

1 [Urging Yellow Cab Cooperative to not require prepayments or deposits from taxicab drivers.]

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3 **Resolution urging Yellow Cab Cooperative, Inc. not to require deposits or prepayments**
4 **from taxicab drivers as a condition of employment or contract, and urging the Taxi**
5 **Commission to adopt rules prohibiting the collection of deposits or prepayments.**
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7 WHEREAS, Yellow Cab Cooperative now seeks to implement a policy requiring drivers
8 to deposit certain amounts with the company as a condition of continued employment or
9 contract as high as \$1,930 by August 15, 2008; and,

10 WHEREAS, Various courts have interpreted the status of California taxicab drivers as
11 employees or independent contractors depending on the amount of control factors present in
12 the employment relationship; and,

13 WHEREAS, One of those control factors suggested by the California State
14 Employment Development Department is the prepayment or deposit of lease fees for terms of
15 at least 28 days; and

16 WHEREAS, The decision in *Tracy v. Yellow Cab Cooperative* (1996, San Francisco
17 Superior Court No. 938786) specifically prohibits the defendant and other taxicab companies
18 from collecting deposits from drivers; and,

19 WHEREAS, This policy is damaging to the San Francisco taxicab industry and to the
20 lives of the drivers who would be required to produce these sums of money; and now
21 therefore be it

22 RESOLVED, That the Board of Supervisors urges Yellow Cab Cooperative to comply
23 with the mandate of *Tracy v. Yellow Cab Cooperative* and not require drivers to pre-pay
24 deposits or other monies for any term of time beyond a per-shift basis, and, be it
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1 FURTHER RESOLVED, That the Board of Supervisors urges the Taxi Commission to
2 adopt a rule prohibiting the collection of monies, whether called "deposits," "prepayments," or
3 any other term, other than daily gate fees, from shift drivers as a condition of employment or
4 contract; and, be it

5 FURTHER RESOLVED, That the Board of Supervisors urges the Taxi Commission to
6 adopt a rule requiring payment of gate fees at the end of each driver's shift.

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City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Resolution

File Number: 081069

Date Passed:

Resolution urging Yellow Cab Cooperative, Inc. not to require deposits or prepayments from taxicab drivers as a condition of employment or contract and urging the Taxi Commission to adopt rules prohibiting the collection of deposits or prepayments.

August 5, 2008 Board of Supervisors — ADOPTED

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell,
McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 081069

I hereby certify that the foregoing Resolution was ADOPTED on August 5, 2008 by the Board of Supervisors of the City and County of San Francisco.

8.7.08
Date Approved

for Ray Halbergs
Angela Calvillo
Clerk of the Board
Mayor Gavin Newsom