage rider kicked the back-passenger door, resulting in a damage estimate of \$1,033. Driver filed a police report and requested full reimbursement from Uber. Ombuds contacted Uber who advised that driver had not submitted an estimate for repairs and that police had not reached out to Uber regarding this matter. Uber banned the rider from the platform permanently. Ombuds notified driver that Uber's deductible is \$1000 and recommended that driver order a copy of the police report and personally pursue damages against the rider. File closed.
- Uber. 19060-03. Driver filed a complaint after their Uber Pro Acceptance Rate went from the mid-90's to 37% in the span of a few months. Driver believes the frequency of "long distance/premium" rides is the reason their rating lowered and reported that they do not always decline long-distance rides. When asked, Uber responded that acceptance rates are automatically calculated (acceptance rate = total # of accepted trips in last 30 days / total # of offers received in last 30 days). Ombuds passed this information onto driver and closed file.
- Uber. 19074-00. Driver's account was suspended due to the expiration of their Portland business license. Driver did not believe this license had an expiration date and filed a TNC complaint. Ombuds contacted PBOT who advised that the Revenue Bureau has transitioned to a new system, and it appears it requires everyone to apply for a new license (which can be completed online). PBOT is looking into whether the Revenue Bureau is requiring drivers to renew their business license annually. Driver was given this information and encouraged to apply for a new business license. File closed.
- Lyft. 19067-01. Driver's access to the platform was suspended pending an investigation into a rider's complaint related to race, and ultimately was permanently deactivated. Driver maintained that rider complaint was simply retaliatory, due to his instruction that rider not put food on the seat of vehicle. Company information was that driver had three complaints of harassing or inappropriate behavior, declined to reactivate driver. File closed.
- Uber. 19072-00. Driver was deactivated for multiple rider complaints. Driver reported they did not have notice of the complaints and lacked sufficient detail about the complaints or an opportunity to respond. Uber responded that the driver had three very specific complaints filed by riders about rude and unprofessional behavior and driver had not responded to prior messages from Uber. File closed.

Detail of Complaints by Category in Current Reporting Period²

Deactivation / Offboarding / Suspension – 17 Complaints

- **Two complaints were filed by drivers deactivated or suspended due to City of Portland / PBOT Regulations:**
 - Lyft. 19090-00. Driver filed a complaint to appeal account suspension by Lyft. Driver's license was suspended by DMV due to nonpayment. PBOT confirmed that driver will not be eligible to drive for TNCs until 2023 under two separate City Code provisions. Ombuds informed driver will notify them if/when Code changes. Information sent to driver and complaint closed.
 - Uber. 19081-00. Driver filed a complaint after losing access to the app for one year due to three driving violations. Ombuds contacted Uber who advised that the issue with driver's background check had been resolved and driver needed to consent to an in-app prompt consenting to a new check. Ombuds contacted and closed file after driver was unresponsive.
- **Three drivers filed complaints due to Deactivations based upon the new Industry Sharing Safety Program (HireRight):**
 - Lyft. 19014-01. This same driver filed a complaint in November 2019 after he was deactivated by Uber for rider complaint. Uber declined to reactivate the driver, and driver elected to not pursue complaint, arbitration or small claims court and the complaint was closed. In March 2021, following the *Industry Sharing Safety Program* rollout, the driver was deactivated by Lyft, based upon Uber's report from 2019. Driver appealed with HireRight, which confirmed they received information from Uber about the correct driver. HireRight does not investigate whether a rider report was substantiated, or if Uber's investigation was complete. Ombuds sent driver information for the Oregon State Bar Lawyer Referral Service and closed file.
 - Lyft. 19089-01. Driver filed complaint in April 2021 after Lyft deactivated him based on a HireRight report from Uber. (see, Uber complaint #19089-00, below). HireRight confirmed the complaint was received for correct driver, and Lyft declined to reverse decision or review Uber's investigation. File closed.
 - Lyft. 19091-01. Driver filed complaint in April 2021 after Lyft deactivated him based on a HireRight report from Uber. (see, Uber complaint #19091-00, below). HireRight confirmed

² In some cases, the driver's report/complaint has not been validated by documentation, or the TNC, and some statements by complainants in this report are disputed by the TNC.

the complaint was received for correct driver, and Lyft declined to reverse decision or review Uber's investigation. File closed.

