



Owner-Operator Independent Drivers Association

**National Headquarters: 1 NW OOIDA Drive, Grain Valley, MO 64029
Tel: (816) 229-5791 Fax: (816) 427-4468**

**Washington Office: 1100 New Jersey Ave. SE, Washington, DC 20003
Tel: (202) 347-2007 Fax: (202) 347-2008**

February 18, 2022

The Honorable Chuck Schumer
Majority Leader
U.S. Senate
322 Hart Senate Office Building
Washington, DC 20510

The Honorable Mitch McConnell
Minority Leader
U.S. Senate
317 Russell Senate Office Building
Washington, DC 20510

Dear Majority Leader Schumer and Minority Leader McConnell:

The Owner-Operator Independent Drivers Association represents more than 150,000 owner-operators leased to motor carriers, small-business motor carriers with their own operating authority, and employee truck drivers. We are writing to express our serious concerns about Dr. David Weil's nomination to lead the Department of Labor's Wage and Hour Division. We believe his record on worker classification indicates that he would pursue policies that threaten our members' ability to use a business model they have appropriately used for decades.

Given our diverse membership representing different segments of the trucking industry, our association is in a unique position to offer an important perspective on this issue and labor issues more broadly. Unfortunately, these views have too often been left out of recent discussions about worker classification.

The owner-operator model has a well-established history and provided millions of truckers the opportunity to be true independent contractors and small-business entrepreneurs. In the 1970s, Truth-in-Leasing regulations were established for the trucking industry to protect owner-operators from abusive practices by motor carriers. The final rule implementing these regulations stated that they were issued in part "to promote the stability and economic welfare of the independent trucker segment of the motor carrier industry" and "to eliminate or reduce opportunities for skimming and other illegal or inequitable practices." These regulations have been in place for well over 40 years, far predating recent discussions around worker classification and the "gig economy."

We believe that some of the problems with the mistreatment and misclassification of truckers could be addressed if the Federal Motor Carrier Safety Administration would show any interest in enforcing these rules. Under current practice, drivers are essentially left to try and sue a carrier for violating these rules with little hope of success or justified compensation.

There is certainly misclassification in the trucking industry, but there is no one-size-fits-all solution to address the problem. We have seen worker classification proposals that would implement an excessively broad definition of employee and force owner-operators to work as employees. We have also seen proposals that would allow motor carriers to exert greater control over owner-operators while avoiding scrutiny on misclassification.

During Dr. Weil's previous tenure as head of the Wage and Hour Division, he issued policies that sought to expand the definition of "employee" as broadly as possible. If confirmed, we believe he would likely pursue similar policies that could limit truckers' ability to continue using the owner-operator model as they have for decades. Implementing sweeping changes, such as the ABC Test, would disrupt the livelihoods of thousands of truckers. But even less drastic changes that ignore years of precedent and fail to account for the specific needs of owner-operators would cause confusion and possibly force small-businesses to abandon their model. Owner-operators would no longer have the freedom to determine how and when they want to perform their work.

At a time when our nation is already dealing with supply chain disruptions, we believe it would be counterproductive to advance labor policies like those that Dr. Weil has previously promoted. Unnecessary changes to worker classification rules would not only cause additional supply chain uncertainty, it would upend the livelihoods of tens of thousands of truckers.

We stand ready to work with Senators to address misclassification and improve working conditions in the trucking industry. But we believe that Dr. Weil's confirmation would make it difficult to fix these issues in a way that benefits America's hard-working truckers.

Thank you,

A handwritten signature in black ink that reads "Todd Spencer". The signature is written in a cursive, flowing style.

Todd Spencer
President & CEO
Owner-Operator Independent Drivers Association, Inc.

cc: Members of the United States Senate