

MOTION

The City of Los Angeles must ensure that all workers that contribute to the operations at the Port of Los Angeles be afforded a safe work environment, fair wages, and guaranteed rights and benefits. Trucking companies that operate at the Port have a long history of contracting with truck drivers individually. When hired as independent contractors, drivers are not afforded their basic benefits and protections as employees, such as receiving minimum wage and paid sick days. Port truck drivers also often assume the risk and responsibility associated with purchasing and maintaining newer, low-emission trucks, as detailed in a recent USA Today story.

The Port made an effort to address the issue by incorporating an employee mandate into the 2008 Clean Truck Program. This mandate would have required trucking companies to hire drivers instead of contracting with them, in an effort to ensure that trucking companies did not pass the costs of new clean trucks on to drivers. The mandate was ultimately removed from the Clean Truck Program after a 9th Circuit Court of Appeals ruling finding that the Federal Aviation Administration Authorization Act of 1994 preempted the employee mandate.

Since 2010, at least 1,150 port truck drivers have filed claims in civil court or with the California Department of Industrial Relations' enforcement arm, known as the labor commission. Judges have sided with drivers in more than 97% of the cases heard, ruling time after time that port truckers in California can't legally be classified as independent contractors. Port drivers and warehouse workers have engaged in 15 labor strikes in the past four years, disrupting Port activity and service. It is important to take a closer look at potential violations and their impact on the Port and identify solutions to protect truck drivers and warehouse workers.

I THEREFORE MOVE that the Harbor Department, with the assistance of the City Attorney, CAO and CLA be REQUESTED to review the conditions of the leases of any trucking or warehousing companies operating on Port property and report on the feasibility of denying access to companies that are in violation of local, state, and federal laws, including labor and employment laws, as well as alternative solutions can be implemented to enhance the employee rights of Port truck drivers and ensure that trucking companies comply with labor and employment laws.

I FURTHER MOVE that the Bureau of Contract Administration be DIRECTED to investigate and report back on wage theft claims due to minimum wage and paid sick day violations by trucking companies operating on Port property.

PRESENTED BY:



JOE BUSCAINO
Councilmember, 15th District



BOB BLUMENFIELD
Councilmember, 3rd District

SECONDED BY:



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