

**Substitute Bill - Hotel Safety Protections, version D5**

<b>Section</b>	<b>Topic</b>	<b>Version D3 – 08/15/19</b>	<b>Version D5 – 09/05/19</b>
<b>14.26.020</b>	<b>Ancillary hotel business</b>	Any (a) food or beverage business with one or more of the following characteristics: (i) operates from a physical location that is within a hotel, (ii) has direct interior access to the hotel, or (iii) both abuts the hotel and is an amenity to the hotel guests; or (b) business that contracts with the hotel to provide guest lodging, housekeeping, room service, laundry, parking, events, conventions, or other services related to the hotel’s core function;	Any business that (1) routinely contracts with the hotel for services in conjunction with the hotel’s purpose; (2) leases or sublets space at the site of the hotel for services in conjunction with the hotel’s purpose; or (3) provides food and beverages, to hotel guests and to the public, with an entrance within the hotel premises
	<b>Physical Injury</b>	“Physical injury,” “bodily injury,” and “bodily harm” have the same meanings as provided in Section 12A.02.150.	No definition because “violent or harassing conduct” is defined by state law.
	<b>Violent or harassing conduct</b>	“Violent or harassing conduct” means conduct that a reasonable person would characterize as causing physical injury, bodily injury, or bodily harm; threatening to cause physical injury, bodily injury, or bodily harm; unwelcome or inappropriate sexual remarks or sexual contact; intentional exposure of nudity; intimidation; or similar conduct.	“Violent or harassing conduct” means conduct that a reasonable person would characterize as “assault,” “harassment,” “sexual contact” without “consent,” and “indecent exposure” as those terms are defined under the Revised Code of Washington.
<b>14.26.040</b>	<b>Employer Coverage</b>	For the purposes of this Chapter 14.26, covered employers are limited to those who either (a) own, control, or operate a hotel in the City or (b) own, control, or operate an ancillary hotel business in the City.	For the purposes of this Chapter 14.26, covered employers are limited to those who either (a) own, control, or operate a hotel in the City or (b) own, control, or operate an ancillary hotel business in the City <i>with 50 or more employees worldwide...</i>

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14.26.050	Panic Buttons	<ol style="list-style-type: none"> <li>1. All covered employers (i.e., hotels and ancillary hotel businesses) must provide a panic button to each employee assigned to work in a guest room or assigned to deliver items to a guest room.</li> <li>2. Employer must immediately deploy a security guard, employer representative, or another employee to render assistance.</li> <li>3. Employer shall not take adverse action against an employee for using the panic button to request on-scene assistance during an incident of actual or perceived violent or harassing conduct or other emergency in the employee’s presence or for ceasing work and leaving an area of perceived danger to await assistance after activating the panic button.</li> </ol>	<ol style="list-style-type: none"> <li>1. <i>Hotel employer</i> must provide a panic button to each <i>hotel employee</i> assigned to work in a guest room or assigned to deliver items to a guest room.</li> <li>2. <i>Hotel employer shall provide access to a panic button to each employee of an ancillary hotel business who is assigned to work in a guest’s room or to make deliveries to a guest’s room. The [hotel] employer shall provide access to the panic button at no cost to the ancillary hotel business or to the employee of the ancillary hotel business.</i></li> <li>3. <i>Hotel employer</i> must immediately respond to an activated panic button.</li> <li>4. [Any covered] Employer shall not take adverse action against employee for using panic button for actual or perceived violent or harassing conduct or <i>other emergency in the employee’s presence</i> or for <i>ceasing work and</i> leaving the area of perceived danger to await assistance.</li> </ol>
14.26.060	Signs	Hotel must place a sign on the back of each guest room door with reference to protections of SMC 14.26.	<i>Signs that were installed prior to the effective date of SMC 14.26 shall not be deemed out of compliance for referencing SMC 14.25 instead of SMC 14.26, provided that hotels shall update the reference to SMC 14.26 when such signs are replaced.</i>
14.26.070	Policy	Employer must develop a written policy against violent or harassing conduct by guests; provide the policy to guests upon check-in; and provide the policy to employees at hire and on an annual basis	In rules, the OLS Director may identify <i>other means</i> for employer to distribute the policy to guests in special circumstances.

