



Teamsters trumpet unemployment payout to LA-LB port truck driver

Bill Mongelluzzo, Senior Editor | Oct 29, 2014 7:29PM EDT

LONG BEACH — A Los Angeles-Long Beach port truck driver who said she was misclassified as an independent contractor was awarded a check for \$9,000 in unemployment benefits by the California Employment Development Department this week, giving Teamsters fuel in their campaign to organize local drayage drivers.

A Teamsters-affiliated organization said the payment is proof that the driver is an employee because the state does not pay unemployment benefits to independent contractors. This incident is the latest in a series of events associated with the efforts of the Teamsters union to organize drayage truck drivers at ports across the nation.

The Teamsters' strategy is to attempt to prove that drivers who are classified as independent contractors, and therefore are not eligible for medical or unemployment benefits, are in fact employees.

Justice For Port Truck Drivers said Yesinia Rivas, who drove for Total Transportation Services Inc., participated in a strike last summer along with 34 other drivers in Los Angeles-Long Beach harbor to protest alleged driver misclassification and wage theft. In the case of TTSI, the drivers had been leasing their vehicles through the company for five years. TTSI, like some harbor purchase costly

new vehicles that comply with the 2006 Los Angeles-Long Beach clean-trucks program.

Justice For Port Truck Drivers stated in a release that TTSI in July informed the drivers it was terminating the leasing arrangement and the drivers would have to provide their own trucks, either by switching to a third-party leasing intermediary or securing financing through other means. The drivers were also told they would have to withdraw their claims related to misclassification and wage theft or they would be fired, the release stated.

On Aug. 26, the Long Beach office of the California Division of Labor Standards Enforcement issued an order of decision and award for claims involving 14 drivers who had contracted with TTSI. Rivas this week became the first of the drivers to receive unemployment benefits from the state, the Teamsters-affiliated group said.

“Once again, the authorities have affirmed that port truck drivers misclassified as ‘independent contractors’ are in fact employees, said Fred Potter, director of the Teamsters Port Division and Teamsters international vice president.

“I fought back against wage theft and I openly supported the union, and for that I was fired,” Rivas said.

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