

Worker Misclassification Policy Hearing
Senate Democratic Policy Committee
November 15th, 2021
Testimony from Patricia Hearons

Hello, I'm Patricia Hearons, Treasurer of the Philadelphia Drivers' Union and Amazon Flex driver since 2018. I've worked in neuroscience research in higher education and held contract positions in QA at pharma and healthcare companies.

The Amazon Flex program uses drivers through an app to deliver packages or groceries. Shifts are called "blocks" and range from 1 to 4.5 hours. Within the Flex app, available blocks appear in an "Offers" list with location, date and time, duration, and the pay. Tapping on an offer presents slightly more information and to "Accept" the block you swipe across the bottom of the screen.

Amazon Flex encompasses logistics (packages), Amazon Fresh, and Whole Foods grocery delivery.

I tried packages for a month but didn't like the uncertainty of my destination (easily a three-hour radius from King of Prussia) and could be 3-4 hours away from home when I finished. They "suggest" arriving 15 minutes early and drivers have been sent away for arriving at their start time.

I then began driving tipped delivery. Amazon Fresh blocks are easier to get but are less appealing because of stricter time limits and a constantly backed up warehouse, which means a higher chance of deactivation. Additionally, tips are far worse than Whole Foods because the agreement that Amazon has allowing people to order groceries with EBT bars customers from tipping with any payment method through Amazon.

So, I deliver Whole Foods. The process there involves first getting the block of work, going there, then waiting to be given an itinerary and a list of bags to pick up from the staging area. One block can range from one stop to 13 or more stops and can range from one bag to, my largest order, 60 bags.

When I have an order, I go to the staging area where the shoppers have prepared the bags and find them through matching various codes. I fill up one to two carts with bags, bottles or cases of water, cases of soda. There are random words like "tool" or "tape" (their generator seems to keep the words annoyingly close) on the bags to group them by order. I arrange them by stop in Ikea bags and get going.

Although gig work presents itself as "work whenever you want," in reality it is work when you can get work, whenever that is. It eventually took over my life more than research. I must always be on my phone refreshing the screen for work, unable to do anything else in order to get work.

I can try for 2-3 hours tapping on my phone non-stop trying to get work at locations in Philadelphia, New Jersey, Plymouth meeting, Exton, Newtown Square, or Glenn Mills. Blocks

are taken in milliseconds with everyone competing. I cannot multi-task. I cannot eat while trying to get this work because my hands are occupied.

On those days, I might give up after hours. If you refresh too frequently for too long, a red screen pops up and you must wait a full hour to refresh again. I might be frustrated and call it a day or resign to trying again in the evening.

They do not provide the same offers to all drivers, either—displaying more opportunities to new drivers.

The following is an example of a day I try to get a full 8 hours worth of blocks.

Say I get the 8-10 block at the Cherry Hill location, I'd leave home at about 7:15 to get there from 7:45 to 8 and start working. The whole time I also have to refresh and tap to get another block.

If lucky, I catch one. Hopefully at a location I can reach in time. I get a block at the Marlton location for 10:30-12. Again, I might catch another block for 1:30-3:30 at the location in Glenn Mills.

This would mean 90 minutes of not working, but also allow travel time from NJ to Delaware—plus, if I tried to get one sooner or closer, I might not get another block. I am never guaranteed deliveries. If I get deliveries, I may be tipped, if not, I have no opportunity for tips and cannot leave—they have assigned a delivery with 40 minutes left in a two-hour block.

I can often catch a 4-5 block out of Newtown Square—so if I have enough time from my last stop out of Glenn Mills (which could be in Wilmington, Kennett Square, or West Chester), I'll take it.

Estimating if one can make it from one block to the next in time is crucial. If you have a block and cannot do it, you *must* forfeit it more than 45 minutes before the start of the block. Too many late forfeits result in deactivation whether it is because your previous block went over or quite frustratingly once a presidential motorcade had 95 closed down.

After the 4-5 at Newtown I'll try to get a block at Newtown, Wynnewood, or Glenn Mills. I'll keep on trying, then around 6 I get the 7:30-9:30 in Glenn Mills. Better to wait than to gamble on another day.

The shoppers can run behind or a bag might not be missing and I can wind up leaving a full hour after the beginning of the block. I'd be quite upset seeing that an order at that time jumped around all the way out to Kennett Square. That delay and distance has me finishing around 10pm...then an hour or so drive home. So, I finally get home sometime after 11:00 that night. 7.5 hours officially working—round trip time for the day 16 hours.

One day I had 3 two hour blocks in Glenn Mills, an hour between each, and had only one delivery the whole day.

To get paid when you work longer than supposed to, we are to email support with all details of even though they have all relevant information. They've practically stopped giving any adjustments—just replying with the same form email, so I've almost entirely stopped wasting my time trying to get paid for the time I worked.

When I am on a block, I do what they tell me to do. They say I could bring things back if it will take me over, but that counts against me.

Actual contractors I know charge more if a job takes more work.
Misclassification is wage theft.

Safety is a large concern. A friend eventually had to have extensive back surgery—he had countless orders of 20+ gallons of water. I delivered 30 cases of water to the art museum more than once. I know drivers of color who don't deliver at night—people have had guns pulled on them because customers didn't expect someone in their personal car showing up on their property. People don't ensure their property is safe to be on. I've called amazon with safety concerns regarding a property and still have been sent back there.

I severely injured my ankle after my last delivery three years ago, couldn't work for a week or afford a doctor. I borrowed a boot from someone and continued working in the slush in Center City. Maybe if Amazon hadn't been stealing tips, I received \$4600 from their settlement with the FTC, I could have afforded insurance and to be treated. If I had medical leave or sick time, I could have allowed my leg to heal properly. Maybe Amazon wouldn't have stolen our pay that we earned if they had to experience the penalty charges and high interest that we do when we can't afford to pay our bills. No penalties for these big companies that ignore labor law means they will continue to take our money that we've earned.

I've worked exclusively for Amazon for years. I'm out of my house probably 50+ hours a week on average, regularly pulling 12-hour days. I have no safety net, no energy to look for other jobs, and my livelihood is at the whim of a shoddy app and indiscriminate algorithms.

Thank you for your time.

I've attached two images of water orders to show the kind of orders that ruined my friend's back:

