



# Don't Panic Just Yet – The 8 Things Los Angeles Hotels Need to Do to Comply with New Worker Protection Ordinance

Insights

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A new law set to take effect on August 12 will require hotels in the City of Los Angeles to implement new protections for certain hotel workers and raises the minimum wage at more hotels in the City of Los Angeles. Similar hotel worker protections were previously approved in cities such as Long Beach, West Hollywood, Santa Monica, and elsewhere in California. However, this ordinance has some differences. Here's what you need to know about the City of Los Angeles Hotel Worker Protection Ordinance (HWPO) – and the eight things you need to do to comply.

## Who is Covered?

The ordinance applies to **all** “hotel employers” in the City of Los Angeles, which is defined to include “any person who owns, controls, or operates a hotel in the City, and includes any person or contractor who, in a managerial supervisory, or confidential capacity, employs hotel workers to provide services at a hotel in conjunction with the hotel’s purpose.” This includes any “contracted, leased or sublet premises operated in conjunction with a hotel or that is used for the primary purpose of providing services at a hotel” – so the law extends to restaurants, spas, etc.

Notably, unlike the other worker protection ordinances, the HWPO builds in joint employer liability by covering any hotel that contracts with another hotel, temporary staffing agency, employee leasing agency or PEO to “obtain the services of hotel employees.”

## 6 Key Requirements

The upcoming new law will require you to consider six critical requirements:

### 1. Panic Buttons

Hotels of all sizes must familiarize themselves with “panic buttons,” while larger operations have additional responsibilities in this regard.

A **portable personal security device** (often called a “panic button”) must be provided (at no cost) to any hotel worker assigned to work in a guest room or restroom facility where other hotel workers are not assigned to be present (e.g., housekeepers, room service, those who clean restrooms, etc.). The device must **signal the hotel worker’s location** and provide a **direct**

contact between the worker and a hotel security guard or responsible manager or supervisor designated to respond to violent or threatening conduct. Unlike similar laws which contained somewhat ambiguous parameters for these panic buttons, this one seemingly contemplates GPS enabled devices. It explicitly carves out basic noisemaking devices such as whistles, alarm bells, or the like.

- Hotels with 60 or more rooms must have a **dedicated security guard on call** to respond to alerts. Hotels with **fewer than 60 rooms** can designate a manager or supervisor to respond to the call, but they must receive a three-hour training course annually that covers the requirements of this measure, how to operate and maintain the panic button equipment, and response protocols. The law is unclear for training requirements for security guards.
- Employees who activate or anticipate immediately activating the panic button must be allowed to cease work and leave the hazard in the workspace. Additionally, they must be permitted to:
  - decide whether to report the incident to law enforcement;
  - take sufficient paid time off to report the incident to law enforcement and consult with a counselor or advisor of the worker's choice; and
  - request reasonable accommodation, such as modified work schedule, reassignment, or other workplace changes.
- Hotel management cannot discipline workers for triggering the panic button unless there is clear and convincing evidence that they knowingly and intentionally made a false claim.
- Hotels must **train workers annually** on use, maintenance of, and response to panic buttons and alerts. These trainings and attendance must be documented. Hotels with 60 or more rooms must provide training in languages spoken by 10% or more of the workforce.
- Hotels must post **signage** about the panic buttons on the back of guest room doors and in restrooms subject to certain language and sizing requirements.

## 2. New Workload and Compensation Requirements

These requirements only apply to hotels with 45 or more guest rooms.

- **Square Footage Cleaning Limits** – Hotels must pay their workers double-time rates for all hours worked in a day if they clean more than a certain amount of square footage. The law sets different square footage thresholds depending on hotel size:
  - **45-60 rooms** – a room attendant shall not be required to perform room cleaning of more than **4,000 square feet** of floor space in any eight-hour workday.
  - **60 or more rooms** – a room attendant shall not be required to perform room cleaning of more than **3,500 square feet** of floor space in any eight-hour workday.
- **Special Attention to Certain Rooms or Multiple Assignments** – The square footage thresholds are reduced if a room attendant is assigned in some combination to “special attention” or “additional-bed” rooms, as well as rooms in multiple buildings or floors. “Special attention” is a checkout room or a room for which the occupant declined daily room

cleaning on the preceding day. “Additional-bed” is a room with an additional bed other than those regularly within the guest room, such as a cot or rollaway bed. Reductions are as follows:

- For any combination of six or more “special-attention” rooms or “additional-bed” rooms, the square footage is reduced by 500 for each such room over five.
- If required to clean in more than one hotel building in a workday, the square footage is reduced by 500 for each additional hotel building.
- If required to clean on more than two floors, the square footage is reduced by 500 for each additional floor.

