

Amendment 3 to Hotel Safety Protections (CB 119557)

Sponsor: CM Pacheco

Protecting Employees

On page 7 of version D5, at line 21, amend the following Section as shown below:

14.26.090 Protecting an employee who is the alleged victim of violent or harassing conduct

A. An employer must immediately take the following actions for an employee who is the alleged victim of violent or harassing conduct by a guest:

1. Upon the employee's request or consent, reassign the employee to an equivalent or better assignment on a different work floor or to a different work area if no different work floor exists, for the entire duration of the guest's current stay. If an investigation determines the alleged conduct did not occur, the employer must still maintain any reassignment for the guest's current stay as long as such reassignment is consistent with any applicable bargaining agreement.

2. Provide the employee with a copy of the written notice that was provided to the accused guest under Section 14.26.070.B.1.

3. Provide the employee with the written documents established by Section 14.26.100.A.1-3 in English and in the employee's primary language.

4. Grant the employee up to sixteen hours of paid time (in addition to any time that may be provided pursuant to State leave for victims of domestic violence, sexual assault, or stalking) to be used within the ~~seven~~fourteen days following a report for the purposes of:

a. Contacting the police, providing a police statement, and cooperating with any investigation undertaken by a law enforcement agency; and

b. Consulting with a counselor, advisor or advocate, or other support person of the employee's choosing.

5. Employers may require employees to provide reasonable notice of intent to take paid time provided for in subsection 14.26.090.A.4, but employers shall make no inquiries about the up to sixteen hours of paid time referenced in subsection 14.26.090.A.4. except as may be provided in Director's Rules.

6. Cooperate with any investigation undertaken by a law enforcement agency.

B. The employer must take reasonable precautions to maintain the confidentiality of employees who report violent or harassing conduct by guests, employees who are alleged victims of violent or harassing conduct by guests, and witnesses.

C. The Agency shall select and establish a memorandum of understanding allowing the Agency to make referrals to a crime victims advocacy organization that provides access to a support person at any hour of day and all days of the week for any employees who are the alleged victims of violent or harassing conduct.

1. The support person may provide support services to the employee, including but not limited to explaining the rights in the written documents established by Section 14.26.100.A.1-3; 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.

2. An employee's access to support advocate services is not contingent upon reporting an incident of violent or harassing conduct by a guest; an employee may access the services solely to assess options.

3. The Agency shall include a description and contact information for support advocate services on applicable outreach materials and shall inform employees and other parties about such services during applicable intake and investigative functions.

Renumber sections and correct any internal references accordingly.

Effect: This amendment would maintain provisions that an employee who is the alleged victim of violent or harassing conduct by a guest may take up to 16 hours of leave for stated purposes. The effect of the amendment would be to change the “window” for taking such paid leave from 7 days following a reported allegation to 14 days.