

Drivers
Cancellation
Appeal
Process
Proposal

September 22

2010

The enclosed proposal is aimed at the betterment and improvement of the
Taxicab Industry in Austin TX.

Submitted by
the "TDAA"



Cancellation Appeal Process Proposal:

“Introduction:”

The following is an outline of a proposed change in the process to cancel a driver’s contract in the City of Austin Texas. This proposal is presented by the Taxi Drivers Association of Austin, and is intended to help improve taxicab service within the city by making the position of “Taxicab Driver” a more attractive A endeavor and therefore attracting better quality drivers to the industry.

It is the position of the Taxi Drivers Association of Austin (hereinafter referred to as the “TDAA”) that under the current business model, the following injustices and inequities exists within the Taxi industry in Austin TX.

1. City of Austin Taxicab drivers are subject to arbitrary cancellation of their contract. (See page 13 of the LAMP report dated February 2010 @ www.austintaxidriver.org)
2. A City of Austin Taxicab Driver, never earns tenure and sees no improvement in job security throughout the time he or she works as a driver. Even after, despite working long hours, for little pay, for many years, a driver has no more right to appeal cancellation of his or her permit than he or she had on the first day he or she signed on.

Taxicab franchises that retain ownership of taxicab permits on a permanent basis have no incentive to retain, or in other words not cancel, experienced drivers.
3. City of Austin Taxicab Drivers can pay up to \$107,380.00 in terminal fees over a seven year period and still be cancelled arbitrarily.



In an effort to rectify the aforementioned injustices and/or inequities, The “TDAA” offers the “Cancellation Appeal Process” as proposed herein.

“Cancellation Appeal Process”

The “Cancellation Appeal Process” means exactly as it implies. Drivers who feel that their contracts have been cancelled unjustly would have a chance to be reinstated – an opportunity that currently does not exist. A similar process does currently exist at the airport for the benefit of drivers who have had their airport privileges revoked or suspended for unjust reasons. The mere existence of an appeal process, will act as a deterrent to the injustice of arbitrary cancellations.

“Court of Appeals”

A taxi court should be established (such as the one in NYC and other cities). There are many specialty courts already in existence. This would ensure a fair, unbiased decision as the judge would have no vested interest in the case. Furthermore, the franchises were afraid that a panel of volunteers would not be qualified to decide if the cancellation is fair if it is based on medical reasons. A judge would have the resources to investigate and make an informed and intelligent decision.

The “Appeal Process” as outlined below is modeled after the one currently in place at the airport. The City would have the final say on what the process shall be, but we offer the following outline as a starting point.

1. A driver whose contract has been cancelled may appeal in writing, to the City Ground Transportation Department no later than seven business days after the date of cancellation.
2. A driver should receive a hearing to take place within 2 weeks of the cancellation of the driver’s contract and a decision should be rendered no more than seven days later after the information is presented in its entirety.



3. As for who will be allowed to attend the hearing, a) the drivers attorney if he/she has one, b) the TDAA president and a small committee of directors who have the drivers best interests in mind, c) any drivers who can act as a witness and provide relevant information to the case regardless of which side they are there to help, and franchise owners, officers of the corporation, and general manager or operations manager.
4. The driver should not be suspended pending the outcome of the investigation and hearing, instead, the driver should be issued a temporary permit that he/she can take to either of the other franchises. It is unfair to treat the driver as guilty until proven innocent and cut off their income
5. If it is determined that the driver was cancelled unjustly, the franchise who cancelled that driver should permanently lose possession of that permit (the driver should retain possession of that permit and be responsible for paying the yearly permit fee to the City of Austin Ground Transportation Department, thereby making this a mobile permit that can transfer to any company that the driver wishes to drive for). If that driver does not wish to take responsibility for that permit then he/she should have the right to relinquish possession of that permit to a senior driver to be chosen by the city based on seniority and other specified criteria.

All decisions on appeals are made by the “Court of Appeals” and are final. The “Court of Appeals” shall notify the appellant of the decision on the appeal in writing, and shall copy the City Ground Transportation Department as well as the Taxi Franchise who originally cancelled the drivers’ contract.

