

CHAPTER 123

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

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

C.29:4-9 Findings, declarations relative to the protection of hotel employees.

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

Due to the unique nature of hotel work, hotel employees are particularly vulnerable when working alone in hotel guest rooms, which sometimes may be occupied. This solitary work places them at risk of assault, including sexual assault, and sexual harassment. However, some hotel employers have not adequately addressed the safety concerns of hotel employees.

Many hotel employees are marginalized members of society with limited means to support themselves and their families, and without adequate support, may feel intimidated to report inappropriate and criminal conduct for fear of repercussions or retaliation from their employers.

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

C.29:4-10 Definitions relative to the protection of hotel employees.

2. As used in this act:

“Commissioner” means the Commissioner of Labor and Workforce Development.

“Hotel” means any hotel, inn, boarding house, motel or other establishment whose proprietor offers and accepts payment for rooms, sleeping accommodations or board and lodging and retains the right of access to, and control of, the premises which are let, which contains at least 100 guest rooms.

“Hotel employee” or “employee” means any natural person who works full-time or part-time performing housekeeping or room service duties at a hotel for or under the direction of the hotel employer or any subcontractor of the hotel employer for wages or salary or remuneration of any type under a contract or subcontract of employment.

“Hotel employer” or “employer” mean any person, including a corporate officer or executive, who directly or indirectly or through an agent or any other person, including through the services of a temporary staffing agency, employs or exercises control over the wages, hours, or working conditions of any person employed in furtherance of the hotel's provision of lodging and other related services for the public.

“Guest room” means any room made available by a hotel for overnight occupancy by guests.

“Panic device” means a two-way radio or other electronic device which is kept on an employee's person when the employee is in a guest room, and that permits an employee to communicate with or otherwise effectively summon immediate on-scene assistance from a security officer, manager or supervisor, or other appropriate hotel staff member.

C.29:4-11 Provision of panic device; employer responsibilities.

3. a. A hotel employer shall provide a panic device to each hotel employee assigned to work in a guest room without any other employees present, at no cost to the employee. An employee may use the panic device if the employee reasonably believes there is an ongoing crime, or immediate threat of assault or harassment, or other emergency in the employee's presence. The

hotel employee may cease work and leave the immediate area of perceived danger or inappropriate conduct to await the arrival of assistance, and no adverse action may be taken against the hotel employee for such action.

This subsection shall not apply if the terms of a collective bargaining agreement address the issuance of panic devices to hotel employees or otherwise address safety and reporting procedures for hotel employees working in guest rooms without any other employees present.

b. Upon a hotel employee activating a panic device, an appropriate staff member of the hotel, manager or supervisor, or security officer shall respond promptly to the location of the hotel employee.

c. A hotel employer shall:

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

(2) Report any incident involving alleged criminal conduct by a guest or other person to the appropriate law enforcement agency so that the law enforcement agency may make a determination as to whether to pursue criminal charges and cooperate with any investigation undertaken by the law enforcement agency.

(3) Notify hotel employees who are assigned to housekeeping or room service duties of the room in which an alleged incident occurred of the presence and location of any guest named on the list in accordance with paragraph (1) of this subsection, and provide hotel employees, other than the hotel employee who activated the panic device, the option of either servicing the guest room of a guest on the list with a partner hotel employee or opting out of servicing the room for the duration of the guest's stay at the hotel. The hotel employee who activated the panic device shall immediately be reassigned to a different work area away from the guest room of the guest for the duration of the guest's stay at the hotel.

d. If an accused guest is convicted of a crime in connection with an incident brought to the attention of the hotel employer by the pressing of a panic device or otherwise reported by a hotel employee, the hotel may decline to provide occupancy to the guest.

e. The hotel employer shall develop and maintain a program, which may include written information, to educate hotel employees regarding the use of panic devices and their rights in the event the hotel employees activate their devices, and to encourage hotel employees to activate panic devices when appropriate.

f. The hotel employer shall advise guests of the panic devices it provides to hotel employees either by:

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

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

C.29:4-12 Violations, penalties; rules, regulations.

4. a. A hotel employer who does not provide a panic device to its employees pursuant to subsection a. of section 3 of P.L.2019, c.123 (C.29:4-11) or does not follow the protocols established in subsections b. and c. of section 3 of P.L.2019, c.123 (C.29:4-11) upon a hotel employee reporting an incident shall be subject to a civil penalty in an amount not to exceed \$5,000 for the first violation and \$10,000 for each subsequent violation, collectible by the Department of Labor and Workforce Development in a summary proceeding pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

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

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

Approved June 11, 2019.