

**City of Portland, Oregon, TNC Drivers Advisory Committee (“DAC”)**  
**Quarterly Ombudsperson Report: October 1, 2021**  
**Prepared for TNC Drivers Committee Meeting October 11, 2021**

## Executive Summary

**Seven New Complaints Filed.** Complaints decreased to 7 complaints filed compared to 32 last quarter. The Ombuds program was modified in scope in June to include only complaints filed by drivers that were offboarded/deactivated. PBOT is assisting drivers with the remaining complaints filed including deactivations addressed by State law or City Code. This reduced number is predictable due to the change in scope of the program.

Drivers filed complaints in the categories of deactivation or suspension, technology issues, and the category of “other” regarding lack of customer support on nights and weekends.

**4 of 8 Prior Pending Complaints Closed.** Of the eight complaints that were open as of the June 4, 2021, Quarterly Report, four have now been closed. The remaining four open complaints are in pending status; all relate to deactivations or suspensions. The Ombuds team expects that at this time, without adoption and implementation of the recommended code change by the DAC that would require the TNCs engage in a more interactive process, no additional progress or changes to how these complaints are processed will be made.

**Status of New Complaints.** Out of the seven new complaints received this quarter, all except one have been resolved. Two were closed with a “neutral” resolution (resolution neither specifically favoring driver nor TNC), three were unresolved with the driver referred to arbitration/small claims, one closed due to driver withdrawal or unresponsiveness, and one is open and pending.

**Recommendations.** The Ombuds has no recommendations this Quarter. This report includes one recommendation / general topic submission from a driver, see page 4.

## Introduction

In the 7<sup>th</sup> Quarter, a total of seven complaints were filed.

### **The complaints by category in QR7: 7**

- Deactivation/Offboarding/Suspension: 5
- Technology: 1
- Other Complaints: 1

## Status of Complaints filed in current reporting period (QR7):

- Complaints resolved as driver requested / in favor of driver & TNC: 0
- Complaints open / pending: 1
- Complaints unresolved / neutral / closed: 3
- Complaints referred to outside source: 3

## Update on Closure of Pending/Open Complaints in the Sixth Quarterly Report (June 2021).

Of the 32 complaints from the June 4, 2021, Quarterly Report, eight were still pending at the time the Quarter 6 Report was submitted. Of those eight, four complaints have now been closed.

- 19079-00. Driver filed a complaint relating to licensure. Driver complained that two years 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 and Uber who coordinated directly regarding driver's updated background check. As this issue is out of Ombuds jurisdiction, driver was referred to PBOT's Regulatory Division and the file was closed.
- Lyft. 19085-00. Driver filed a complaint for a Lyft deactivation that took place in December 2018. Driver reported they had contacted Lyft via the app and visited the hub for assistance but was not provided an explanation for the deactivation. PBOT reported nothing in Motor Vehicle Record (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. After driver was provided with this information by the Ombuds, driver consented to another background check and was reinstated to Lyft's platform. File closed.
- 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. On 4/15/2021 she was also deactivated as a Postmates driver due to the prior complaint, after Uber acquired Postmates. Ombuds contacted Uber and the company reversed the driver's deactivation, although the Postmates program is not within the Ombuds jurisdiction. After consenting to another background check, driver confirmed with the Ombuds team that she was active on all platforms again. File closed.
- Uber. 19094-00. Driver filed complaint because his mobile app shows a "bug" icon on every screen and he had 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 reported receiving conflicting answers from Uber (Uber support online said the "bug" was an expected app behavior and Uber support at the Greenlight Hub said the "bug" was not a normal app occurrence). 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. Within two weeks, driver confirmed he was again receiving rideshare promotions in his app. However, driver was never able to turn the “bug” icon on and off. Ombuds closed file after confirming driver was receiving rideshare incentives.

