

P.L. 2019, CHAPTER 123, *approved June 11, 2019*
Senate, No. 2986 (*Second Reprint*)

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

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 access to, and control of, the premises which are let, which contains at
2 least ²[25] 100² guest rooms.

3 “Hotel employee” or “employee” means any natural person who
4 works full-time or part-time ¹performing housekeeping or room
5 service duties¹ at a hotel for or under the direction of the hotel
6 employer or any subcontractor of the hotel employer for wages or
7 salary or remuneration of any type under a contract or subcontract of
8 employment.

9 “Hotel employer” or “employer” mean any person, including a
10 corporate office or executive, who directly or indirectly or through an
11 agent or any other person, including though the services of a
12 temporary staffing agency, employs or exercises control over the
13 wages, hours, or working conditions of any person employed in
14 furtherance of the hotel’s provision of lodging and other related
15 services for the public.

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

18 “Panic ¹**[button] device**¹” means a ¹**[portable emergency contact]**
19 two-way radio or other electronic¹ device which ¹is kept on an
20 employee’s person when the employee is in a guest room, and that
21 permits¹ an employee ¹**[can quickly and easily activate]**¹ to
22 ¹communicate with or otherwise¹ effectively summon immediate on-
23 scene assistance from a security officer, manager or supervisor, or
24 other appropriate hotel staff member.

25

26 3. a. A hotel employer shall provide a panic ¹**[button] device**¹ to
27 each hotel employee assigned to work in a guest room without any
28 other employees present, at no cost to the employee. An employee
29 may use the panic ¹**[button] device**¹ if the employee reasonably
30 believes there is an ongoing crime, ¹or immediate threat of assault or¹
31 harassment, or other emergency in the employee’s presence. The hotel
32 employee may cease work and leave the immediate area of perceived
33 danger or inappropriate conduct to await the arrival of assistance, and
34 no adverse action may be taken against the hotel employee for such
35 action.

36 ¹This subsection shall not apply if the terms of a collective
37 bargaining agreement address the issuance of panic devices to hotel
38 employees or otherwise address safety and reporting procedures for
39 hotel employees working in guest rooms without any other employees
40 present.¹

41 b. Upon a hotel employee activating a panic ¹**[button] device**¹, an
42 appropriate staff member of the hotel, manager or supervisor, or
43 security officer shall respond promptly to the location of the hotel
44 employee.

45 ²c.² A hotel employer shall:

46 (1) Keep a record of the accusations it receives that a guest has
47 committed an act of violence, including sexual assault, sexual

1 harassment, or other inappropriate conduct towards a hotel employee
2 and shall maintain the name of the guest so accused on the list for a
3 period of five years from the date of the incident.

4 (2) ¹Conduct an internal investigation to determine as much
5 identifying information about an accused guest as is reasonably
6 possible. Upon conclusion of the investigation, if the hotel employee
7 provides a certified statement of ²If the accused guest is convicted
8 of a crime in connection with¹ an incident² ¹involving an assault or
9 sexual harassment, or if the hotel employer determines there is
10 information in addition to or independent of a hotel employee's
11 statement that reasonably supports the hotel employer's description of
12 the incident² ²brought to the attention of the hotel employer by the
13 pressing of a panic device or otherwise reported by a hotel employee¹,
14 the hotel shall decline to provide occupancy to the guest for a period of
15 at least three years from the date of the incident.² ¹A hotel
16 employee shall not be required to provide a certified statement.¹

17 ²(3)² Report any incident involving alleged criminal ²or
18 inappropriate¹² conduct by a guest ¹or other person¹ to the
19 appropriate law enforcement agency ¹so that the law enforcement
20 agency may make a determination as to whether to pursue criminal
21 charges¹ and cooperate with any investigation undertaken by the law
22 enforcement agency.

23 ²(4) ²(3)² Notify ¹all¹ hotel employees ¹who are assigned to
24 housekeeping or room service duties of the room in which an alleged
25 incident occurred¹ of the presence and location of any guest named on
26 the list in accordance with paragraph (1) of ²this² subsection ²b.
27 this section², and provide hotel employees, other than the hotel
28 employee who activated the panic ¹button¹ device¹, the option of
29 either servicing the guest room of a guest on the list with a partner
30 hotel employee or opting out of servicing the room for the duration of
31 the guest's stay at the hotel. The hotel employee who activated the
32 panic ¹button¹ device¹ shall immediately be reassigned to a different
33 work area away from the guest room of the guest for the duration of
34 the guest's stay at the hotel.

35 ²c. d. If an accused guest is convicted of a crime in connection
36 with an incident brought to the attention of the hotel employer by the
37 pressing of a panic device or otherwise reported by a hotel employee,
38 the hotel may decline to provide occupancy to the guest.

39 e.² The hotel employer shall develop and maintain a program,
40 which may include written information, to educate hotel employees
41 regarding the use of panic ¹buttons¹ devices¹ and their rights in the
42 event the hotel employees activate their ¹buttons¹ devices¹, and to
43 encourage hotel employees to activate panic ¹buttons¹ devices¹ when
44 appropriate.

45 ²d. f.² The hotel employer shall advise guests of the panic
46 ¹buttons¹ devices¹ it provides to hotel employees either by:

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

3 (2) placing signs on the interior side of guest room doors in a
4 prominent location and in large font, detailing the panic ¹**button**
5 device¹ policy and the rights of hotel employees.
6

7 4. a. A hotel employer who ¹**violates any provision of this act**
8 does not provide a panic device to its employees pursuant to
9 subsection a. of section 3 of P.L. c., (C.) (pending before the
10 Legislature as this bill) or does not follow the ²**protocol** protocols²
11 established in ²**subsection** subsections² b. ²and c.² of section 3 of
12 P.L. , c. (C.) (pending before the Legislature as this bill) upon
13 a hotel employee reporting an incident¹ shall be subject to a civil
14 penalty in an amount not to exceed \$5,000 for the first violation and
15 \$10,000 for each subsequent violation, collectible by the Department
16 of Labor and Workforce Development in a summary proceeding
17 pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274
18 (C.2A:58-10 et seq.).

19 b. The commissioner shall, pursuant to the "Administrative
20 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), adopt rules and
21 regulations to effectuate the purposes of this act.
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23 5. This act shall take effect on the first day of the sixth month
24 next following enactment, except that the commissioner may take
25 any anticipatory administrative action in advance as shall be
26 necessary for the implementation of this act.
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31 Requires hotels to provide panic devices to certain hotel
32 employees for protection from unsafe working conditions while
33 performing housekeeping duties.