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New York Locke Lord Partner Richard Reibstein Quoted by Law360 on Significance of Independent Contractor Voter Initiative “Settlements”

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Richard Reibstein, a New York Partner in Locke Lord’s Labor and Employment Practice Group and co-head of the Firm’s Independent Contractor Compliance and Misclassification Practice, was quoted by Law360 on the significance of eleventh-hour deals to keep proposed ballot measures in California and Massachusetts from going to voters regarding independent contractor status wage of ride share drivers. Reibstein explains, “Where there is a meaningful likelihood that [an independent contractor] ballot initiative will be passed, it has prompted state governments to take heed of voter preferences in industries that have an impact on a wide range of consumers.”

The settlement between Uber, Lyft and the Massachusetts attorney general resolved a pending lawsuit by the state against the ride share companies in an independent contractor misclassification case in state court seeking minimum wages, overtime and benefits, providing for a specified minimum wage for drivers and benefits limited to the ride share industry. The agreement also provides that the companies will abandon support for the ballot initiative they had sponsored and financed. Reibstein drew a connection between the ballot proposal and the settlement stating, “The leverage that the ride-sharing companies were able to generate because of the ballot initiative propelled the attorney general to consider an alternative arrangement than what was in the ballot initiative. As a result, the parties reached an accommodation that allows the drivers to remain independent contractors but provides them with wages and benefits that they would not otherwise have been eligible to receive.”

Reibstein also noted that withdrawals of ballot proposals are not commonplace. “These ballot initiatives are meaningful and have to be given full consideration. Many times, the parties are not going to find common ground to negate the ballot initiative and find a compromise solution.”

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