

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.

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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.

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

27 H. “Person” means an individual, corporation, partnership, limited
28 partnership, limited liability partnership, limited liability company, business

1 trust, estate, trust, association, joint venture, agency, instrumentality, or any
2 other legal or commercial entity, whether domestic or foreign.

3 5.54.030 Measures to protect hotel employees from harassment and
4 assault.

5 A. Panic buttons.

6 A hotel employer shall provide a panic button to each hotel
7 employee assigned to work in a guest room without other employees
8 present, regardless of job classification, at no cost to the hotel employee. It
9 is recognized that because of the varying size and physical layout of each
10 hotel, different devices may be appropriate for different hotels. A hotel
11 employee may use the panic button if the hotel employee reasonably
12 believes there is an ongoing crime, threatening behavior, or other
13 emergency in the hotel employee's presence. The hotel employee may
14 cease work and leave the immediate area of danger to await the arrival of
15 assistance.

16 B. Hotel employees' rights.

17 1. The hotel employer must allow guest room doors to be
18 left open during cleaning. Nothing herein shall prevent a hotel employee
19 from voluntarily electing to keep a guest room door closed during cleaning
20 as the hotel employee sees fit.

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

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

1 continued occupancy by the person at the hotel;

2 b. The hotel employer shall immediately allow the
3 affected hotel employee sufficient time to contact the police and provide a
4 police statement; and

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

8 5.54.040 Application to existing hotels.

9 Any hotel containing fifty (50) or more guest rooms, or suites of
10 rooms, operating under an existing business license on the effective date of
11 this Chapter shall be brought into full compliance with the provisions of this
12 Chapter, not later than six (6) months following the effective date of this
13 Chapter. All other hotels containing less than fifty (50) guest rooms, or
14 suites of rooms, operating under an existing business license on the
15 effective date of this Chapter shall be brought into full compliance with the
16 provisions of this Chapter, not later than twelve (12) months following the
17 effective date of this Chapter.

18 5.54.050 Severability.

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

24 5.54.060 Relationship to other ordinances.

25 These provisions are not intended to abrogate or impair the
26 provisions of any other section of this Code which is not in conflict with the
27 provisions of this Chapter. However, in the event of a conflict between the
28 provisions of this Chapter and the provisions of any other ordinance, the

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

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provisions of the Code that establish the more stringent, superior or higher standards shall control.

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 November 13, 2018, by the following vote:

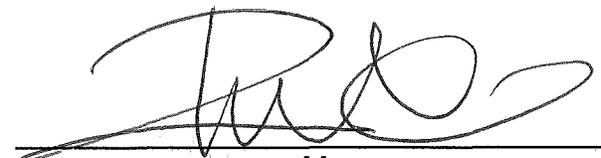
Ayes: Councilmembers: Gonzalez, Pearce, Price, Supernaw, Mungo, Andrews, Uranga, Austin, Richardson.

Noes: Councilmembers: None.

Absent: Councilmembers: None.



City Clerk



Mayor

Approved: 11/13/18
(Date)

AFFIDAVIT OF POSTING

STATE OF CALIFORNIA) ss
COUNTY OF LOS ANGELES)
CITY OF LONG BEACH)

Tamela Austin being duly sworn says: That I am employed in the Office of the City Clerk of the City of Long Beach; that on the 14th day of November 2018, I posted three true and correct copies of Ordinance No. ORD-18-0028 in three conspicuous places in the City of Long Beach, to wit: One of said copies in the entrance lobby of City Hall in front of the Information Desk; one of said copies in the Main Library; and one of said copies on the front counter of the Office of the City Clerk.



Subscribed and sworn to before me
This 14th day of November, 2018.



CITY CLERK