### 3. **Voluntary Overtime**

Hotels cannot require workers to work more than 10 hours in a workday unless the worker consents in writing to do so. Consent is not valid unless the hotel has advised the worker in writing before their consent is provided that they may decline to work more than 10 hours in day without adverse action.

### 4. **Notice**

Hotel employers must provide notice of rights under the ordinance to all hotel workers no later than 30 days after hire. It must be given in English, Spanish, and any language spoken by more than 10% of the workforce.

### 5. **Recordkeeping**

For each workday, hotel employers must maintain records containing:

- each room attendant’s name;
- rate of pay;
- pay received and identification of rooms cleaned;
- actual square footage of each room cleaned;
- number of special-attention rooms, additional bedrooms, and additional hotel buildings;
- total square footage cleaned;
- overtime hours worked; and
- any written consents provided.

These records must be kept for **three** years and must be available for inspection and copying to any hotel worker or designated representative.

### 6. **Retaliation and Enforcement**

Employers cannot retaliate against hotel workers for asserting rights under the ordinance. If a worker is “known to have engaged” in protected activity under the HWPO, hotel employers must

provide a written explanation for any subsequent adverse employment action (such as terminations and suspensions).

In the event of a violation, the law creates a private right of action for the City or any aggrieved person to seek injunctive relief, damages, penalties, attorneys' fees, and costs (no criminal penalties). In addition to any personal damages, statutory penalties can amount to \$100 per aggrieved person per day, and \$1000 per day for failure to maintain records for all affected workers. As with wage claims, treble damages may be assessed for willful violations of the workload or compensation requirements.

## **What Else Does the Ordinance Cover?**

There are several other points to consider about the new law.

- Hotels cannot implement any program or policy where guest rooms are not sanitized and cleaned after *every* night of occupancy (including where guests receive a financial incentive to not have rooms cleaned daily). This does not prohibit a "green program" where guests are encouraged to re-use linens, bath towels, or similar items. It also does not apply where the guest has opted out of such service *without solicitation* by the hotel or when the guest informs the hotel they do not wish to be disturbed.
- A one-year exemption is available for hotels that demonstrate that compliance would require the hotel to reduce its workforce by 20% or reduce total hours by more than 30% to avoid bankruptcy or shutdown.
- The workload limitation, voluntary overtime, and daily cleaning provisions may be waived in a collective bargaining agreement, but only if the waiver is set forth in clear and unambiguous terms.
- The proposed ordinance amended the definition of "hotel" in the Hotel Worker Minimum Wage Ordinance to include "transient occupancy residential structure" and decreased the threshold number of guest rooms from 150 to 60.
- The requirement for hotels in the LAX corridor to retain workers for 90 days after change in ownership is extended to the entire city of Los Angeles.

## **What Should You Do Next? An 8-Step Action Plan**

Any employer covered by the ordinance should look at its policies and procedures and take the following eight steps:

1. Ensure you have the proper security staff and are properly trained to cover emergency incidents.
2. Ensure you obtain personal security devices on or before August 12.
3. Ensure you conduct all applicable training.

4. Prepare necessary signage for guest rooms and restrooms.
5. Check minimum wage ordinance and new 60-guest-room threshold for applicability.
6. Check your paid time off policies to comply with the ordinance.
7. Prepare notices of rights and overtime consent forms.
8. Obtain or develop tools/resources for square footage calculations, recordkeeping, etc.

## **Conclusion**

Fisher Phillips will continue to monitor any further developments in this area as they occur, so you should ensure you are subscribed to [Fisher Phillips' Insight System](#) to gather the most up-to-date information. If you have any questions regarding how the Los Angeles Hotel Workers Protection Ordinance or similar laws affect your business, please consult your Fisher Phillips attorney, the authors of this Insight, any member of [Fisher Phillips' Hospitality team](#), or any attorney in our [California offices](#).

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