- **One Uber driver complaint was re-opened due to Industry Sharing Safety Program deactivation:**

- Uber. 19014-02. (See, 19014-01, above). Driver filed a complaint in November 2019 at the beginning of the Ombuds program, after he was deactivated by Uber for a rider complaint. Uber declined to reactivate the driver, and driver elected to not pursue complaint via arbitration or small claims court. In March 2021, following the *Industry Sharing Safety Program* rollout, the driver was deactivated by Lyft, based upon Uber's report from 2019. Driver appealed with HireRight, which confirmed they received information from Uber about the correct driver. HireRight does not investigate whether a rider report was substantiated, or if Uber's investigation was complete. Ombuds contacted Uber who declined to reactivate driver due to the incident falling within one of the six serious incident categories addressed by the Industry Sharing Safety Program.³ Uber would only disclose to the Ombuds that the facts surrounding the incident are "highly sensitive." File closed.⁴

- **Five drivers filed complaints for deactivations after riders filed specific complaints:**

- Uber. 19056-01. Driver was deactivated by Uber due to a rider complaint. This was the third complaint made by a rider and driver's final notice after receiving two prior warnings from TNC in which he was told he made riders uncomfortable with comments. Ombuds requested Uber reinterview driver and Uber countered that driver could submit information in writing. Ombuds submitted a video rebuttal created by driver to Uber. Uber reviewed driver's video and decided that driver will remain deactivated. Ombuds notified the driver of the TNC's decision, sent arbitration materials, and closed complaint.
- Uber. 19089-00. After driver was deactivated by Lyft due to a HireRight report from Uber, driver filed complaint. Complaint challenged an Uber 2019 deactivation by Uber following an altercation with several drunk passengers. Driver's exterior vehicle door was seriously damaged after he alleged the three riders had a physical fight in his car after pickup near late night bars, and one rider unrolled his window and dangerously extended his body out the car while on the freeway. Uber responded that they had conducted a review of the driver's account and deactivated over a prior serious safety complaint, not the altercation the driver believed was the cause of the deactivation. Ombuds requested information about the interview Uber's investigators had conducted with the driver, who speaks ESL and required an interpreter in the Ombuds interview. Uber declined to provide any additional

³ The Industry Sharing Safety Program Press Release ([LINK](#)) states that the categories are: attempted non-consensual sexual penetration; non-consensual touching of a sexual body part; non-consensual kissing of a sexual body part; non-consensual kissing of a non-sexual body part; non-consensual sexual penetration; and physical assault fatalities.

⁴ If the Bureau approves the regulatory rule or code change relating to Cooperation with the Ombuds program that was recommended by the DAC on Feb. 8, 2021, and the Ombuds is able to obtain documentation, these complaints can be reopened and an investigation/ review on behalf of the driver undertaken by the Ombuds.

information, noting it would release information when the Ombuds dispute resolution process is completed.

- Uber. 19091-00. (See, Lyft HireRight complaint #19091-01, above). Driver filed complaint after deactivated by Uber in November 2019. However, he continued to drive for Lyft until April 2021, when he was deactivated as a result of a HireRight report. Driver did not know until deactivation by Lyft that Uber's deactivation was based upon one of the six serious categories. Ombuds contacted Uber, and driver was not reinstated. Uber stated it was a "serious safety complaint." Uber declined to provide any additional information to Ombuds, stating it would release information when the Ombuds dispute resolution process is completed.⁵ File will be reopened in the future should the TNCs release additional information.
- Uber. 19093-00. In April 2019, driver, who identifies as Caucasian female was deactivated by Uber after being accused of discriminating against a Caucasian female rider. Driver recounts that she picked up the rider who was intoxicated and provided some safety information about the busy street and entering the vehicle. The rider responded by swearing at and threatening her. Driver asked the rider to exit her vehicle and ended the ride. She was called at 5:00 a.m. for an interview, suspended and then deactivated several days later. She was told by an employee at the Hub that Uber was never able to get in contact with the rider for an interview. On 4/15/2021 she was deactivated as a Postmates driver due to the prior complaint, after Uber acquired Postmates. Complaint open and pending a response from Uber.
- Uber. 19096-00. Driver had a 4.98 rating and was an Uber driver for nearly 3 years. He was deactivated in April and filed a complaint. Two days after his last Uber ride, he was contacted by Uber about a complaint by a female rider of "highly inappropriate conduct." He vehemently denied this accusation. Driver reported investigator was accusatory. Within two hours of the verbal interview, he was notified that his account was permanently deactivated. Driver spoke to another Uber representative who stated the rider has a history of reporting drivers. Ombuds sent arbitration materials to driver after Uber determined that original deactivation would remain. File closed.

