

[First Reprint]
SENATE, No. 2986

STATE OF NEW JERSEY
218th LEGISLATURE

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Sponsored by:

Senator LORETTA WEINBERG

District 37 (Bergen)

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Co-Sponsored by:

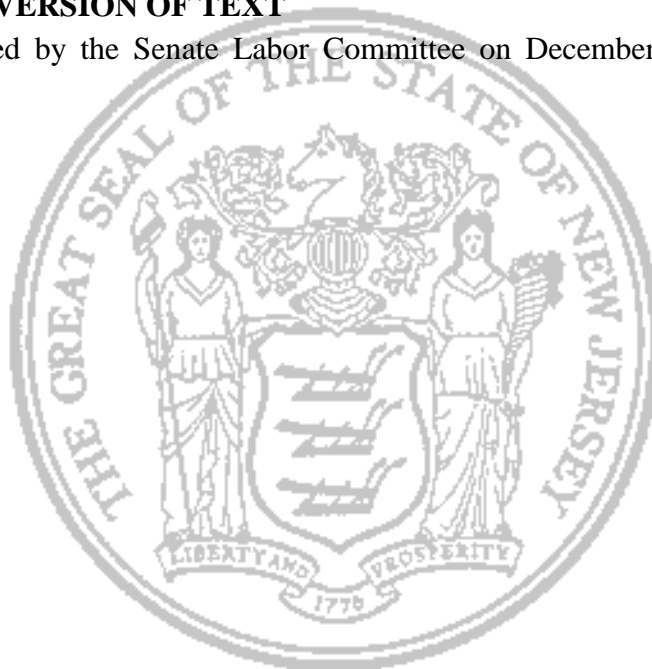
Senator Brown

SYNOPSIS

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

CURRENT VERSION OF TEXT

As reported by the Senate Labor Committee on December 3, 2018, with amendments.



(Sponsorship Updated As Of: 12/11/2018)

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 ¹**【to unsafe working conditions because they**
15 **often work】** when working¹ alone in hotel guest rooms, which
16 sometimes may be occupied. This solitary work places them at risk
17 of assault, including sexual assault, and sexual harassment.
18 However, ¹some¹ hotel employers have not adequately addressed
19 the safety concerns of hotel employees.

20 ¹**【Hotel】** Many hotel¹ employees are ¹**【often】**¹ marginalized
21 members of society with limited means to support themselves and
22 their families, and without adequate support, may feel intimidated
23 to report inappropriate and criminal conduct for fear of
24 repercussions or retaliation from their 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 ¹performing housekeeping or room
40 service duties¹ at a hotel for or under the direction of the hotel
41 employer or any subcontractor of the hotel employer for wages or
42 salary or remuneration of any type under a contract or subcontract
43 of employment.

EXPLANATION – Matter enclosed in bold-faced brackets **【thus】** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SLA committee amendments adopted December 3, 2018.

1 “Hotel employer” or “employer” mean any person, including a
2 corporate office or executive, who directly or indirectly or through
3 an agent or any other person, including though the services of a
4 temporary staffing agency, employs or exercises control over the
5 wages, hours, or working conditions of any person employed in
6 furtherance of the hotel’s provision of lodging and other related
7 services for the public.

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

10 “Panic ¹**【button】 device¹**” means a ¹**【portable emergency**
11 **contact】 two-way radio or other electronic¹** device which ¹**is kept**
12 **on an employee’s person when the employee is in a guest room, and**
13 **that permits¹** an employee ¹**【can quickly and easily activate】¹** to
14 ¹**communicate with or otherwise¹** effectively summon immediate
15 on-scene assistance from a security officer, manager or supervisor,
16 or other appropriate hotel staff member.

