



PRESS RELEASE

Attorneys General File Brief to Support Employment Protections of Interstate Truck Drivers

BALTIMORE, MD (July 27, 2018) – Maryland Attorney General Brian E. Frosh joined 14 other attorneys general in filing a [brief](#) with the United States Supreme Court in support of the rights of interstate truck drivers, both traditional employees and independent owner-operators, to challenge violations of labor and employment protections in court rather than through forced arbitration.

In the case *New Prime Inc. vs. Dominic Oliveira*, a New England-based truck driver employed by New Prime Inc., asserted his right to bring wage and hour disputes to court rather than be forced into private arbitration, which favors the company. The First Circuit held that an exemption in the Federal Arbitration Act (FAA) for transportation workers applied to independent contractors and that workers like Oliveira had a right to resolve disputes in court; New Prime has appealed that decision to the U.S. Supreme Court.

“Forcing workers to settle wage disputes through arbitration allows corporations to avoid facing opponents on even footing the courtroom,” said Attorney General Frosh. “The process is fundamentally unfair when employees are forced to plead their case before arbitrators chosen by the employer.”

The attorneys general state that forced arbitration hinders workers in the transportation sector, both traditional employees and independent contractors, from having a meaningful role in resolving disputes affecting their compensation. The states argue that Congress expressly decided to exempt all interstate truck drivers from the FAA’s scope and asks that the court uphold that right.

Oliveira filed a class action suit in Massachusetts federal district court alleging New Prime violated federal and state wage and hour laws when it failed to pay minimum wage, and misclassified its truck drivers as independent contractors. Oliveira alleges he worked for New Prime as a student driver, an independent contractor, and a company employee, though his duties remained the same in each role. He also alleges that New Prime regularly took unfair and illegal deductions from his pay, some of which were so large that he received less than minimum wage or no pay at all.

Because New Prime had required Oliveira to sign independent contractor agreements with arbitration provisions, the company moved to compel Oliveira to resolve his disputes through binding arbitration. The court denied this motion and held that an FAA exemption applies to

truck drivers like Oliveira. New Prime appealed to the First Circuit, which upheld the decision of the lower court. New Prime then appealed to the United States Supreme Court, which will hear the case in October 2018.

Joining today's brief are attorneys general from California, Connecticut, the District of Columbia, Illinois, Maryland, Massachusetts, Minnesota, New Jersey, New York, North Carolina, Oregon, Pennsylvania, Vermont, Virginia, and Washington.