- **One driver filed a complaint after deactivation due to low ratings:**

- Uber. 19077-00. Driver was deactivated after two riders reported concerns about driving maneuvers in conjunction with low ratings. Ombuds contacted Uber and Uber agreed to review driver's account again. Uber reactivated driver and agreed not to consider one of the rider complaints because the driver had only given six rides. Driver submitted new

⁵ Uber has advised the Ombuds that it will not provide information until the Ombuds and TNC Investigation and Dispute Resolution Process agreement is in place. Uber believes that investigation notes from interviews of drivers could include sensitive information about the rider that should only be shared pursuant to an agreement to safeguard such information. Uber advises that it remains committed to promptly finalizing a process for sharing such information with the Ombuds office in a safe and responsible manner.

documents via the app and confirmed his account was active again. Ombuds sent information to driver regarding the 7x7 Experience for additional training and closed complaint.

- **One driver filed a complaint after multiple attempts to verify identity:**

- Uber. 19082-00. Driver had been unable to use the platform since March 2020 when he was asked to verify his identity by Uber in app. He uploaded ID and Social Security information multiple times, but no progress was made. Ombuds contacted Uber and the TNC reactivated driver's account after reaching out to driver and receiving documentation. Uber noted the delay in reactivation was because driver uploaded information in-app instead of the secure portal. Complaint closed.

- **Four drivers filed complaints due to Motor Vehicle Record or Background Check:**

- Lyft. 19084-00. Driver was unable to drive with Lyft since January 2021 and filed a complaint after being told by Lyft that her Motor Vehicle Record ("MVR") was preventing her from driving. Driver's DMV report was run by PBOT, and no disqualifying factors were found. Ombuds contacted Lyft and received response that driver was reactivated (within one day) because disqualifying factor was now out of scope. Ombuds contacted driver to confirm they were reactivated. Driver was so frustrated by her experience with Lyft that she has decided not to drive for the company. File closed.
- Uber. 19078-00. Driver filed a complaint in February 2021 after being unable to access Lyft's platform since December 2019. Driver has an expired medical exam for a CDL on his DMV record which shows up as a violation in Lyft's system. Ombuds contacted Lyft and driver's background check was rerun without incident. Driver was notified he still needs to have a vehicle inspection before being activated on the platform. Complaint closed.
- Lyft. 19085-00. Driver filed a complaint for Lyft deactivation in December 2018. Driver reported they had contacted Lyft via the app and went to the hub for assistance but was not given an explanation for the deactivation. PBOT reported nothing in MVR impacting eligibility. Company reported driver was in frequent contact and was given instructions on how to resolve situation. Lyft responded to Ombuds that driver should consent to background check for review. This complaint is open and pending Lyft's review since driver consented on 5/3.
- Uber. 19095-00. Driver's account was suspended due to a failed background check in November 2020. Driver was not told why his account was suspended and did not know how to reinstate his account. PBOT determined there were no violations causing driver's suspension and Ombuds contacted Uber for more information. Uber responded that driver had been directed to but had not, reached out to Checkr. Uber re-ran driver's background report and determined that driver was eligible to drive on the platform due to the age of the original offense. Driver confirmed his account was reactivated. Complaint closed.

Compensation – 5 Complaints

- Lyft. 19034-02. Driver requested compensation and flag removal after removing a hostile rider from their car and canceling the ride. Rider was transferred between several representatives and departments before deciding to file a complaint with Ombuds for assistance. At Ombuds' request, Lyft reviewed the issue and compensated driver/removed flag from driver's account. Ombuds confirmed resolution with driver and file closed.
- Uber. 19034-03. Driver was forced to take a route during a ride not recommended by Uber's app due to road construction. After the ride, driver noticed the fare was adjusted. Uber customer service did not know why the fare was adjusted, but driver was reimbursed at that time. Ombuds contacted Uber and told that the fare adjustment was due to an inefficient route. Driver notified and complaint closed.
- Lyft. 19034-04. Driver filed a complaint after giving three rides during a streak and not being paid the \$15 bonus. Lyft says driver canceled the second ride, but driver says rider wanted to end the ride and could not figure out how to cancel so driver marked the ride as 'delivered.' Ombuds requested review, but Lyft maintained decision not to pay bonus. File closed after driver decided not to draft a rebuttal statement.
- Uber. 19086-00. Driver drove 20 minutes / 20 miles to pick up the rider. When driver arrived, the rider canceled. The ride information disappeared from driver's app and then changed to different start/end points. Driver contacted customer service via phone and email several times. Uber determined that standard cancelation fee was accurately calculated, despite driver being told via phone that he would be paid a cancelation fee 5x more than the standard fee. The TNC decided to compensate driver \$30 courtesy payment for a poor customer service experience. Driver asked that Ombuds communicate concerns about rider fraud in modifying pick up and drop locations in the app. File closed.
- Uber. 19088-00. Driver filed a complaint regarding a specific compensation issue and a broader concern involving "price gouging" riders and the amount drivers recover vs. Uber's portion. Ombuds responded to driver that Uber is following their own pricing policies, but his concerns will be included in the Quarterly Report for the DAC's review. File closed.

