



OFFICE OF THE CITY ATTORNEY  
Long Beach, California

**ORD-40**

CHARLES PARKIN  
City Attorney

MICHAEL J. MAIS  
Assistant City Attorney

PRINCIPAL DEPUTIES

Gary J. Anderson  
Charles M. Gale  
Anne C. Lattime

DEPUTIES

David R. Albers  
C. Geoffrey Altred  
Taylor M. Anderson  
Richard F. Anthony  
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Sarah E. Green  
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Amy R. Webber  
Theodore B. Zinger

October 23, 2018

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

RECOMMENDATION:

Recommendation to declare ordinance amending the Long Beach Municipal Code by adding Chapter 5.54, relating to hotel worker safety precautions, read the first time and laid over to the next regular meeting of the City Council for final reading. (Citywide)

DISCUSSION:

Pursuant to your request on September 4, 2018, this ordinance has been prepared and is submitted for your consideration.

SUGGESTED ACTION:

Approve recommendation.

Very truly yours,

CHARLES PARKIN, City Attorney

By

  
LINDA T. VU  
Deputy City Attorney

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OFFICE OF THE CITY ATTORNEY  
CHARLES PARKIN, City Attorney  
333 West Ocean Boulevard, 11th Floor  
Lona Beach, CA 90802-4664

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ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE  
CITY OF LONG BEACH AMENDING THE LONG BEACH  
MUNICIPAL CODE BY ADDING CHAPTER 5.54 RELATING  
TO HOTEL WORKER SAFETY PRECAUTIONS

The City Council of the City of Long Beach ordains as follows:

Section 1. Chapter 5.54 is hereby added to the Long Beach Municipal  
Code to read as follows:

Chapter 5.54

HOTEL WORKER SAFETY PRECAUTIONS

5.54.010 Purpose.

The purpose of this Chapter is to protect the safety of hotel employees in the City. Hotel employees who work by themselves are vulnerable to crimes and other threatening behavior, including sexual assault. This Chapter enables hotel workers to protect their safety by requiring that hotel employers provide workers who clean guest rooms with panic buttons which they may use to report threatening conduct by a hotel guest and other emergencies. Many instances of sexual assault go unreported to the police. This Chapter also includes provisions that support hotel employees' ability to report criminal and threatening guest behavior to the proper authorities.

5.54.020 Definitions.

A. "Emergency" means an immediate threat to public safety or of substantial risk of property loss or destruction.

1           B.     “Guest” means registered guests, others occupying guest  
2 rooms with registered guests, and visitors invited to guest rooms by a  
3 registered guest or other occupant of a guest room.

4           C.     “Guest room” means a room made available by a hotel for  
5 transient occupancy, consistent with Long Beach Municipal Code section  
6 18.70.030.

7           D.     “Hotel” means structures as defined by Long Beach Municipal  
8 Code section 9.02.080, or suites of rooms, and includes motels as defined  
9 by Long Beach Municipal Code section 21.15.1800. “Hotel” also includes  
10 any contracted, leased, or sublet premises connected to or operated in  
11 conjunction with the building’s purpose, or providing services at the  
12 building. However, “hotel” shall not include short-term residential rentals  
13 (such as AirBnb, VRBO, Homeaway, Flipkey, and others), or bed and  
14 breakfast establishments meeting the conditions set forth in Section  
15 21.52.209 of this Code.

16           E.     “Hotel employee” means any individual (1) who is employed  
17 directly by the hotel employer or by a person who has contracted with the  
18 hotel employer to provide services at a hotel in the City; and (2) who was  
19 hired to or did work an average 5 hours/week for 4 weeks at one or more  
20 hotels.

21           F.     “Hotel employer” means a person who owns, controls, and/or  
22 operates a hotel in the City of Long Beach, or a person who owns, controls,  
23 and/or operates any contracted, leased, or sublet premises connected to or  
24 operated in conjunction with the hotel’s purpose, or a person, other than a  
25 hotel employee, who provides services at the hotel.

26           G.     “Panic button” means an emergency electronic contact device  
27 carried by a hotel employee by which the hotel employee may summon  
28 immediate on-scene assistance from a security guard or other person

1 employed by the hotel.

2 H. "Person" means an individual, corporation, partnership, limited  
3 partnership, limited liability partnership, limited liability company, business  
4 trust, estate, trust, association, joint venture, agency, instrumentality, or any  
5 other legal or commercial entity, whether domestic or foreign.

6 5.54.030 Measures to protect hotel employees from harassment and  
7 assault.

8 A. Panic buttons.

9 A hotel employer shall provide a panic button to each hotel  
10 employee assigned to work in a guest room without other employees  
11 present, regardless of job classification, at no cost to the hotel employee. A  
12 hotel employee may use the panic button if the hotel employee reasonably  
13 believes there is an ongoing crime, threatening behavior, or other  
14 emergency in the hotel employee's presence. The hotel employee may  
15 cease work and leave the immediate area of danger to await the arrival of  
16 assistance.

17 B. Hotel employees' rights.

18 1. The hotel employer must allow guest room doors to be  
19 left open during cleaning.

20 2. A hotel employee who brings to the attention of a hotel  
21 employer the occurrence or violence or threatening behavior, including but  
22 not limited to indecent exposure, solicitation, assault, or coercive sexual  
23 conduct by a guest shall be afforded the following rights:

24 a. If the hotel employee reasonably believes that  
25 his or her safety is at risk and so requests, the hotel employee shall be  
26 reassigned to a different work area, away from the person who is alleged to  
27 have engaged in the violence or threatening behavior;

28 b. The hotel employer shall immediately allow the

1 affected hotel employee sufficient paid time to contact the police and  
2 provide a police statement; and

3 c. The hotel employer shall cooperate with any  
4 investigation into the incident undertaken by the law enforcement agency  
5 with jurisdiction.

6 5.54.040 Application to existing hotels.

7 Any hotel containing fifty (50) or more guest rooms, or suites of  
8 rooms, operating under an existing business license on the effective date of  
9 this Chapter shall immediately be brought into full compliance with the  
10 provisions of this Chapter. All other hotels containing less than fifty (50)  
11 guest rooms, or suites of rooms, operating under an existing business  
12 license on the effective date of this Chapter shall be brought into full  
13 compliance with the provisions of this Chapter, not later than twelve (12)  
14 months following the effective date of this Chapter.

15 5.54.050 Severability.

16 If any provision or application of this Chapter is declared illegal,  
17 invalid or inoperative, in whole or in part, by any court of competent  
18 jurisdiction, the remaining provisions and portions thereof shall remain in full  
19 force or effect. The courts are hereby authorized to reform the provisions in  
20 this Chapter in order to preserve its maximum permissible effect.

21 5.54.060 Relationship to other ordinances.

22 These provisions are not intended to abrogate or impair the  
23 provisions of any other section of this Code which is not in conflict with the  
24 provisions of this Chapter. However, in the event of a conflict between the  
25 provisions of this Chapter and the provisions of any other ordinance, the  
26 provisions of the Code that establish the more stringent, superior or higher  
27 standards shall control.

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Section 2. The City Clerk shall certify to the passage of this ordinance by the City Council and cause it to be posted in three (3) conspicuous places in the City of Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the Mayor.

I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of \_\_\_\_\_, 2018, by the following vote:

Ayes: Councilmembers: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Noes: Councilmembers: \_\_\_\_\_

\_\_\_\_\_

Absent: Councilmembers: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
City Clerk

Approved: \_\_\_\_\_  
(Date)

\_\_\_\_\_  
Mayor