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<b>14.26.070</b>	<b>Employer requirements for guest accused of violent or harassing conduct</b>	<p>Employer must:</p> <ol style="list-style-type: none"> <li>1. Provide guest with written notice of the discontinuation of services required by SMC 14.26; notice does not contain factual allegations.</li> <li>2. Take immediate, preventative action to safeguard employees. At a minimum, cease in-room guest services for the duration of the guest’s stay unless an investigation determines that the alleged conduct did not occur. Investigation is not required</li> </ol>	<p>Employer must:</p> <ol style="list-style-type: none"> <li>1. Provide guest with written notice of <i>at least the minimum steps taken to safeguard employees</i> required by SMC 14.26; notice does not contain factual allegations.</li> <li>2. Take <i>necessary steps</i> to safeguard employees. At a minimum, <i>not assign any employees to work in guest’s room or to make deliveries to the guest’s room</i> for the duration of the guest’s stay unless an investigation determines that the alleged conduct did not occur. Investigation is not required</li> <li>3. <i>For circumstances where room entry is appropriate, employers may assign employees to enter a guest’s room to conduct a safety check following an allegation of violent or harassing conduct, provided that such employees are accompanied by a second employee and any such employee may voluntarily decline such assignment.</i></li> </ol>
<b>14.26.090</b>	<b>Employer requirements for employee who is alleged victim of violent or harassing conduct</b>	<p>Employer must:</p> <ol style="list-style-type: none"> <li>1. Reassign employee to a different work area and maintain reassignment even if an investigation determines that the alleged conduct did not occur.</li> <li>2. Provide the employee with a copy of the notice of discontinuation of services that was provided to the guest.</li> <li>3. Provide the employee with documents (created by OLS) in English and the employee’s primary language under Section 14.26.100.A.1-3 (Description of documents).</li> </ol>	<p>Employer must:</p> <ol style="list-style-type: none"> <li>1. <i>Upon request or consent, reassign employee to an equivalent or better assignment</i> on a different work area and maintain reassignment even if an investigation determines that the alleged conduct did not occur.</li> <li>2. Provide the employee with a <i>copy of the notice of that was provided to the guest under SMC 14.26.070.B.2.</i></li> <li>3. Provide the employee with documents (created by OLS) in English and the employee’s primary language under <i>Section 14.26.100.A.1-3 (Removed description of documents).</i></li> </ol>

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14.26.090	Cont'd	<p>4. Permit employee to use up to 16 hours of paid time to consult with a counselor, advisor, or advocate, or other support person of their choosing.</p> <p>5. Cooperate with any law enforcement investigation.</p> <p>6. Take reasonable precautions to protect identity of employees who report violent or harassing conduct by guests, employees who are alleged victims of violent or harassing conduct by guests, and witnesses.</p>	<p>4. Permit employee to use up to 16 hours of paid time (<i>in addition to any time that may be provided pursuant to state leave for victims of domestic violence, sexual assault or stalking</i>) to consult with a counselor, advisor, or advocate, or other support person of their choosing.</p> <p>5. <i>Employers may require employees to provide reasonable notice of intent to take paid time, but shall not make inquiries about the paid time except as provided in OLS rules.</i></p> <p>6. Cooperate with any law enforcement investigation.</p> <p>7. Take reasonable precautions to protect identity of employees who report violent or harassing conduct by guests, employees who are alleged victims of violent or harassing conduct by guests, and witnesses.</p> <p>8. <i>OLS shall select and establish a MOU with a qualified community-based, victim's advocacy program with confidential advocacy to allow OLS to make referrals for access to a community advocate 24/7.</i></p>
14.26.090	Community Advocate	<p>Support advocate may provide support services to the employee, including but not limited to explaining the rights under 14.26 and victim's rights under state law; assisting the employee with reporting an incident of violent or harassing conduct by a guest; helping to facilitate the employer's compliance with this Chapter 14.26; supporting the employee during an investigation; and serving as a resource for referrals to related legal and advocacy needs.</p>	<p>Support advocate changed to <i>community advocate</i> throughout legislation.</p>

