



New York Taxi Workers Alliance

AFL-CIO, Int'l. Transport Workers' Federation

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FREQUENTLY ASKED QUESTIONS¹ - UBER AND LYFT'S WAGE THEFT SETTLEMENTS WITH THE NEW YORK STATE OFFICE OF THE ATTORNEY GENERAL

Please note that this guidance is for informational purposes only. It is not legal advice and is subject to change. Last updated March 20, 2024.

On November 1, 2023, the New York State Office of the Attorney General ("NYS OAG" or "AG") reached settlements with Uber and Lyft regarding the companies' practices between 2014 and 2017 of taking sales tax and Black Car Fund fees from driver earnings instead of having the passenger pay sales tax and BCF fees on top of the fare. The companies stole around 11.4% from each fare from NYC drivers, resulting in hundreds of millions of dollars in stolen earnings. These settlements were reached as part of an Attorney General investigation that started because the New York Taxi Workers Alliance filed a complaint in 2015 regarding the wage theft. The AG's office secured other protections for drivers as part of the settlement. Here are some answers to frequently asked questions about the settlement.

What do the Uber and Lyft settlement agreements cover?

- Paying drivers back for wage theft
- Paid Sick and Safe Leave
- Non-New York City Minimum Driver Pay
- Payment for Trainings
- Earnings Notification Document
- Trip Information Statements
- In-App Chat Support
- Limited Deactivation Appeals
- Uber and Lyft compliance with New York State Labor Law regarding deductions from worker pay

¹ As the NYTWA is responsible for filing this complaint with the NYS OAG and has been in regular contact with the NYS OAG, we will only provide confirmed accurate information regarding the settlement. The NYTWA is aware that rumors and incorrect information have been going around regarding the settlement, including attempts to get drivers to pay an unnecessary fee to get help applying. For your protection, if you have any questions, please feel free to contact the NYTWA. The Attorney General has also told drivers to reach out to NYTWA for assistance and more information. See <https://ag.ny.gov/press-release/2024/attorney-general-james-warns-law-firm-immediately-stop-trying-profit-uber-and#:~:text=NEW%20YORK%20%E2%80%93%20New%20York%20Attorney,Office%20of%20the%20Attorney%20General%20{>

\$328 Million Wage Theft Recovery

What time period does the settlement cover?

The AG settlement covers wage theft that was committed during the following months for each company:

- Uber between November 10, 2014 and May 22, 2017
- Lyft between October 11, 2015 and July 31, 2017

What was the wage theft that Uber and Lyft committed?

Uber and Lyft stole around 11.4% from drivers from each fare in New York City, resulting in hundreds of millions of dollars of stolen earnings. The companies took the cost of the BCF surcharge and sales tax out of driver earnings instead of having the passenger pay the cost on top of the fare.

Who will get money back?

Drivers who worked for Uber anytime between November 10, 2014 to May 22, 2017 and drivers who worked for Lyft anytime October 11, 2015 to July 31, 2017 will get money back.

If you worked for both companies during their settlement time periods, then you would get money from both companies.

I drove for Uber between November 10, 2014 and May 22, 2017 and/or Lyft between October 11, 2015 and July 31, 2017. How much will I get paid?

The Office of the Attorney General is calculating the amount that you will get paid based on information that Uber and Lyft provided about how much money was deducted from your pay for Black Car Fund fees and sales tax. After you file the claim form with the settlement administrator (Rust Consulting), you will be notified of the exact amount at the time you receive your payment.

Uber agreed to pay \$290 million in total to pay back drivers for taking sales tax and Black Car Fund fees from drivers' earnings. Lyft agreed to pay \$38 million in total. Each driver will get a percentage of what was stolen from you.

From Uber, you will likely get back around 100% of the amount stolen from you minus what Uber paid out in 2017 (see page 5 for more information) and minus an adjustment if you received money in a settlement with Uber in a legal proceeding (such as an arbitration) regarding the wage theft. From Lyft, you will likely get around 60% of what you are owed, minus an adjustment if you received any money in a settlement with Lyft in a legal proceeding (such as an arbitration) regarding the wage theft.

Application Process, Eligibility, and Deadlines

How do I get the money I am owed?

You will file an application either online or by mail with the settlement administrator hired by the Attorney General, Rust Consulting.

