

MOTION

The City must work to ensure that all employees that contribute to the operations at the Port be afforded a safe work environment, fair wages, and deserved benefits. Trucking companies that operate at the Port of Los Angeles have a long history of contracting with independent truck drivers. Often times these independent truck drivers work with one company much like an employee would, however, they are not afforded the benefits and protections of an employee. This type of port truck drivers can lead to the unfair treatment of drivers that do not have representation. In some cases these drivers can experience unsafe working conditions and even wage theft.

The Port of Los Angeles made an effort to incorporate an employee mandate into the Clean Truck Program. This mandate would have required trucking companies to hire their drivers instead of contracting with them. The mandate ultimately had to be removed from the Clean Truck Program after a 9<sup>th</sup> Circuit Court of Appeals ruling finding that the Federal Aviation Administration Authorization Act of 1994 would not allow the Port dictate the contractual relationships with third parties.

The California Division of Labor Standards Enforcement has taken up claims filed by port truck drivers and have found that drivers are employees and are owed lost wages. It is important to look at these findings and identify solutions to protect these truck drivers.

I THEREFORE MOVE that the Port of Los Angeles, with the assistance of the City Attorney, CAO and CLA be requested to report to Innovation, Grants, Technology, Commerce and Trade Committee on the issue of creating an employee mandate to require all truck drivers be employees and what alternate solutions can be implemented to enhance the employee status of port truck drivers.

PRESENTED BY:

  
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SECONDED BY:



ORIGINAL

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