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14.26.100	Notice and Posting	<p>The Agency shall create and make available the following written documents in English, Spanish, and other languages:</p> <ol style="list-style-type: none"> <li>1. Poster that gives notice of the rights afforded by this Chapter 14.26. The poster shall give notice of the right to:               <ol style="list-style-type: none"> <li>a. Receive a panic button when working in a guest room;</li> <li>b. Right to access a support advocate under Section 14.26.090.C and crime victim advocate under RCW 7.69.030;</li> <li>c. Paid time to work with law enforcement and to consult counselor, advisor or advocate, or other support person of the employee’s choosing after a report of violent or harassing conduct by a guest;</li> <li>d. Protections from retaliation for exercising in good faith the rights protected by this Chapter 14.26;</li> <li>e. File a complaint with the Agency or bring a civil action for violation of the requirements of this Chapter 14.26.</li> </ol> </li> </ol>	<p>Added requirement for the poster to provide notice of an additional right, <i>Right to report violent or harassing conduct by a guest toward an employee.</i></p>

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14.26.110	Employer Records	<p>Each employer shall retain records and evidence that document compliance with this Chapter 14.26 including, but not limited to:</p> <ol style="list-style-type: none"> <li>1. Records related to allegations or incidents of violent or harassing conduct by guests;</li> <li>2. Records related to the immediate, preventative action(s) taken by the employer to safeguard employees from any future violent or harassing conduct by the guest under Section 14.26.070.</li> <li>3. Records related to an employer’s reassignment of an employee following a report of violent or harassing conduct pursuant to Section 14.26.090; and</li> <li>4. Records documenting paid time taken by each employee pursuant to Section 14.26.090.</li> <li>5. Nothing in this section requires an employer to retain records of the identifying information of the guest alleged to have engaged in violent or harassing conduct.</li> </ol>	<p>Each employer shall retain records and evidence that document compliance with this Chapter 14.26 including, <del>but not limited to:</del></p> <ol style="list-style-type: none"> <li><del>1. Records related to allegations or incidents of violent or harassing conduct by guests;</del></li> <li>1. <i>Records related to the employer’s written policy against violent or harassing conduct by guests under Section 14.26.070.A;</i></li> <li>2. <i>Records related to the written notice provided to a guest under Section 14.26.070.B.1 and to an employee under 14.26.090.A.2;</i></li> <li>3. Records related to the <i>necessary steps</i> taken by the employer to safeguard employees from any future violent or harassing conduct by the guest under Section 14.26.070.</li> <li>4. Records related to an employer’s reassignment of an employee following a report of violent or harassing conduct <i>under</i> Section 14.26.090; and</li> <li>5. Records documenting paid time taken by each employee <i>under</i> Section 14.26.090;</li> <li>6. <i>Pursuant to rules issued by the Director, other records that are material and necessary to effectuate the terms of this Chapter 14.26;</i></li> <li>7. <del>Nothing in this section requires an employer to retain records of the identifying information of the guest alleged to have engaged in violent or harassing conduct. In complying with this subsection 14.26.110.A, employers shall not include in any retained record identifying information of the guest alleged to have engaged in violent or harassing conduct; and</del></li> <li>8. <i>Employers shall maintain confidentiality of all such records while they are in the custody of the employer and limit access to management and human resources staff.</i></li> </ol>

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14.26.170	<b>Remedies</b> Civil penalties and fines	The Director may specify that all civil penalties and fines are due to the aggrieved party rather than due to the Agency.	The Director may specify that <del>all</del> civil penalties and fines are due to the aggrieved party rather than due to the Agency.  <i>Removal of “all” to allow the Director to calibrate the allocation of civil penalties and fines (rather than all or none).</i>
	<b>Remedies</b> Fines	No cap on fines.	<i>The maximum amount that may be imposed in fines in any one year period for each type of violation listed above is \$10,000 unless a fine for retaliation is issued, in which case the maximum amount is \$40,000.</i>
14.26.260	<b>Effective Date</b>	The provisions of this Chapter 14.26 shall take effect on July 1, 2020.	<i>For ancillary hotel businesses with between 50 and 250 employees that contract, lease, or sublease with a hotel as of the date of passage of this Chapter 14.26, the provisions of this Chapter 14.26 shall take effect on <b>July 1, 2025</b>.</i>  <i>For all other covered employers, the provisions of this Chapter 14.26 shall take effect on <b>July 1, 2020</b>.</i>