17

18 3. a. A hotel employer shall provide a panic ¹**【button】 device¹**
19 to each hotel employee assigned to work in a guest room without
20 any other employees present, at no cost to the employee. An
21 employee may use the panic ¹**【button】 device¹** if the employee
22 reasonably believes there is an ongoing crime, ¹**or immediate threat**
23 **of assault or¹** harassment, or other emergency in the employee’s
24 presence. The hotel employee may cease work and leave the
25 immediate area of perceived danger or inappropriate conduct to
26 await the arrival of assistance, and no adverse action may be taken
27 against the hotel employee for such action.

28 ¹**This subsection shall not apply if the terms of a collective**
29 **bargaining agreement address the issuance of panic devices to hotel**
30 **employees or otherwise address safety and reporting procedures for**
31 **hotel employees working in guest rooms without any other**
32 **employees present.¹**

33 b. Upon a hotel employee activating a panic ¹**【button】 device¹**,
34 an appropriate staff member of the hotel, manager or supervisor, or
35 security officer shall respond promptly to the location of the hotel
36 employee. A hotel employer shall:

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

42 (2) ¹**【Conduct an internal investigation to determine as much**
43 **identifying information about an accused guest as is reasonably**
44 **possible. Upon conclusion of the investigation, if the hotel**
45 **employee provides a certified statement of】 If the accused guest is**
46 **convicted of a crime in connection with¹** an incident ¹**【involving an**
47 **assault or sexual harassment, or if the hotel employer determines**

1 there is information in addition to or independent of a hotel
2 employee's statement that reasonably supports the hotel employee's
3 description of the incident] brought to the attention of the hotel
4 employer by the pressing of a panic device or otherwise reported
5 by a hotel employee¹, the hotel shall decline to provide occupancy
6 to the guest for a period of at least three years from the date of the
7 incident. ¹[A hotel employee shall not be required to provide a
8 certified statement.]¹

9 (3) Report any incident involving alleged criminal ¹or
10 inappropriate¹ conduct by a guest ¹or other person¹ to the
11 appropriate law enforcement agency ¹so that the law enforcement
12 agency may make a determination as to whether to pursue criminal
13 charges¹ and cooperate with any investigation undertaken by the
14 law enforcement agency.

15 (4) Notify ¹[all]¹ hotel employees ¹who are assigned to
16 housekeeping or room service duties of the room in which an
17 alleged incident occurred¹ of the presence and location of any guest
18 named on the list in accordance with paragraph (1) of subsection b.
19 of this section, and provide hotel employees, other than the hotel
20 employee who activated the panic ¹[button] device¹, the option of
21 either servicing the guest room of a guest on the list with a partner
22 hotel employee or opting out of servicing the room for the duration
23 of the guest's stay at the hotel. The hotel employee who activated
24 the panic ¹[button] device¹ shall immediately be reassigned to a
25 different work area away from the guest room of the guest for the
26 duration of the guest's stay at the hotel.

27 c. The hotel employer shall develop and maintain a program,
28 which may include written information, to educate hotel employees
29 regarding the use of panic ¹[buttons] devices¹ and their rights in
30 the event the hotel employees activate their ¹[buttons] devices¹,
31 and to encourage hotel employees to activate panic ¹[buttons]
32 devices¹ when appropriate.

33 d. The hotel employer shall advise guests of the panic
34 ¹[buttons] devices¹ it provides to hotel employees either by:

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

37 (2) placing signs on the interior side of guest room doors in a
38 prominent location and in large font, detailing the panic ¹[button]
39 device¹ policy and the rights of hotel employees.

40
41 4. a. A hotel employer who ¹[violates any provision of this
42 act] does not provide a panic device to its employees pursuant to
43 subsection a. of section 3 of P.L. c., (C.) (pending before
44 the Legislature as this bill) or does not follow the protocol
45 established in subsection b. of section 3 of P.L. , c. (C.)
46 (pending before the Legislature as this bill) upon a hotel employee

1 reporting an incident¹ shall be subject to a civil penalty in an
2 amount not to exceed \$5,000 for the first violation and \$10,000 for
3 each subsequent violation, collectible by the Department of Labor
4 and Workforce Development in a summary proceeding pursuant to
5 the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-
6 10 et seq.).

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

10

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