This is a rough outline that could be extrapolated upon or edited as the city sees fit. For instance, number of appeals won could be used as a key performance indicator for franchise renewal.

“Cancellation Criteria”

Cancellation allowed:

1. A driver can be cancelled for medical reasons if they cannot produce a doctor’s statement that they are physically and mentally able to perform his/her job safely and efficiently.



2. A driver can be cancelled after having 3 “at fault” accidents.
3. A driver can be cancelled on the third warning for knowingly violating company policy (which should be printed out and given to every driver, along with a copy of their contract).
4. A driver can be cancelled for receiving 3 or more citations from Ground Transportation for the same offense.

Cancellation **NOT** allowed:

1. A driver cannot be cancelled for medical reasons if said driver can get a medical release from their physician stating that they are physically and mentally able to perform his/her job safely and efficiently.
2. A driver cannot be cancelled for any “not at fault” accidents.
3. A driver cannot be cancelled for violating a company policy if he/she was not given a printed copy of the company’s policy and their contract.
4. A driver cannot be cancelled for receiving less than three citations from Ground Transportation for an offense.

“Customer Bill of Rights”

In order to insure a high level of service and professionalism, Drivers reinstated by the “Court of Appeals” shall subscribe to, and be committed to endorsing a “Customer Bill of Rights” as described herein.

1. The customer has a right to enter a clean, properly maintained, and properly licensed vehicle. This shall include, but is not exclusive to, proper lighting, heating, ventilating, and air conditioning systems, as well as the vehicle being free of any noxious and/or offensive odors. This shall also include easy access to seatbelts.



2. The customer has a right to be serviced by a well groomed, knowledgeable, well trained, and properly permitted and licensed driver.
3. The customer has a right to be informed of all routes available to them including a verbal estimate of any and all cost differentials and to direct the driver on the route to be taken.
4. The customer has a right to be treated in a professional, courteous manner at all times. (No matter how short or long the trip)
5. The customer has a right to the driver's full attention to their needs during the course of the trip.
6. The customer has the right to select a taxicab of his or her choice anywhere in the city. (Including the airport)
7. The customer has a right to an effective customer complaints process.

Once again, these criteria, may be extrapolated upon, or edited as the city sees fit. At a recent meeting, it should be noted that Yellow Cab has also proposed its own customer "Bill of Rights" in all likelihood after hearing about this one which we originally proposed on May 20th. Perhaps they would be better advised to have a customer "Bill of Rights" aimed at their customers which in reality is us, the independent contractor drivers.

“Who benefits from this proposed change?”

It is the opinion of the TDAA that all parties involved will benefit from this change. After all the only change we are proposing is an appeal process for those who have been unjustly treated, which is always beneficial in a society that promotes “justice for all!”. We offer the following explanation of benefits to each of the parties involved.

- Customers will benefit by an overwhelming improvement in service. It is our belief that one of the worst situations that currently exist to the City of Austin taxicab customers is



that they may be driven by a rookie driver forced into service because an experienced driver has been cancelled unjustly. With the creation of a “Court of Appeals”, where franchises have to prove a driver is deserving of cancellation, drivers will no longer be subject to arbitrary cancellation.

- Existing franchises will lose the ability to cancel drivers arbitrarily, but will benefit by having the opportunity and ability to attract and keep a higher caliber of professional drivers to their fleets and thereby increase profits by repeat business as well as increase the marketability of Taxicab service in the City of Austin.
- Drivers will benefit by a lessening of stress as related to the uncertainty of being able to operate their cabs as an ongoing concern due to the volatility of being exposed to arbitrary cancellation.
- Lastly, the City of Austin will benefit by an increase of professionalism by drivers who chauffeur its citizens and visitors alike. The quality of drivers’ increases and this result is an increase to the quality of service provided.



“Summary:”

As in our previous proposal, no long summarization is necessary as the content of this proposal is very basic. Let’s make the position of being a taxi driver in the City of Austin an attractive proposition, not one where the fear of being let go and deprived of your livelihood is an ongoing anxiety that must be endured on a daily basis. In other words, let’s attract, and keep, a fleet of professional, customer service oriented drivers, who as Yellow Cabs motto says “Drive with Pride”!
