CALFRESH (CF) PROGRAM
REQUEST FOR POLICY/REGULATION INTERPRETATION

INSTRUCTIONS: Complete items 1 - 10 on the form. Use a separate form for each policy interpretation request. If additional space is needed, please use the second page. Be sure to identify the additional discussion with the appropriate number and heading. Retain a copy of the CF 24 for your records.

- Questions from counties, including county Quality Control, must be submitted by the county CalFresh Coordinator and may be submitted directly to the CalFresh Policy analyst assigned responsibility for the county, with a copy directed to the appropriate CalFresh Policy unit manager.
- Questions from Administrative Law Judges may be submitted directly to the CalFresh Policy analyst assigned responsibility to the county where the hearing took place, with a copy of the form directed to the appropriate CalFresh Bureau unit manager.

1. RESPONSE NEEDED DUE TO:
   - [x] Policy/Regulation Interpretation
   - [ ] QC
   - [ ] Fair Hearing
   - [ ] Other:

5. DATE OF REQUEST:

NEED RESPONSE BY:

6. COUNTY/ORGANIZATION: Solano County

7. SUBJECT: Uber Drivers

2. REQUESTOR NAME:

3. PHONE NO.:

4. REGULATION CITE(S): 63-503.4

8. REFERENCES: *(Include ACL/ACIN, court cases, etc. in references)*
NOTE: All requests must have a regulation cite(s) and/or a reference(s).

MPP 63-503.413

9. QUESTION: (INCLUDE SCENARIO IF NEEDED FOR CLARITY):

Self-employed Uber drivers receive weekly pay that is less a commission (approximately 20%) deducted by the parent company. Applicants are often including other expenses such as gasoline, auto insurance, mobile phone, and car washes (required by Uber). Should the gross self-employed income used to determine the budget be the amount the client sees in his/her bank account, or the amount that Uber is claiming on tax forms (which is pre-20%)? For example, Uber driver reports $800 on the PayPal bank statement for March 2015. Uber automatically takes out $200 as a commission before transferring the weekly pay amounts.

Or is the Uber driver considered a contract employee with no allowances for expenses.

10. REQUESTOR'S PROPOSED ANSWER:

$1000 used as gross earnings, with $200 being part of the claimable self-employment expenses. Additional expenses (as mentioned above) could be added to this $200 to see if it's larger than the standard 40% deduction.

Or if they are a contract employee how will the income be used.

(There is currently a court case pending regarding Uber drivers employment status)

11. STATE POLICY RESPONSE *(CFPB USE ONLY)*:

Class action litigation in progress may rule drivers as employees in the future. However, at present, the gross self-employed income used to determine the budget is the amount received in the client's bank account through direct deposit (drivers enter their banking information (routing number and account number) directly into Uber's website. The "earnings" or "Total Payout" amount on the Payment Statement is the amount to be used as the driver's income. The "Rider Fee" and the "Uber Fee" (20%) are not included in this paid amount. The statement provides weekly totals which the driver can access electronically. To determine the CalFresh net gross income of the applicant or recipient, the individual shall choose either actual costs of producing self-employment income or a standard deduction of 40 percent of gross earned income. The amount of actual costs of producing self employment or the standard 40 percent of gross earned income is deducted from total gross earned income to arrive at the net gross earned income amount [MPP 63-503.413, 63-503.242(a)(2), 63-503.242(a)(3), 63-503.242(b), 63-503.242(c)(2), ACL 13-17 page 7.

FOR CDSS USE

DATE RECEIVED:	DATE RESPONDED TO COUNTY/ALJ:
August 7, 2015	9/9/15sc