Insurance – 2 Complaints

- Uber. 19041-02. Driver's windshield needed to be replaced after being damaged during inclement weather during a trip with a rider in the car. Driver paid under \$1,000 for repairs. Uber denied reimbursement due to Uber's deductible of \$1,000. File closed, Ombuds sent driver arbitration / small claims materials and closed file.
- Lyft. 19083-00. Driver sustained damages to his windshield during a trip in a snowstorm and requested reimbursement from Lyft in the amount of his deductible - \$500. Lyft denied reimbursement based on policy that damages must meet a \$2,500 deductible. Driver believed he would be reimbursed but was not told until after he submitted receipts showing

it was fixed that he was not going to be reimbursed. Driver filed a complaint and Ombuds requested reimbursement on driver's behalf. Lyft denied reimbursement based on damages not meeting Lyft's deductible. Ombuds sent driver arbitration/small claims information and closed file.

Safety – 3 Complaints

- Lyft. 19076-00. Driver disputed rider complaints that he was not wearing a mask and believed the complaints were made in error within the app. Ombuds contacted Lyft and the TNC initially removed one Health Safety violation, then removed all violations after further questions and offer of dashcam footage from Ombuds. File closed.
- Lyft. 19080-00. Driver cannot wear a face mask due to a medical disability and filed complaint because she felt TNC was discriminating against drivers and riders who are unable to wear face masks for medical reasons. Ombuds confirmed with Lyft that driver can use a car shield instead of a face mask, but that this was not a guarantee that driver will not receive rider complaints. Lyft also stated that the company does not deactivate a driver based on a specific number of rider complaints but rather evaluates the risk to riders on a case-by-case basis. Ombuds let driver know and closed complaint.
- Uber. 19087-00. Driver filed complaint that downtown Portland is not safe to drive (for TNC drivers or otherwise). Ombuds raised the issue during 4/12 TNC Committee meeting. Driver notified and file closed.

Technology – 2 Complaints

- Uber. 19094-00. Driver's app shows a "bug" icon on every screen and he has not been offered any TNC ride incentives since the icon appeared in November 2020. Driver contacted Uber via email, app, telephone, and the Greenlight Hub for assistance. Driver filed a complaint in May 2021 after Uber reviewed and closed his complaint without resolution. Ombuds contacted Uber who advised that the system was sending driver incentives for food deliveries instead of TNC trips, but that the issue would be resolved within one week. Driver still reports that the "bug" icon appears in his app and he has not yet received TNC ride incentives. File open and pending.
- Uber. 19074-01. Driver was unable to choose a different vehicle in the app, so he uninstalled and reinstalled the program. After reinstallation, he could not choose any vehicle. Driver contacted customer support and was told it could take five days for a response, so he filed a TNC complaint. Before Ombuds could assist, driver was able to successfully troubleshoot his issue using Uber's recommendations. Ombuds confirmed resolution with driver and closed complaint.

Other – 3 Complaints

- Uber. 19092-01. Driver was unable to access her 1099 tax documentation for 2020. Ombuds contacted Uber and the TNC sent driver documentation via email and the app within two days. Driver confirmed documents were received and the complaint was closed.
- Lyft. 19092-00. Due to insurance requirements, driver stopped operating for Lyft in March 2020 and did not receive a 1099 or final earnings statement from the TNC. Lyft responded to Ombuds' request for information that driver had not received 2020 tax documents because she had not met the minimum income threshold and deleted the app in August. Lyft made a one-time accommodation and sent driver a summary of 2020 earnings via email. Driver reports that she did not receive the email from Lyft and had to file her taxes based on manual estimates. File closed as a neutral resolution.
- 19079-00. Driver filed complaint relating to licensure. Driver alleges two years have passed since PBOT announced drivers will be required to display a PBOT issued license. After numerous phone calls, and then requests through their PBOT online account to obtain the appropriate license, driver reported he had not received information about this process. Ombuds contacted PBOT, complaint open and pending.

