

Judge to Uber: Find short-term benefits for drivers



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An Uber Eats car and drone are on exhibit in June at the Uber Elevate Summit in Washington, D.C. A judge told Uber and drivers to work on a short-term deal in the interest of public health. Photo: Anna-Rose Gassot / AFP / Getty Images 2019

A federal judge has temporarily put off a decision on whether to reclassify thousands of Uber drivers in California as employees to qualify them for state sick leave pay during the coronavirus pandemic.

But the judge told the ride-hailing company to try to reach a quick agreement with drivers for short-term benefits.

The health of drivers and their customers would be served by “access of drivers to benefits for an interim period during the pandemic crisis,” U.S. District Judge Edward Chen of San Francisco said at the close of a nearly two-hour hearing Wednesday, held by telephone.

He asked opposing lawyers to work on an interim agreement that “serves the public interest in public health,” and told them to report on their progress by Friday.

Uber’s lawyer, Theane Evangelis, told Chen the drivers would be better off seeking benefits from the federal government or the company, both of which exceed the three days of paid sick leave per year that California provides for full-time employees. She said Uber has paid benefits averaging \$900 to about 1,400 ailing drivers nationwide since the coronavirus struck.

Shannon Liss-Riordan, lawyer for the drivers who sued the company, countered that they may not be eligible for federal benefits and would need at least a doctor’s note to get anything from Uber.

“A lot of Uber drivers don’t even have health care. They don’t have a doctor’s office,” Liss-Riordan said. She said employees can take sick leave in California after calling their employer and saying they feel unwell.

On Thursday, drivers for Lyft took a similar case before U.S. District Judge Vince Chhabria of San Francisco, who did not immediately rule on whether they were entitled to sick leave under state law, and asked for further written arguments by Monday. Liss-Riordan, who also represents the Lyft drivers, said Chhabria may return their case to San Francisco Superior Court to determine their rights under California law.

Uber and Lyft have classified their hundreds of thousands of drivers as independent contractors, not employees, making them ineligible for such benefits as minimum wage and overtime as well as state-mandated leave.