

ASSEMBLY, No. 4439

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED SEPTEMBER 17, 2018

Sponsored by:

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District 2 (Atlantic)

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SYNOPSIS

Requires hotels to provide panic buttons to hotel employees for protection from unsafe working conditions while performing housekeeping duties.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/25/2019)

1 AN ACT concerning the protection of hotel employees from sexual
2 assault and other dangerous working conditions and
3 supplementing Title 29 of the Revised Statutes.

4
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

7
8 1. The Legislature finds and declares that the hospitality
9 industry is a profitable and vital component of the State's economy,
10 and that hotel employees play a significant role in providing
11 hospitality services to tourists and other guests at hotels throughout
12 the State.

13 Due to the unique nature of hotel work, hotel employees are
14 particularly vulnerable to unsafe working conditions because they
15 often work alone in hotel guest rooms, which sometimes may be
16 occupied. This solitary work places them at risk of assault,
17 including sexual assault, and sexual harassment. However, hotel
18 employers have not adequately addressed the safety concerns of
19 hotel employees.

20 Hotel employees are often marginalized members of society with
21 limited means to support themselves and their families, and without
22 adequate support, may feel intimidated to report inappropriate and
23 criminal conduct for fear of repercussions or retaliation from their
24 employers.

25 It is appropriate and necessary to protect hotel employees from
26 violent acts, including sexual assault, sexual harassment, or other
27 inappropriate or criminal conduct to which they may be subjected
28 while performing their duties.

29
30 2. As used in this act:

31 "Commissioner" means the Commissioner of Labor and
32 Workforce Development.

33 "Hotel" means any hotel, inn, boarding house, motel or other
34 establishment whose proprietor offers and accepts payment for
35 rooms, sleeping accommodations or board and lodging and retains
36 the right of access to, and control of, the premises which are let,
37 which contains at least 25 guest rooms.

38 "Hotel employee" or "employee" means any natural person who
39 works full-time or part-time at a hotel for or under the direction of
40 the hotel employer or any subcontractor of the hotel employer for
41 wages or salary or remuneration of any type under a contract or
42 subcontract of employment.

43 "Hotel employer" or "employer" mean any person, including a
44 corporate officer or executive, who directly or indirectly or through
45 an agent or any other person, including through the services of a
46 temporary staffing agency, employs or exercises control over the
47 wages, hours, or working conditions of any person employed in

1 furtherance of the hotel's provision of lodging and other related
2 services for the public.

3 "Guest room" means any room made available by a hotel for
4 overnight occupancy by guests.

5 "Panic button" means a portable emergency contact device which
6 an employee can quickly and easily activate to effectively summon
7 immediate on-scene assistance from a security officer, manager or
8 supervisor, or other appropriate hotel staff member.

9
10 3. a. A hotel employer shall provide a panic button to each
11 hotel employee assigned to work in a guest room without any other
12 employees present, at no cost to the employee. An employee may
13 use the panic button if the employee reasonably believes there is an
14 ongoing crime, harassment, or other emergency in the employee's
15 presence. The hotel employee may cease work and leave the
16 immediate area of perceived danger or inappropriate conduct to
17 await the arrival of assistance, and no adverse action may be taken
18 against the hotel employee for such action.

19 b. Upon a hotel employee activating a panic button, an
20 appropriate staff member of the hotel, manager or supervisor, or
21 security officer shall respond promptly to the location of the hotel
22 employee. A hotel employer shall:

23 (1) Keep a record of the accusations it receives that a guest has
24 committed an act of violence, including sexual assault, sexual
25 harassment, or other inappropriate conduct towards a hotel
26 employee and shall maintain the name of the guest so accused on
27 the list for a period of five years from the date of the incident.

28 (2) Conduct an internal investigation to determine as much
29 identifying information about an accused guest as is reasonably
30 possible. Upon conclusion of the investigation, if the hotel
31 employee provides a certified statement of an incident involving an
32 assault or sexual harassment, or if the hotel employer determines
33 there is information in addition to or independent of a hotel
34 employee's statement that reasonably supports the hotel employee's
35 description of the incident, the hotel shall decline to provide
36 occupancy to the guest for a period of at least three years from the
37 date of the incident. A hotel employee shall not be required to
38 provide a certified statement.

39 (3) Report any incident involving alleged criminal conduct by a
40 guest to the appropriate law enforcement agency and cooperate with
41 any investigation undertaken by the law enforcement agency.

42 (4) Notify all hotel employees of the presence and location of
43 any guest named on the list in accordance with paragraph (1) of
44 subsection b. of this section, and provide hotel employees, other
45 than the hotel employee who activated the panic button, the option
46 of either servicing the guest room of a guest on the list with a
47 partner hotel employee or opting out of servicing the room for the
48 duration of the guest's stay at the hotel. The hotel employee who

1 activated the panic button shall immediately be reassigned to a
2 different work area away from the guest room of the guest for the
3 duration of the guest's stay at the hotel.

4 c. The hotel employer shall develop and maintain a program,
5 which may include written information, to educate hotel employees
6 regarding the use of panic buttons and their rights in the event the
7 hotel employees activate their buttons, and to encourage hotel
8 employees to activate panic buttons when appropriate.

9 d. The hotel employer shall advise guests of the panic buttons
10 it provides to hotel employees either by:

11 (1) requiring guests to acknowledge the policy as part of the
12 hotel terms and conditions upon checking in to the hotel; or

13 (2) placing signs on the interior side of guest room doors in a
14 prominent location and in large font, detailing the panic button
15 policy and the rights of hotel employees.

16
17 4. a. A hotel employer who violates any provision of this act
18 shall be subject to a civil penalty in an amount not to exceed \$5,000
19 for the first violation and \$10,000 for each subsequent violation,
20 collectible by the Department of Labor and Workforce
21 Development in a summary proceeding pursuant to the "Penalty
22 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

23 b. The commissioner shall, pursuant to the "Administrative
24 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), adopt rules
25 and regulations to effectuate the purposes of this act.

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27 5. This act shall take effect on the first day of the sixth month
28 next following enactment, except that the commissioner may take
29 any anticipatory administrative action in advance as shall be
30 necessary for the implementation of this act.

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STATEMENT

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35 This bill would require hotels to equip hotel employees, at no
36 cost to the employees, with panic buttons for the protection of hotel
37 employees against inappropriate conduct by guests when hotel
38 employees are servicing guest rooms by themselves. The panic
39 button requirement applies to hotels with at least 25 guest rooms.

40 Under the bill, "panic button" means a portable emergency
41 contact device which an employee can quickly and easily activate to
42 summon immediate on-scene assistance from a security officer,
43 manager or supervisor, or other appropriate hotel staff member.

44 The bill also requires hotels to investigate these incidents and
45 report any criminal conduct to the appropriate law enforcement
46 agency.

47 Due to the unique nature of hotel work, hotel employees are
48 particularly vulnerable to unsafe working conditions because they

1 often work alone in hotel rooms, which sometimes may be
2 occupied. This solitary work places them at risk of assault,
3 including sexual assault, and sexual harassment. However, hotel
4 employers have not adequately addressed the safety concerns of
5 hotel employees.

6 It is necessary to protect hotel employees from violent acts,
7 including sexual assault, sexual harassment, or other inappropriate
8 or criminal conduct to which they may be subjected while
9 performing their duties.