

SUMMARY and FISCAL NOTE*

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** Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.*

1. BILL SUMMARY

Legislation Title: AN ORDINANCE relating to employment in Seattle; requiring certain employers to take certain actions to prevent, protect, and respond to violent or harassing conduct by guests; adding a new Chapter 14.26 to the Seattle Municipal Code (SMC); and amending Sections 3.15.000 and 6.208.020 of the SMC.

Summary and background of the Legislation: This legislation requires employers to provide hourly employees working in hotels with safety protections that address violent or harassing conduct by guests. Covered employers include those who own, operate, or control a hotel with 60 or more guest rooms; and ancillary hotel businesses of any size. Key protections include:

1. Deterring assaults by notifying guests of employee protections
 - a. Hotels must post a sign on each guest room door that references the protections of this legislation and the provision of panic buttons to employees.
2. Provision of panic buttons to employees
 - a. Employers must provide a panic button to all employees who work in a guest room or make deliveries to a guest room.
3. Protecting employees from violent or harassing conduct by guests
 - a. Employers must develop a written policy against violent and harassing conduct by guests, and distribute the policy to guests and employees.
 - b. Employers must conduct a fair investigation of an allegation that a guest engaged in violent or harassing conduct toward an employee and issue a prompt determination.
 - c. Employers must take certain actions depending on the determination, including but not limited to declining services for five years to a guest for violent or harassing conduct that caused an employee physical injury/pain or involved sexual contact.
2. Providing guest appeal of an employer's determination
 - a. Guests may appeal the employer's determination to the City's Hearing Examiner.
3. Protecting employees who report violent or harassing conduct
 - a. Employers must offer reassignment to an employee alleged to have experienced violent or harassing conduct to a different work area, and provide the employee with up to eight hours of paid time to contact the police and consult with a counselor or advisor.

This legislation also provides a private right of action and authorizes the Office of Labor Standards to coordinate implementation and enforcement.

As background, this legislation establishes protections to employees similar to those included in the Hotel Employees Health and Safety Initiative (Initiative 124). Initiative 124 was passed by voters on November 6, 2016; added to the Seattle Municipal Code as [Section 14.25](#); and became effective on November 30, 2016.

Subsequent to Initiative 124's passage, various hotel associations filed an action in state court challenging its validity. The King County Superior Court upheld the initiative. However, on December 24, 2018, Division I of the Washington State Court of Appeals invalidated the initiative in its entirety based on its conclusion that the initiative contained multiple, unrelated subjects. The City Attorney's Office filed a petition for review in the Washington State Supreme Court. The Supreme Court has decided to take up a review, and oral argument has been scheduled for September 17, 2019. At least until resolution of the Supreme Court proceedings, the provisions of Initiative 124 are effectively on hold.

The provisions in this legislation become effective on January 1, 2020.

2. CAPITAL IMPROVEMENT PROGRAM

Does this legislation create, fund, or amend a CIP Project? ___ Yes x No

3. SUMMARY OF FINANCIAL IMPLICATIONS

Does the legislation have other financial impacts to the City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?

Yes. This legislation establishes an implementation and enforcement role for the Office of Labor Standards and appeal roles for the Hearing Examiner. Additional resources to support these activities may need to be considered in the Mayor's 2020 Proposed Budget and future budget deliberations.

Is there financial cost or other impacts of *not* implementing the legislation?

There are no financial costs to the City of not implementing the legislation. However, not implementing this legislation could have a significant impact on hotel workers who will not have access to critical safety protections against violent or harassing conduct of guests.

4. OTHER IMPLICATIONS

a. Does this legislation affect any departments besides the originating department?

Yes. The Office of Labor Standards will implement and enforce this legislation. The Hearing Examiner will conduct hearings on appeals from employers and guests. There also may be an undetermined number of legal referrals to the City Attorney.

b. Is a public hearing required for this legislation?

No.

c. Does this legislation require landlords or sellers of real property to provide information regarding the property to a buyer or tenant?

No.

d. Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?

No.

e. Does this legislation affect a piece of property?

No.

f. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? What is the Language Access plan for any communications to the public?

This legislation supports the City's commitment to eliminate racial disparities and achieve racial equity in Seattle by establishing workplace protections that particularly focus on issues experienced by vulnerable or historically disadvantaged workers. According to the federal Bureau of Labor Statistics, people of color, women, and immigrants and refugees represent a disproportionate portion of the hotel industry who would not otherwise have access in Seattle to the minimum requirements and protections of this legislation.

Regarding language access, this legislation requires the Office of Labor Standards to create and make available a poster with notice of employee rights in English, Spanish and other languages; employers must then display this poster in the employee's primary language in a conspicuous and accessible place at the jobsite. The Office of Labor Standards is well positioned to implement this requirement and translate other informational materials. The office currently uses a two-step translation process that involves professional services and community review to translate posters into more than 18 languages; templates and general outreach into Seattle's top tier languages; and press releases into Spanish and Chinese. The

office also contracts with community and business organizations for outreach that include interpretation and translation services.

- g. If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program's desired goal(s).**

Outreach and enforcement will be key to effectiveness of this legislation. The Office of Labor Standards would be expected to publicly share information on these efforts on an [on-line, quarterly dashboard](#). The same metrics publicized for other local labor standards should apply here (e.g., number of inquiries, number of investigations, amount of remedies). With or without this legislation, the Office of Labor Standards also will continue to contract with community and business organizations to conduct measurable outreach and education efforts on worker rights and employer responsibilities.