Proposed Changes and Topics Submitted by Drivers

Excessive Rates Charged to Riders.

Driver requested the Ombuds present concerns with TNC rates charged to drivers. The driver presented information showing the riders being charged much higher rates than previously. Example provided was a 10-minute / 4.48-mile ride, the driver paid \$6.76, TNC collecting \$10.94 (nearly twice what the driver was paid), and rider paying \$18.20.

All Proposed Changes by Drivers

To date, 13 proposed changes have been made by drivers.

Committee Meeting	Proposed Topic or Change	Additional information
June 16, 2020	Limit number of drivers allowed to operate, either daily or in total on the app.	Link to June 2020 Ombuds Report
June 16, 2020	Lyft process change (make customer service records available longer in the app).	

June 16, 2020	Improved and more transparent investigation by internal Uber/Lyft teams.	
June 16, 2020	Length of time as driver and volume of positive rider (star) ratings, carry more weight in TNC's decision to suspend or deactivate.	
June 16, 2020	Better customer support for drivers with app problems.	
June 16, 2020	Rides at the Portland Airport (regarding queue position when rider cancels and entitlement to fare when rider cancels).	
June 16, 2020	Equity in cancellation policy (Lyft).	
June 16, 2020	Implement a new "Long Pick Up Fee" for Drivers to cover time spent driving and encourage riders to commit to completion of a ride (reduce rider cancelations) (Lyft only).	
September 3, 2020	Clarify and supporting data provided to drivers by TNC relating to complaints and "flags" for poor passenger experience.	Link to September 2020 Ombuds Report
February 8, 2021	Oregon distracted driving law and accepting TNC rides.	Link to February 2021 Ombuds Report
February 8, 2021	Access to destination prior to accepting rides.	
February 8, 2021	Long pickup premiums are not paid consistently.	
June 14, 2021	Excessive rates charged to riders.	

Status of Ombuds and Committee Recommendations

To date, two recommendations have been considered by the DAC and approved:

1. Transparency of Lyft Platform and Service Fees

Committee recommended greater transparency in compensation, with 30 days' notice provided to drivers of any changes by the TNC. The Committee voted to approve a change to the Portland Code at the November 30, 2020, Drivers' Advisory Committee meeting. (copy of language for proposed code change for review is at page 16 of report)

2. Procedural Due Process in Suspension and Deactivation of Drivers

Committee consensus in June and September 2020 was to move forward the Ombuds recommendation ("Cooperation with the Ombuds and Procedural Due Process in Suspension and Deactivation of Drivers"), via a City of Portland Code change. Language for a Code revision was thus drafted and reviewed at the October 19, 2020, TNC Drivers Advisory Committee meeting. It was then revised and presented again at the next Committee meeting on November 30th and discussed as a general topic. On February 8, 2021, draft language was reviewed and unanimously approved by the DAC. This language will now be presented for review by the Director of the Portland Bureau of Transportation. (copy of February 8, 2021, language for proposed code change for review is at pages 17-18 of report)

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Appendix 1

Ombuds Recommendations by Quarter

Quarter 1: January 13, 2019 Recommendations

Recommendation 1:

Timeline for Compensation Review by TNCs

Recommendation 2:

Uber Compensation made by TNC in Responses to Complaint treated as Settled

Recommendation 3:

Procedural Due Process in Suspension and Deactivation of Drivers

Quarter 2: June 30, 2020 Recommendations

Recommendation 1:

Procedural Due Process in Suspension and Deactivation of Drivers

Recommendation 2:

Service Animal Policy Protections for Drivers and Riders Under the ADA

Quarter 3: September 14, 2020 Recommendations

Recommendation 1:

Procedural Due Process in Suspension and Deactivation of Drivers

Recommendation 2:

Transparency of Lyft Platform and Service Fees

Recommendation 3:

Dash Cameras Available to Drivers at Reduced or No-Cost

Recommendation 4:

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

Quarter 4: November 30, 2020 Recommendations

Recommendations were the same as prior months.

Quarter 5: February 8, 2021 Recommendations

No additional recommendations.

Quarter 6: June 14, 2021 Recommendations

No additional recommendations.



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Chloe Eudaly Commissioner **Chris Warner** Director

TNC Driver's Committee Meeting – November 30, 2020

EXHIBIT B

Committee Action Item

The proposed language below may appear in a new section of code if recommended by the committee and approved by the Bureau Director and City Council.