You will need to get your claimant ID number(s) from Rust Consulting, which will be contained in the notice you receive of the settlement by mail, email and/or text message. There are separate claimant ID numbers for Uber and Lyft.

You must file claim applications for both if you drove for both companies during the settlement periods:

- Uber anytime between November 10, 2014 to May 22, 2017
- Lyft anytime between October 11, 2015 to July 31, 2017.

Steps to Apply

1. You will receive a notice with a claimant ID number. The notice will be sent via regular mail, email, and text message. You will receive one for each company.
2. You will then have two options:
 - You can go to the website set up by Rust Consulting and enter your claimant ID number and submit a claim form online; or,
 - You can mail back the claim form which Rust sends to you in the mail.
3. If you want to apply online, the form will ask you for your basic identifying information along with a few other questions.
 - The form will ask for “TLC License Number.” Fill in your TLC driver’s license number (or what we call the hack license).
 - The form includes a question about prior payments (question 4). It is not asking about the 2017 money that Uber automatically paid out to everyone. Question 4 is asking if you received money from a court case or other legal proceeding (like an arbitration) that was specifically about the wage theft from the sales tax and BCF deduction. This includes any settlements of court cases or arbitrations. If you did not receive money in the past from a court case or legal proceeding like an arbitration about this issue, you would answer “no” to the question. If you did you receive money through a court case or arbitration on this specific issue, you would answer “yes” and say how much.
4. Once you submit the form, print out the confirmation page or take a picture. You will not receive a confirmation email from Rust that you submitted your application, so it is important you keep a copy for your records.
5. If you need help applying, you can come to the NYTWA office.
 - Location:** 31-10 37th Avenue, Suite 300, LIC, NY 11101
 - Office Hours:** Monday-Thursday 11am to 7pm and Fridays 11am to 5:30pm

File for Uber:

- Rust help line: 1-800-625-2332
- To file claim with your claimant ID: <https://ubernyagsettlement.com/Claim-Form/PageControl/InformationPage>

File for Lyft:

- Rust help line: 1-800-433-5314

- To file claim with your claimant ID:
<https://lyftnyagsettlement.com/Claim-Form/PageControl/InformationPage>

I worked for both companies during the settlement time periods, but I only received one notice with a claimant ID. What should I do?

Notices started to be mailed out around March 7th. You should wait to see if it comes in the next couple of days. You can also call the settlement administrator's helpline for the company you are missing the claimant ID from.

- Rust's helpline for Lyft: 1-800-433-5314
- Rust's helpline for Uber: 1-800-625-2332

I got an e-mail with a claimant ID number, but I don't know if it is legitimate. How can I check?

The settlement administrator, Rust Consulting, is sending out emails, texts, and hard copy forms. The emails will come from info@lyftnyagsettlement.com and info@ubernyagsettlement.com.

I got a notice with my claimant ID, but my name is spelled wrong. What should I do?

You can fix the spelling mistake by calling Rust Consulting, the settlement administrator. You will have to verify the information they have on file, and you may have to follow up in an email or letter. If you have any questions, or need help with this process, please come to the NYTWA office.

I worked for one or both companies during the settlement time period, but I did not receive a claimant ID. When I called Rust, I was told I was not on the list. What should I do?

If you have already called Rust, they are looking into why you are not included. You may need to submit additional documentation proving you worked for the company during the time period. If you have questions or need help, please come to the NYTWA office.

I have another question and need to email Rust. Is there a format I should use?

Yes, when you email Rust you should put your claimant ID (or name, if you don't have a claimant ID) in the subject line with the issue or question you need help with. For example, if your claimant ID was "12345" and you needed help with a spelling mistake in your name, the email subject would be "12345 – name spelled incorrectly." If you need help writing an email, come to the NYTWA office.

Is there a deadline for filing the application?

Yes, you must file your wage theft claim application by July 29, 2024.

I made a mistake when I submitted my form. How can I correct it?

You can call, email, or write a letter to Rust, the settlement administrator. If you can verify the information they have on file, they can help fix your mistake.

- Rust's helpline for Lyft: 1-800-433-5314
- Rust's helpline for Uber: 1-800-625-2332

Who will I receive communication about the settlement from?

Rust Consulting (the settlement administrator), the Office of the Attorney General, and the New York Taxi Workers Alliance will be providing information about the settlement.

No one else will have any additional information about the settlement and payment process. The process is not hard. You do not need to pay anyone who says they can help you apply for the settlement funds. NYTWA staff will be able to assist with the application process if you have any questions.

