



OFFICE OF THE CITY ATTORNEY
Long Beach, California

ORD-19

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Theodore B. Zinger

April 9, 2019

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Declare ordinance amending the Long Beach Municipal Code by amending Sections 5.54.010.F and 5.54.030.B, 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 November 20, 2018, this ordinance has been prepared and is submitted for your consideration.

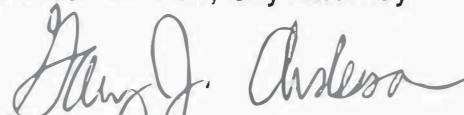
SUGGESTED ACTION:

Approve recommendation.

Very truly yours,

CHARLES PARKIN, City Attorney

By


GARY J. ANDERSON
Principal Deputy City Attorney

GJA:kjm A18-02811
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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 AMENDING SECTIONS 5.54.010.F
AND 5.54.030.B, RELATING TO HOTEL WORKER SAFETY
PRECAUTIONS

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

Section 1. Section 5.54.010.F of the Long Beach Municipal Code is amended to read as follows:

F. "Hotel employer" means a person who owns, controls, and/or operates a hotel in the City of Long Beach, or a person who owns, controls, and/or operates any contracted, leased, or sublet premises connected to or operated in conjunction with the hotel's purpose, or a person, other than an hotel employee, who provides services at the hotel.

Section 2. Section 5.54.030.B of the Long Beach Municipal Code is amended to read as follows:

B. Hotel employees' rights.

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

2. A hotel employee who brings to the attention of a hotel employer the occurrence or violence or threatening behavior, including but not limited to indecent exposure, solicitation, assault, or coercive sexual

conduct by a guest shall be afforded the following rights:

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

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

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

d. No person shall discharge, reduce in compensation, increase workload, impose fees or charges, change duties or otherwise take adverse action against any hotel employee for opposing any practice proscribed by this Chapter, for participating in proceedings related to this Chapter, for seeking to enforce his or her rights under this Chapter by any lawful means, or for otherwise asserting rights under this Chapter. A person terminating or taking any other adverse action against any hotel employee who has engaged in any of the foregoing activities within one (1) year preceding the termination or other adverse action shall provide to the hotel employee at or before the time of the termination or other adverse action a detailed written statement of the reason or reasons for the termination or other adverse action including all the facts substantiating the reason or reasons and all facts known to the person that contradict the substantiating facts.

e. Each hotel employer shall give written notification to each current hotel employee, and to each new hotel

employee at the time of hire, of his or her rights under this Section. The
notification shall be in each language spoken by more than ten (10) hotel
employees.

Section 3. 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 _____, 2019, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk

Approved: _____
(Date)

Mayor

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH AMENDING THE LONG BEACH
MUNICIPAL CODE BY AMENDING SECTIONS 5.54.010.F
AND 5.54.030.B, RELATING TO HOTEL WORKER SAFETY
PRECAUTIONS

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

Section 1. Section 5.54.010.F of the Long Beach Municipal Code is amended to read as follows:

F. "Hotel employer" means a person who owns, controls, and/or operates a hotel in the City of Long Beach, or a person who owns, controls, and/or operates any contracted, leased, or sublet premises connected to or operated in conjunction with the hotel's purpose, or a person, other than an hotel employee, who provides services at the hotel.

Section 2. Section 5.54.030.B of the Long Beach Municipal Code is amended to read as follows:

B. Hotel employees' rights.

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

2. A hotel employee who brings to the attention of a hotel employer the occurrence or violence or threatening behavior, including but not limited to indecent exposure, solicitation, assault, or coercive sexual

1 conduct by a guest shall be afforded the following rights:

2 a. If the hotel employee reasonably
3 believes that his or her safety is at risk and so requests, the hotel employee
4 shall be reassigned to a different work area, away from the person who is
5 alleged to have engaged in the violence or threatening behavior for the
6 duration of any continued occupancy by the person at the hotel;

7 b. The hotel employer shall immediately
8 allow the affected hotel employee sufficient time to contact the police and
9 provide a police statement; and

10 c. The hotel employer shall cooperate with
11 any investigation into the incident undertaken by the law enforcement
12 agency with jurisdiction.

13 d. No person shall discharge, reduce in
14 compensation, increase workload, impose fees or charges, change duties
15 or otherwise take adverse action against any hotel employee for opposing
16 any practice proscribed by this Chapter, for participating in proceedings
17 related to this Chapter, for seeking to enforce his or her rights under this
18 Chapter by any lawful means, or for otherwise asserting rights under this
19 Chapter. A person terminating or taking any other adverse action against
20 any hotel employee who has engaged in any of the foregoing activities
21 within one (1) year preceding the termination or other adverse action shall
22 provide to the hotel employee at or before the time of the termination or
23 other adverse action a detailed written statement of the reason or reasons
24 for the termination or other adverse action including all the facts
25 substantiating the reason or reasons and all facts known to the person that
26 contradict the substantiating facts.

27 e. Each hotel employer shall give written
28 notification to each current hotel employee, and to each new hotel

1 employee at the time of hire, of his or her rights under this Section. The
2 notification shall be in each language spoken by more than ten (10) hotel
3 employees.

4
5 Section 3. The City Clerk shall certify to the passage of this ordinance by
6 the City Council and cause it to be posted in three (3) conspicuous places in the City of
7 Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the
8 Mayor.

9
10 I hereby certify that the foregoing ordinance was adopted by the City
11 Council of the City of Long Beach at its meeting of _____, 2019,
12 by the following vote:

13
14 Ayes: Councilmembers: _____
15 _____
16 _____
17 _____

18 Noes: Councilmembers: _____
19 _____

20 Absent: Councilmembers: _____
21 _____

22
23
24 _____
City Clerk

25
26
27 Approved: _____
28 (Date)

Mayor