

Uber driver business tax is like gift to company

Bolsters position that the workers are not employees

BY JONATHAN NEWMAN

WHAT DO YOU GIVE a corporation with \$68 billion in its wallet? If you're San Francisco, you gift-wrap a new enforcement policy requiring 37,000 Uber and Lyft drivers to obtain a city-issued business license on the basis they are independent contractors — not employees — and you lay it respectfully on Uber's mid-Market Street office doorstep.

Last month, city Treasurer Jose Cisneros announced that his office issued demand letters to Uber and Lyft drivers who work in the city seven or more days a year to obtain a business license. If the driver grosses less than \$100,000 a year, the license will cost \$91, renewable annually.

For Veena Dubal, an associate professor of law at U.C. Hastings, the city's efforts to require business licenses is not likely to settle the issue of whether the driver is an independent contractor or an employee. "It does

bolster the company's position that drivers are not employees," Dubal said. "But more important to the issue is the structure of California wage and hour laws and the degree to which the company regulates and controls the work place."

Dubal has conducted extensive research on the taxi worker industry for the past five years. She

noted that before Uber and Lyft there were approximately 1,700 taxi medallions in the city and the industry closely monitored and lobbied on the matter of new medallions coming into play.

Now, her research shows, there are about 7,000 for-hire drivers on the city streets on any given day. "The roads are now unregulated," she said. "When the industry in the city consisted of some 1,700 taxis, workers could expect some predictability in income, but the rise in numbers of cars for hire has been devastating for taxi workers," she noted.

Dubal has heard many horror stories from Uber and Lyft drivers lately. "There seems to be a growing abuse by customers, a sense of entitlement that allows customers to disrespect drivers," Dubal said, citing reports of drivers who are told to stop talking to passengers or to turn off 'foreign' music.

"I think the consumer public underestimates the needs of workers in this so-called sharing economy. We are seeing a growing sense that people expect a servant class to do their bidding."

If all 37,000 drivers comply, the city will garner \$3,367,000 in fees — a pittance compared with the hundreds of millions the companies have gambled on insisting that drivers are not their employees, but rather independent contractors supplying the transportation service they provide.

Now Uber, Lyft and dozens of smaller tech companies who earn from the so-called "gig economy" by providing the technological link between the demand and the supply, whether the need is for a ride home, a bag of groceries or a load of clean laundry, can point to the city's stance as validation that they are not employing service suppliers, merely granting them opportunities to earn.

➤ CONTINUED ON PAGE 4

NO. 166

PUBLISHED
BY THE
SAN FRANCISCO
STUDY CENTER

MAY
2016

SAINT FRANCIS VILLAGE

Bright new idea for homeless crisis

PAGE 3

CENTRAL CITY OBITS

SRO residents' lives remembered

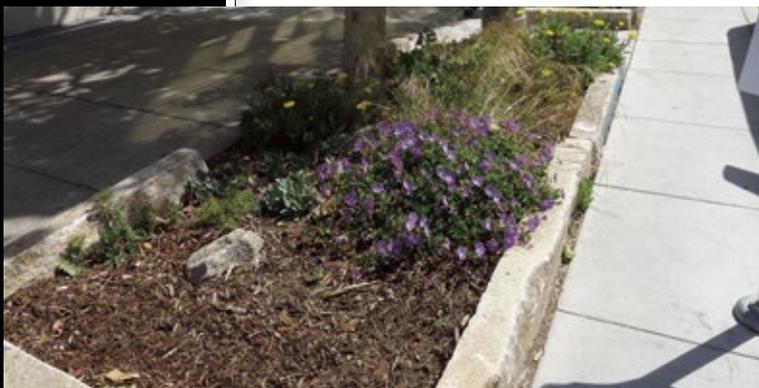
PAGE 6



TENDERLOIN DEM CLUB TURNS 10

Politicos gather to celebrate milestone

PAGE 2



MARJORIE BEGGS

Sidewalk plantings brings color and life to the streetscape.

CENTRAL CITY

EXTRA!

SAN FRANCISCO

TENDERLOIN HONORED



COURTESY FRIENDS OF THE URBAN FOREST

Friends of the Urban Forest and community volunteers plant ginkos along McAllister Street in June 2015 planting that led to the award. See pages 4 and 5 for how the trees have fared.

MOST GREENIFIED

Verdant block of McAllister St. receives award

BY MARJORIE BEGGS

HASTINGS SCHOOL OF LAW CFO David Seward calls Tenderloin sidewalks "the living room of the neighborhood," and making them as pleasant as possible for everyone who uses them is more than a cosmetic

goal. "The quality of the street experience affects how we all feel about where we live, work, go to school."

Walking through a neighborhood that's been greened lifts the spirits while improving the environment. It's why last year Hastings launched a \$2.5 million streetscape improvement for McAllister between Leavenworth and Larkin streets, planting 16 ginko trees, replacing 260 square feet of concrete with sidewalk gardens and adding bougainvillea along one of its buildings.

For that, Hastings received Friends of the Urban Forest's "Most Greenified Block" award, an annual kudo for the greatest green transformation in a city neighborhood. Seward accepted the award at the April 23 Earth Day San Francisco street festival at 22nd and Valencia. Also named in the award was TNDC, whose lush, productive Tenderloin People's Garden at Larkin and McAllister streets has anchored that corner for six years.

"Often we discuss several candidates for the award," says Urban Forest spokesman Ben Carlson. "But this year, the Tenderloin project was the first one nominated, and staff quickly agreed it was more deserving than any other recent greening project we knew of."

Past winners in Urban Forest's 4-year-old award program were Pennsylvania Street Gardens on Potrero Hill, sidewalk gardens along Broderick and Hayes in NoPa and Ney Street in

➤ CONTINUED ON PAGE 4