## Detail of Complaints by Category in Current Reporting Period<sup>1</sup>

### Deactivation / Offboarding / Suspension – 5 Complaints

- **One complaint was filed by a driver deactivated or suspended due to City of Portland / PBOT Regulations:**
  - Uber. 19097-00. Driver filed a complaint after their account was suspended for a DMV report containing incorrect information. PBOT reviewed the driver’s 2020 Checkr report, and did not find any violations preventing the driver from operating. As this issue is out of the Ombuds’ jurisdiction, driver was referred to PBOT’s Regulatory Division and the file was closed.
- **One complaint was filed by a driver deactivated or suspended due to a pending criminal matter appearing on background check:**
  - Lyft. 19100-00. Driver filed a complaint after his account was deactivated based on a pending criminal charge in another state from 2018. Driver was advised by the TNC he would need to obtain dismissal of the charge by the court. However, driver reports they have not yet been convicted of a crime. File is open and pending Lyft’s response to the Ombuds team.
- **Three drivers filed complaints for deactivations after riders filed specific complaints:**
  - Lyft. 19030-01. Driver was deactivated after he was involved in a physical altercation with rider which was recorded on his dashcam footage. Both driver and rider submitted complaints to Lyft alleging physical assault. Lyft reviewed the video of the incident and took action against both users’ accounts. Ombuds contacted Lyft who reviewed the situation again and determined that driver would remain deactivated for violating its Terms of Service, Section 16 (“Term and Termination”). Ombuds sent driver arbitration materials and closed file.

---

<sup>1</sup> 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.

- Lyft. 19098-00. Driver was accused by a rider of falling asleep while driving. Lyft had sent three previous warnings to which driver did not respond. The driver was deactivated after the fourth complaint and asserted they have a health condition that makes them appear drowsy. Ombuds appealed to Lyft. Lyft reviewed driver's account again and determined driver would remain deactivated. Ombuds attempted to reach driver for dashcam footage; driver did not respond to requests. Arbitration and small claims materials sent to driver. File closed.
- Uber. 19098-01. Driver received two rider complaints alleging dangerous driving and was permanently deactivated after the second complaint. Ombuds asked Uber to review driver's account. Uber determined that driver would remain deactivated. Ombuds informed driver and sent arbitration and small claims materials. File closed.

### **Technology – 1 Complaint**

- Uber. 19099-00. Driver reported that the Uber app logged out of the navigation screen while driver was giving an active trip with a rider in the car. Driver had rejected two ride requests that popped up in his app while driving, which he believes triggered the app to log out. Driver filed his complaint to call attention to the issue. Per the Ombuds' request, Uber escalated this issue internally and determined that the app experienced a technical glitch and had erroneously logged driver out of the app during a ride rather than after it was completed. Uber stated that the app goes "offline" if a driver rejects or cancels multiple ride requests within a brief amount of time. Driver was notified of Uber's response and the file was closed.

### **Other – 1 Complaint**

- Uber. 19034-05. Driver submitted a complaint because she is not a Gold, Diamond, or Platinum level member and therefore does not have access to immediate support personnel on weeknights after 8pm or on weekends. As this issue is out of Ombuds jurisdiction, driver was referred to PBOT's Regulatory Division and file was closed.

## Proposed Changes and Topics Submitted by Drivers

### Lack of Access to Uber Customer Service on Nights and Weekends

- Uber customer support personnel should be immediately available to all drivers, regardless of Member Level Status, on weeknights and weekends.

TNC Ombuds Team:

Sally LaJoie, LaJoie Mediation and Consulting, LLC  
[sally@lajoiemediation.com](mailto:sally@lajoiemediation.com)  
971-361-9875

Hank Kaplan, Attorney at Bennett Hartman, LLP  
[hank@bennetthartman.com](mailto:hank@bennetthartman.com)  
503-227-4600

Leah Bazzani, Paralegal at Bennett Hartman, LLP  
[leah@bennetthartman.com](mailto:leah@bennetthartman.com)  
503-227-4600

## 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.*

**Quarter 7: October 11, 2021 Recommendations**

*No additional recommendations.*