

[Second Reprint]

SENATE, No. 2986

STATE OF NEW JERSEY
218th LEGISLATURE

INTRODUCED SEPTEMBER 24, 2018

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Timberlake, Murphy and Lampitt**

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 amended by the General Assembly on May 23, 2019.



(Sponsorship Updated As Of: 5/24/2019)

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 rooms,
35 sleeping accommodations or board and lodging and retains the right of
36 access to, and control of, the premises which are let, which contains at
37 least ²**【25】** 100² 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 of
43 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:

¹**Senate SLA committee amendments adopted December 3, 2018.**

²**Assembly floor amendments adopted May 23, 2019.**

1 “Hotel employer” or “employer” mean any person, including a
 2 corporate office or executive, who directly or indirectly or through an
 3 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 contact**
 11 two-way radio or other electronic¹ device which ¹is kept on an
 12 employee’s person when the employee is in a guest room, and that
 13 permits¹ an employee ¹**【can quickly and easily activate¹】¹** to
 14 ¹communicate with or otherwise¹ effectively summon immediate on-
 15 scene assistance from a security officer, manager or supervisor, or
 16 other appropriate hotel staff member.

17
 18 3. a. A hotel employer shall provide a panic ¹**【button】 device¹** to
 19 each hotel employee assigned to work in a guest room without any
 20 other employees present, at no cost to the employee. An employee
 21 may use the panic ¹**【button】 device¹** if the employee reasonably
 22 believes there is an ongoing crime, ¹or immediate threat of assault or¹
 23 harassment, or other emergency in the employee’s presence. The hotel
 24 employee may cease work and leave the immediate area of perceived
 25 danger or inappropriate conduct to await the arrival of assistance, and
 26 no adverse action may be taken against the hotel employee for such
 27 action.

28 ¹This 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 employees
 32 present.¹

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

37 ²c.² A hotel employer shall:

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

43 (2) ¹**【Conduct an internal investigation to determine as much**
 44 **identifying information about an accused guest as is reasonably**
 45 **possible. Upon conclusion of the investigation, if the hotel employee**
 46 **provides a certified statement of】** ²**【If the accused guest is convicted**
 47 **of a crime in connection with¹** an incident² ¹**【involving an assault or**

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

9 ²[(3)]² Report any incident involving alleged criminal ²[¹or
10 inappropriate]² 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 law
14 enforcement agency.

15 ²[(4)] (3)² Notify ¹[all]¹ hotel employees ¹who are assigned to
16 housekeeping or room service duties of the room in which an alleged
17 incident occurred¹ of the presence and location of any guest named on
18 the list in accordance with paragraph (1) of ²this² subsection ²[b. of
19 this section]², 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 of
23 the guest's stay at the hotel. The hotel employee who activated the
24 panic ¹[button] device¹ shall immediately be reassigned to a different
25 work area away from the guest room of the guest for the duration of
26 the guest's stay at the hotel.

27 ²[c.] d. If an accused guest is convicted of a crime in connection
28 with an incident brought to the attention of the hotel employer by the
29 pressing of a panic device or otherwise reported by a hotel employee,
30 the hotel may decline to provide occupancy to the guest.

31 e.² The hotel employer shall develop and maintain a program,
32 which may include written information, to educate hotel employees
33 regarding the use of panic ¹[buttons] devices¹ and their rights in the
34 event the hotel employees activate their ¹[buttons] devices¹, and to
35 encourage hotel employees to activate panic ¹[buttons] devices¹ when
36 appropriate.

37 ²[d.] f.² The hotel employer shall advise guests of the panic
38 ¹[buttons] devices¹ it provides to hotel employees either by:

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

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

44

45 4. a. A hotel employer who ¹[violates any provision of this act]
46 does not provide a panic device to its employees pursuant to

1 subsection a. of section 3 of P.L. c., (C.) (pending before the
2 Legislature as this bill) or does not follow the ²**protocol** protocols²
3 established in ²**subsection** subsections² b. ²and c.² of section 3 of
4 P.L. , c. (C.) (pending before the Legislature as this bill) upon
5 a hotel employee reporting an incident¹ shall be subject to a civil
6 penalty in an amount not to exceed \$5,000 for the first violation and
7 \$10,000 for each subsequent violation, collectible by the Department
8 of Labor and Workforce Development in a summary proceeding
9 pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274
10 (C.2A:58-10 et seq.).

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

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