

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

2
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.**

6
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

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.

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25



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