Foster Garvey

Legal Alerts

City of Seattle Releases Rules for Hotel Employee Protections

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Even as Seattle hotels face devastating impacts from the COVID-19 shutdown and start planning how they might reopen, the City of Seattle is proceeding with sweeping ordinances protecting employees in hotels with 60 or more guest rooms. On May 15, the Seattle Office of Labor Standards ("OLS") proposed administrative rules for these new hotel employee protections.

Background

The City of Seattle adopted four ordinances in September 2019 that impose significant requirements for most hotels, effective July 1, 2020:

- **Protection against assault.** Every employee who works alone in guest rooms must have a panic button. If he or she uses the button, the employee may stop working, retreat to safety and wait for help. Guests must be notified about this safety measure, and hotels must maintain for five years a list of guests reported to be violent, and warn staff about them.
- **Setting maximum workloads.** Housekeeping employees cannot be required to clean more than 5,000 square feet of guest rooms in an eight-hour day - even less if they are cleaning a room where a guest has checked out or the hotel has provided a cot or crib. Employees may consent to clean more, but then they are paid time and a half for their entire shift.
- **Healthcare coverage.** Hotels with 100 or more guest rooms must pay additional compensation monthly to help low-wage employees meet their health and medical expenses.
- **Job security.** When a hotel changes ownership or management, all employees who have worked at the hotel at least one month go on a preferential hiring list - and the new operator must hire from that list for six months. If rehired, the employees may be terminated only for just cause within the first 90 days, and have other job protections.

Violations can carry steep fines, starting at $1,000 - such as for failure to provide a panic button, failure to post the required notice or failure to maintain records of reported guests for five years. (See the compliance action items listed below.)

The Proposed Administrative Rules

The rules proposed on May 15 address aspects of the four primary ordinances, including clarifying:

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- The definition of "*ancillary hotel businesses*" that provide services at the site of the hotel and whose employees must also have access to panic buttons when working in or making deliveries to a guest room;
- Ways in which guests receive notice of the required anti-violence policy before or at check-in;
- Circumstances related to team or group cleaning of guest rooms and the impact of employee consent;
- How to measure the 80-hour threshold for employee healthcare coverage, how to calculate those expenditures, and how and when an employee may waive coverage; and
- What "hire by seniority" and "discharge for just cause" mean in the context of the ordinance's job retention protections.

The full text of proposed Administrative Rules is available on the OLS website. OLS will take comments until June 5, 2020, either by email to jenee.jahn@seattle.gov or by calling 206-256-5426. The Administrative Rules will take effect on July 1.

Action Items

Regardless of the final text of the Administrative Rules, covered hotels should complete the following steps by July 1.

Panic Buttons

- Contract with a panic button retailer.
- Draft a policy that covers: 1) how the hotel will immediately respond after a panic button is deployed, 2) how the hotel will receive and respond to reported violations, 3) how the hotel will inform guests of its policy, and 4) how the hotel will inform employees of its policy.
- Provide panic buttons to all hotel employees before any employee goes to a hotel guest's room.
- Post a notice on the back of each guest room door.

Maximum Workloads

- Create a system to monitor: 1) how many hours each employee is working per day, 2) how many square feet each employee is cleaning per day, and 3) how many “strenuous room cleanings” an employee is performing per day.
- If the hotel needs employees to perform work that exceeds the maximum workload requirements, create a list of employees who want to voluntary opt-in to performing this work.
- Post the agency-provided notice in a conspicuous location for hotel employees to read.

Employee Health Care

- Determine which method the hotel will utilize to make the employee healthcare contributions and implement this method.
- Assuming the employer uses a cafeteria plan, determine how long a newly hired (or rehired) employee may have to wait to receive the healthcare contribution. If the enrollment period is longer than 60 days

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after starting work, provide the employee with a monthly healthcare contribution using a temporary alternative method until he/she is enrolled.
- Post the agency-provided notice in a conspicuous location for hotel employees to read.

Preferential Hiring

If the hotel experiences a change of ownership or management:

- Ensure "outgoing hotel" provides: 1) appropriate notice to existing employees, and 2) a preferential hiring list to the "incoming hotel."
- The incoming hotel must: 1) post a notice of new hotel ownership for 180 days, 2) hire from the preferential hiring list, and 3) provide written evaluations to each employee after the first 90 days.

Maintain Records

For five years:

- Maintain records on the hotel's use of panic buttons that includes: 1) whether guests/employees received notice, 2) whether a panic button was deployed, and if so, how the hotel responded.

For three years:

- Maintain records on the hotel's maximum workload schedule that includes: 1) each employee's daily workload (square feet and hours), 2) each employee's daily strenuous cleanings, and 3) each employee's daily gross pay.
- Maintain records on the hotel's employee healthcare contributions that include: 1) the hotel's healthcare expenditures on each current and former employee, and 2) copies of any waiver forms signed by employees.
- Maintain records on the hotel's: 1) preferential hiring list, 2) offers made, and 3) performance evaluations.
- Ensure that all records are maintained consistently with legal requirements.

Members of Foster Garvey's Hospitality, Travel & Tourism group are available to provide additional guidance about compliance with these and other hotel requirements.

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Related Areas

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