How will I get paid?

In the claim form, you will be able to select whether you want to get paid by check, Paypal or Venmo. If you are owed money from Uber, you will get your full payment at one time. If you are owed money from Lyft, you will get paid in two installments.

Can I still get the money I am owed if I am not currently working for Uber or Lyft? Can I still get the money I am owed if I was deactivated by Uber or Lyft?

Yes, you can still get the money you are owed if you are no longer working for Uber and/or Lyft or were deactivated by Uber and/or Lyft. All TLC drivers who completed a trip in New York State between November 10, 2014 and May 22, 2017 who would receive \$10 or more under the settlement will be eligible for payment from Uber. All TLC drivers who completed a trip in New York State between October 11, 2015 and July 31, 2017 who would receive \$10 or more under the settlement will be eligible for payment from Lyft.

If I have moved out of the country, how can I apply?

You can file the claim online with your claimant ID. Check your email for the ID number. If you need help, please contact the New York Taxi Workers Alliance at media@nytwa.org.

My family member worked for Uber between November 10, 2014 and May 22, 2017 and/or for Lyft between October 11, 2015 and July 31, 2017, but they have passed away. Can I file an application on their behalf?

Whoever is in charge of the family member's estate ("the executor") can apply, but should not fill out the claim form right now because the claim form only allows for the driver to complete the form. The executor must call Rust Consulting first and follow their instructions to file a claim for a relative who has passed away. You will need to submit a completed beneficiary declaration and a death certificate. Rust will send you a copy of the forms it needs once you call and provide your name and address. Additionally, if whoever is in charge of the estate has not already done so, they may need to go through a court process to be appointed the executor of their family member's estate. Please contact the New York Taxi Workers Alliance if you need more information. You may email us at media@nytwa.org or call 718-706-9892 or visit us at 31-10 37th Avenue, Suite 300, LIC, NY 11101.

Call Rust Consulting at the number below, depending on which company your loved one worked for:

- **For Uber**, call Rust Consulting at: 1-800-625-2332
- **For Lyft**, call Rust Consulting at: 1-800-433-5314

Will the settlement money be taxed?

Yes, the settlement funds will be treated like any other income. You will receive a 1099 tax form for the money from Rust Consulting. You should speak with your accountant or tax preparer about how to handle the taxes.

What other benefits will I get as a result of this settlement?

Uber and Lyft have started providing paid safe and sick leave, minimum earnings outside of New York City, payment for completing trainings, and will amend their contracts to only allow the deductions allowed by law and comply with other notice requirements. They will also provide earnings notification documents by May 1, 2024.

Uber and Lyft will also provide in-app chat support and limited deactivation appeals support. The in-app chat support and limited deactivation appeals support in English, Spanish and French (for Lyft) and in English, Spanish, French, Russian, Bengali, and Chinese (for Uber) will start by November 1, 2024.

I started working for Uber/Lyft after the wage theft ended (May 22, 2017 for Uber and July 31, 2017 for Lyft.) Will I get anything from this settlement?

If you started working for Uber and/or Lyft after the wage theft ended and you work for either or both companies now, you will get the other benefits that this settlement covers. This includes the paid sick and safe leave, payments for completing trainings, and earnings notification documents.

I think Uber or Lyft may have broken the law in another way in its treatment of drivers. Does this settlement mean no one else can sue Uber or Lyft?

No, these settlements only bind Uber/Lyft and the Office of the Attorney General. Uber and Lyft are still required to follow state, federal, and local laws or regulations. This settlement only means that the Attorney General will not bring a lawsuit against Uber or Lyft for the specific claims described in the agreement so long as Uber and Lyft hold up their side of the deal.

For example, while the Uber settlement represents a recovery of around 100% of the stolen wages for the period beginning in November 2014, if drivers wanted to pursue further legal action to recover the full amount of interest and penalties related to the sales tax and BCF deductions, the settlement does not prevent them from doing so.

What was the money Uber paid back in 2017?

In 2017, just twelve days after NYTWA members made a court filing that described Uber's illegal practices, Uber claimed they had made a mistake and paid some money back to drivers. However, this was only a fraction of what Uber owed drivers. Now, drivers will be getting the rest of the money that was stolen from them from that period beginning in November 2014.