Topic: Revised Service Agreement Leading to Diminished (Compensation Transparency)

To be added to section 16.40.030, "Definitions"

"Base Financial Compensation" Base Financial Compensation shall be defined as the base per-minute, per-mile, flat, or minimum rate that a driver receives for providing TNC services. Base Financial Compensation shall not include surge pricing or other financial incentives or concessions.

To be added to another section in the existing code

1. TNCs shall make Base Financial Compensation rates available to drivers in a clear and transparent manner. Current Base Financial Compensation rates shall be accessible by every permitted/certified driver, through the TNC application and must display:

- a. current rate of financial compensation mile;
- b. current rate of financial compensation per minute; and
- c. the current flat or minimum rate per ride when applicable.

2. When adjusting Base Financial Compensation, TNCs must inform the driver a minimum of 30 days prior to the rate adjustment. The notification shall include:

- a. the current rate and the new proposed rate per mile;
- b. the current rate and the new proposed rate per minute;
- c. the current rate and the new flat or minimum rate per ride when applicable; and
- d. the effective date of the rate changes.



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Chloe Eudaly Commissioner **Chris Warner** Director

Initially drafted for review and consideration at TNC Driver's Committee Meeting held November 30, 2020, for review at April 12, 2021 DAC Meeting.

EXHIBIT A

Revised for Committee Consideration by City of Portland TNC Ombuds Team

The proposed language below may appear in a new section of code if recommended by the committee and approved by the Bureau Director and City Council.

Topic: Ombuds and TNC Investigation and Dispute Resolution Process

- A. Permitted Transportation Network Companies ("TNCs") must cooperate with the Ombuds program to attempt to resolve disputes with drivers, and support and foster the goodwill and trust between our community, the TNC drivers, and the TNCs.
- B. Within ten calendar days, permitted TNC companies will provide documentation requested by the Ombuds office to investigate driver complaints made to the Ombuds program or at the request of the TNC Drivers Advisory Committee. Documentation may include but not be limited to:
 1. Complaints filed by rider(s) related to the driver;
 2. All documents, statements or evidence provided by the rider(s);
 3. Copies of all correspondence between the TNC and the rider(s) and driver;
 4. All information used by the TNC in arriving at the decision to deactivate or sanction the driver's account.
- C. Unless there is express consent from the TNC, all identifying information¹ concerning riders will be redacted by the Ombuds program from all documentation shared with the driver. If the rider complaint involved an allegation of sexual misconduct, sexual assault, or physical assault, the Ombuds and TNC will discuss how to ensure the rider's identifying information is protected. If the complaint involves sexual misconduct, sexual assault, or physical assault, and the Ombuds needs information from the rider in order to investigate the complaint, the TNC and Ombuds will discuss how to ensure the rider is supported in the process prior to the Ombuds office contacting rider. The Ombuds team will discuss training relating to victims of sexual violence with the TNCs, and will annually complete the TNCs' Safety Team training relating to working with victims.

¹ Identifying information will be defined as information that can be used to distinguish or trace an individual's identity. Examples of identifying information include rider's first and last name, date of birth, phone number, address, and credit card information.

Topic: Deactivated or Lost Access to Drivers (Ombuds and TNC Investigation Process)

- D. The Ombud's office is not a public body for purposes of Oregon's Public Records Law. All investigation materials will remain with the Ombuds office and shall not be shared with the City of Portland or otherwise placed into the public record. In the event of any legal proceeding seeking information from the Ombuds office in a capacity as a public body, the Ombuds office will oppose such release on the grounds that it is not a public body.
- E. On request, the TNC company will review additional information provided by the Ombuds during the complaint process, re-interview drivers if appropriate due to new relevant information, and consider a reversal of the prior decision by the TNC company.
- F. When requested by the Ombuds office, the TNC rep(s) must meet and discuss documents and complaints. Meeting requests shall be submitted via email and shall occur within ten calendar days from the date of the request, unless both parties agree to a mutual date.
- G. Permitted TNC companies may enter into a non-disclosure agreement with the Ombuds office and supply the Ombuds with documentation related to the internal decision-making process or reasoning, including any algorithms, presumptions or standards that were applied in determining whether a driver would be notified of a rider complaint or low rider rating, or removed from (deactivated) from the driver platform.
- H. All information provided to the Ombuds will be shared via a secure platform to protect sensitive personal data.