



Independent Contractor Practices Policy Committee

CHAIRMAN: Lance Votroubek, Vice President/GM – Van Division, Warren Transport
TCA STAFF LIAISON: David Heller, Hailey Betham

Minutes:

MEETING DATE: Sunday, March 24, 2024
TIME: 2:00 p.m. – 3:00 p.m.
PLACE: Gaylord Opryland Resort & Convention Center

COMMITTEE MEMBERS

Todd Amen
Jon Coca
Dan Doran
Chris Gulker
Jennifer Hill

Darrel Hopkins
Brent L. Hutto
Nicole McMurty
Tyler Rex
Kevin Reynolds

John Simms
Lance Votroubek
Jared Whitson
Nicholas Wingerter

GUESTS:

Alan Alberto
Jason Amonette
Chandler Anderson
Courtney Antunsen
Lisa Arensau
Jeff Arnold
Mehdi Arradizadeh
Jordan Atwater
Jeff Barga
Wanda Brooks
Terry Burnett
Mark Bylsma
Frank Chauvetto
Don Christenson
Eugenia Churilov
Bernie Clegg
Keith Copeland
Jeff Davis
Ryan Donley
Victor Duggal
Gary Falldin
Jason Fisher
Michael Foley
KatIE Griffin
Mathew Grimm

Jim Gunthrie
Tim Hadden
Bian Hall
Ryan Harrington
Ken Harvey
Gary Howell
Jeff Jenkins
Tim Kordula
Alexis Lowry
Anne-Marie Lynn
Jill Maschmeir
Heather Mewhunney
Scott Miler
Matt Miller
William Nelson
Kevin Nixon
Chad Norris
Misti Olszewski
Steve Perryman
Mitchell Peterson
Steve Ponder
Joe Pruitt
Kevin Puzio
Rodney Rader
Brigitte Roy

Tracy Rushing
Kris Rzepkowsky
Greg Sand
Taylor Santiago
Wayne Scott
Prasad Sharma
Andy Sharp
Melanie Simard
Derick Singleton
Ethan Slaughter
Joe Smith
Jason Smith
Doug Sosko
Rick St.Paul
Marilyn Surber
Aaron Thompson
David Tiede
Tyler Tiggess
Nancy Timmons
Pail Truman
Paul VARGO
Elias Villanugua
Jon Wildish
Dave Williams
Andrew Winkler

Call to Order: The motion of the approval of the antitrust review and the minutes of the previous committee meeting held were approved at 2:05 p.m.

I. Update – Coalition for Independent Truckers

- a. Executive Director Bill Webb from the Coalition for Independent Truckers provided an insightful overview of the Coalition's initiatives. The Coalition for Independent Truckers (CIT) has successfully launched a rollout to TAEC (state associations) in February 2023, targeting their initial state partners. They have also made significant strides in developing ambassador training materials, coordinating IC recruitment, and organizing training. Notably, since the last update provided by Lance Votroubek, we have welcomed 18 IC ambassadors, marking a significant step forward in their mission. CIT has been actively collaborating with TCA and ATA on federal needs and deployment, ensuring the representation of independent truckers at the federal level.

II. Policy review discussion – Lance Votroubek, Chair

- a. Chair Lance Votroubek introduced Joe Beacom from Landstar to present to thee the committee the recommended changes made by the IC Practices Policy Review Subcommittee, ensuring that TCA's policy to keep them up to date and relevant to the trucking industry today. Through this discussion, the committee made a motion to update the following policies.

- i. Status

1. "Persons, either as sole proprietors or via formally established business entities, that own (or bona fide lease) motor carrier equipment and operate, or arrange for the operation of, that equipment often choose to contract to operate with a for-hire or private motor carrier under such motor carrier's operating authority as an independent contractor truck owner/operator. Alternatively, such persons also may choose to obtain their own motor carrier authority and operate as an independent for-hire motor carrier.

The status of the business and legal relationship of a person who chooses to operate as an independent contractor truck owner-operator, and not as an employee of a motor carrier or as an independent for-hire motor carrier itself, should be honored by regulators, legislators and others in the enforcement of state and federal law. Indeed, as this form of business and legal relationship has existed in the trucking industry for many decades, many state laws expressly recognize independent contractor truck owner-operator status and specifically exclude it from the definition of "employee" under applicable state workers' compensation and/or unemployment tax laws.

Additionally, as independent contractors, these persons should not be considered leased employees for the purposes of counting

them for company-provided pension, health or insurance benefits. Leased employees used in this context would refer to truck drivers who are provided to a for-hire or private motor carrier by a professional employer organization.

Any attempt to categorize independent contractor truck owner-operators as employees or leased employees by regulatory, legislative or administrative efforts should be challenged as an erosion of independent status. Legislation and regulations should preserve the independent contractor relationship between motor carriers and those persons who lawfully choose to operate as independent contractors and maintain the vital role of independent contractor truck owner-operators in the trucking industry. Government agencies should recognize that contractual terms, including with respect to rates of compensation between motor carriers and independent contractors, are matters of private contract subject to an existing federal regulatory framework under the Federal Leasing Regulations (49 CFR Part 376).

The continued availability of independent contractor status under state and federal law must remain a high priority concern for the trucking industry and those segments that work with independent contractor truck owner/operators.”

ii. Other

1. Removal of TCA’s Lumping policy

III. Independent Contractor Myths vs. Facts discussion – David Heller, TCA Staff

- a. Vice President of Government Affairs and Safety Dave Heller presented Myth v. Truths on the independent contractor business model that could be used as collateral at TCA. Although the committee liked the idea, they concluded that a Subcommittee should be formed to develop more information for these Myth V. Truths.

IV. Old/New Business

- a. There was no other business to be mentioned.

V. Executive Session

- a. An Executive Session was not needed.

VI. Adjournment

- a. The Meeting adjourned at 3:02 p.m.