Paid Sick and Safe Leave - New York City

How does paid sick and safe leave work?

Any TLC driver who does one or more trip in New York State that is covered by the TLC NYC minimum driver pay rules after March 1, 2024 will earn paid sick leave.

How much do I get paid if I take safe or sick leave?

- The rate will be \$17.25 as of March 1, 2024.
- The rate will increase to \$17.51 as of June 1, 2024.
- The rate will then be adjusted every year for inflation on March 1st, beginning on March 1, 2025. The adjustment will be whichever number is lower: a 3% annual increase or the average inflation rate for the year before from the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W) for the NY-NJ-PA metro area.

Paid Sick and Safe Leave – Outside of NYC (Upstate/Long Island)

How does paid sick and safe leave work?

Any non-TLC driver working in New York State, outside of New York City, who does one or more trip after March 1, 2024 that is not covered by the TLC NYC Minimum Driver Pay Rules will earn paid sick leave.

How much do I get paid if I take sick or safe leave?

- The paid sick time will be paid at the rate of whichever number is higher: the Driver's individual average hourly earnings (calculated based on the driver's hourly earnings for the time spent from accepting a job to dropping off a passenger for the previous calendar quarter) or \$26.39 an hour.
- The minimum of \$26.39 will increase to \$26.78 on June 1, 2024.
- The rate will then be adjusted every year for inflation on March 1st beginning in 2025. The adjustment will be whichever number is lower: a 3% annual increase or the average inflation rate for the year before from the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W) for the NY-NJ-PA metro area.

Paid Safe and Sick Leave – General (for NYC TLC and all other NYS drivers)

How do I earn paid sick or safe leave?

A driver will earn one hour of sick pay for every 30 hours spent between accepting a job to drop-off.

How much sick time can I earn?

Drivers can earn a maximum of 56 hours of paid sick time per calendar year (between January 1st to December 31st.) For NYC TLC drivers, this paid sick time is in addition to the portion of the New York City Minimum Driver pay rate that was designed to compensate drivers for the equivalent of paid time off.

How do I take paid safe and sick leave?

Drivers will be able to see the amount of paid sick leave they have earned and can claim paid sick leave time through the Uber and Lyft apps.

What can I use paid sick and safe leave to cover?

You can use paid sick leave to cover times when you or a family member you are caring for has a physical or mental illness, injury, or health condition, even if it doesn't require medical care when you request the leave. You can also use it to go to the doctor to get diagnosed or treated for an illness, or for preventative care (medical care that you get before you develop a health condition, like an annual check-up at the doctor's or a cleaning at the dentist).

You can use safe leave to cover time if you have been the victim of some crimes, like domestic or sexual violence, and need to get help. This could include getting services from a domestic violence shelter or rape crisis center, meeting with an attorney, enrolling your kids in a new school, or doing anything else you need to do to make sure you and your family are safe.

Non-New York City Minimum Driver Pay**What is the non-New York City minimum earnings?**

Uber and Lyft will make sure that drivers are paid a minimum of \$26.39 per hour for the time a driver spends between accepting a job to dropping off a passenger for trips that start in New York State that are not covered by the TLC NYC Minimum Driver Pay Rules. For each driver, for each earnings period (which will be 14 days or less) Uber and Lyft will compare how much the driver earned to the minimum required earnings.

- If the driver earned less than the minimum requirement, the driver will be paid the difference between the driver's actual earnings and the minimum by the next earnings period.
- The rate will increase to \$26.78 by June 1, 2024.
- The rate will then be adjusted every year for inflation every March beginning in 2025. The adjustment rate will be whichever number is lower: a 3% annual increase or the average inflation rate for the year before from the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W) for the NY-NJ-PA metro area.

Payment for Trainings

Drivers will be paid for up to one hour of time completing Uber and Lyft's training materials. Drivers will be paid whichever number is higher: the higher of \$15 per hour or the lowest rate of basic minimum wage that applies at the time the driver completes the training. Uber and Lyft will pay drivers as stated in the driver contract but no less frequently than semi-monthly, on regular pay days designated in advance by the employer, as required by NYLL § 191(1)(d).

Earnings Notification Document

Uber and Lyft will give drivers informational documents about driver earnings and how to access them. The AG, Uber, and Lyft have agreed on a template for the document.

Trip Information Statements

Within 24 hours after a trip is completed, Uber will provide an email or a statement in the Uber App or website that will show drivers:

- The total amount of time between when a driver picks up a rider and when they drop them off.

