

**Minister Rosilynn Gilliard testimony for
Harrisburg misclassification information session**

6/11/2024 10am

- Thank you for having me! My name is Minister Rosilynn Gilliard. Since January 13th of this year, I have been a driver with Spark Driver. This is a phone application which belongs to Walmart's delivery service platform. Never had I worked as a delivery driver or performed any type of gig work before signing up for Spark Driver. My career has mainly been in both corporate and nonprofit administration which included managing projects and staff, some grant writing, and other forms of nonprofit and community-based work. My last position had been with a nonprofit and was eliminated without much notice or severance payment. I began working for Spark Driver to generate immediate revenue and to supplement my unemployment compensation after enduring a month without income.

- As a driver with Spark, I am not free from control over how my services are managed. The Spark Driver app controls all aspects of my delivery work. Everything from the order in which my deliveries are made, to the prices customers are charged for said deliveries are set, ruled, and managed by the app. Often excessive mileage is added to each trip, which contains multiple drops (deliveries), because I am not able to arrange delivery orders in a rationally efficient manner that would reduce time, distance, and gas costs. While completing trips, I am not able to respond effectively to various traffic conditions. I

am not permitted to establish proper pricing over what the customers are charged. In fact, I am not even informed of what Walmart charges each customer to see the percentage of my earnings per drop. I have no control over customer selection, or what other retail deliveries Spark Driver may include on a trip. The Spark app limits my delivery times to 7am-10pm, and the "Round Robin" function penalizes me if I choose not to take a trip due to low pay for mileage, traffic, time, number of drops, relative pay in comparison to other trips, or heaviness of delivery packages. If I encounter barriers that make it physically challenging or impossible to place deliveries where customers have specified, such as at the top of multiple flights of steps, on the side or behind a house or property at nighttime due to safety, I am penalized by the app's metrics.

- There are still a plethora of ways in which I have no control over my work with Spark Driver yet upon signing up for employment, they make it immediately known that you are an Independent Contractor. In fact, all of my paperwork is prefilled noting that I was an Independent Contractor and would receive a 1099 at the year's end for my services.
- After my exposure of working with Spark Driver, I realize that I am a misclassified worker. I'm not the creator or founder of the Spark Driver app or operational model. My thoughts and opinions have not been requested or considered in the functionality of the app or its concept.
- The misclassification of my work with Spark Driver has led to a detrimental impact on my finances. This includes the excessive gas cost, mileage, and

compulsory maintenance required to keep my vehicle running and in proper condition to perform the work.

- Furthermore, the misclassification of my work with Spark Driver has caused a disruption in my unemployment (UC) benefits which were stopped. Please keep in mind that my living expenses and medical costs have never stopped or had an interruption. I was also ordered to pay back funds received from UC prior to my disqualification determination. Even after winning on appeal, proving that I am an employee and not an independent contractor, UC has still refused to pay me multiple weeks of back payments.

- As an astute and educated individual, this situation has had a traumatic effect on my mental wellbeing. It is very painful to think that I allowed myself to become caught up in such a travesty; however, when faced with adversity, rather the loss of a job or otherwise, each of us can become vulnerable in ways we have never experienced before. This is why I am before you today. To ask for your help in fighting back against employers who misclassify their workers. As a citizen and taxpayer for over 40 years in the state of Pennsylvania, it is high time that I see a return on my investments in this state and receive the proper protections against predatory employers!