- The total mileage driven between when a driver picks up a rider and when they drop them off.
- The amount the rider paid for the trip.

Drivers may also request this information from Uber for trips that occur after November 1, 2023 and within six years of the date of the trip.

Within 24 hours after a trip is completed, Lyft will provide an email or a statement in the Lyft App or website that will show drivers:

- The total amount of time between when a driver accepts a trip and begins to travel to the rider's destination and when they drop the rider off.
- The total mileage driven from the time between when a driver accepts a trip and begins to travel to the rider's destination and when they drop the rider off.
- The amount the rider paid for the trip.

Drivers may also request this information from Lyft for trips that occur after November 1, 2023 and within six years of the date of the trip.

In-App Chat Support

Uber will offer in-app support in English, Spanish, French, Russian, Bengali, and Chinese. Drivers will be able to chat with live support staff in the app. Lyft will offer in-app support in English, Spanish, and French. These language will all be implemented by November 2024.

Limited Deactivation Appeals

Drivers will be able to appeal Uber or Lyft deactivations through the driver app in a process that Uber and Lyft will control.

For example, drivers can appeal deactivations that occurred because of:

- Dangerous driving
- Suspected impaired driving
- Interpersonal conflict
- Wrong vehicle
- Service animal denial
- Harassment
- Sexual misconduct
- Low ratings
- Trip fraud

By November 1, 2024, Uber will make sure the appeal process is available in English, Spanish, French, Russian, Bengali, and Chinese. By November 1, 2024, Lyft will make sure the appeal process is available in English, Spanish, and French.

New York Labor Law Section 193 (Unlawful Deductions)

Uber and Lyft will only make the deductions from driver payments that the law allows under NYLL § 193, which generally limits deductions to deductions allowed by other laws, deductions that benefit the employee which the employee has given advance, written permission for, or deductions for overpayment or advance payment of wages. The law has specific requirements employers must follow to take these deductions. Uber and Lyft will amend their contracts with

drivers to clarify this. Uber and Lyft will propose language to amend the contract to the AG's office. Uber and Lyft will also give any future contract amendments related to deductions to the AG in advance.

Other Sections of Article 6 of the Labor Law

Uber and Lyft will follow the relevant sections of the New York Labor Law related to payment of wages (NYLL Article 6).

How is NYTWA fighting for more:

The settlements between Uber, Lyft, and the New York State Attorney General are a historic victory. But NYTWA continues to fight for more! Right now, we are working on the following:

- ***NYTWA members are challenging Uber's use of forced arbitration in federal court.*** If we win, then we may be able to get the amounts not covered in Uber's AG settlement and for the time period the AG settlement does not cover (before November 10, 2014).
- ***Fighting for real protection against deactivations.*** While Uber and Lyft have agreed to let drivers appeal deactivations in the app, the real issue remains: the companies control the appeal process! We are fighting for a city council bill to give drivers the right to an appeal process that is not controlled by the companies, requires 14-day notice for most deactivations and require principles such as progressive discipline so the punishment (deactivation) is on the level of the wrongdoing.
- ***Fighting for better sick leave.*** The Paid Sick Leave hourly amount for NYC TLC drivers in the AG settlement is based on net hourly pay rate. We will fight for a higher rate to reflect what drivers could earn if they were still working, to ensure drivers can cover their ongoing expenses like car payments and insurance.
- ***The minimum pay for upstate drivers is too low and is structured in a way that does not pay drivers fairly for all the time they spend working.*** Upstate drivers should be paid at minimum rates per trip and at rates that make up for empty time between trips. The way it is structured now, upstate drivers are paid at an hourly rate for the total amount of time per hour that the driver has been dispatched to the point of drop-off. This is called "engaged time." So, for example, if the hourly rate is \$26/hour and the total engaged time is 70% of the total hour, then in reality the driver is not earning \$26, but actually \$18.20, or 70%. And from this amount, all expenses still have to be deducted.

How to contact NYTWA:

- Address: 31-10 37th Avenue, Suite 300, LIC, NY 11101
- Office Hours: Monday-Thursday 11am to 7pm and Fridays 11am to 5:30pm
- Phone: 718-706-9892
- Email: Media@NYTWA.org
- Website: <https://www.nytwa.org/uberandlyftwagetheft>