

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 967 Session of 2023

INTRODUCED BY PISCIOTTANO, GREEN, MADDEN, SCHLOSSBERG, RABB, SANCHEZ, KHAN, KINSEY, CEPEDA-FREYTIZ, DELLOSO, HILL-EVANS, DEASY, CONKLIN AND CIRESI, APRIL 24, 2023

AS REPORTED FROM COMMITTEE ON LABOR AND INDUSTRY, HOUSE OF REPRESENTATIVES, AS AMENDED, MAY 23, 2023

AN ACT

1 Amending Title 48 (Lodging and Housing) of the Pennsylvania
2 Consolidated Statutes, in hotels, providing for protection of
3 hotel employees; and imposing penalties.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Chapter 13 of Title 48 of the Pennsylvania
7 Consolidated Statutes is amended by adding a subchapter to read:

8 SUBCHAPTER F

9 PROTECTION OF HOTEL EMPLOYEES

10 Sec.

11 1361. Definitions.

12 1362. Employee safety device for hotel employees.

13 1363. Penalties.

14 1364. Rules and regulations.

15 1365. Applicability.

16 § 1361. Definitions.

17 The following words and phrases when used in this subchapter

1 shall have the meanings given to them in this section unless the  
2 context clearly indicates otherwise:

3 "Department." The Department of Labor and Industry of the  
4 Commonwealth.

5 "Employee safety device." A two-way radio or other electric  
6 device that is kept on a hotel employee's person when the hotel  
7 employee is on duty in a guest room and that permits a hotel <--  
8 employee to communicate with or otherwise effectively summon  
9 immediate on scene assistance from THE NEED FOR ON-SCENE <--  
10 ASSISTANCE TO BE CONVEYED TO a security officer, manager or  
11 supervisor or other appropriate hotel staff member.

12 "Hotel." Any of the following with at least 100 guest rooms:

13 (1) A hotel, motel, inn, guesthouse or other building  
14 that holds itself out by any means, including advertising,  
15 license, registration with any innkeeper's group, convention  
16 listing association, travel publication or similar  
17 association or with a government agency, as being available  
18 to provide overnight lodging or use of facility space for  
19 consideration to individuals seeking temporary accommodation.

20 (2) A place that advertises to the public at large or  
21 any segment of the public that it will provide beds, sanitary  
22 facilities or other space for a temporary period to members  
23 of the public at large.

24 (3) A place recognized as a hostelry.

25 "Hotel employee." An individual who works part time or full  
26 time performing housekeeping duties or room service duties at a <--  
27 hotel for or under the direction of the hotel employer or any  
28 subcontractor of the hotel employer for wages, salary or  
29 remuneration of any type under contract or subcontract of  
30 employment.

1 "Hotel employer." A person, including a corporate officer or  
2 executive, who directly or indirectly or through an agent or any  
3 other person, including through the service of a temporary  
4 agency, employs or exercises control over the wages, hours or  
5 working conditions of a person employed by a hotel.

6 § 1362. Employee safety device for hotel employees.

7 (a) General rule.--A hotel employer shall provide an  
8 employee safety device to each hotel employee assigned to work  
9 in a guest room without any other hotel employees present. A  
10 hotel employer may provide an employee safety device to other  
11 employees at its discretion. The employee safety device shall be  
12 provided at no cost to the hotel employee. The following shall  
13 apply:

14 (1) A hotel employee may use the employee safety device  
15 if the hotel employee believes that there is:

16 (i) an ongoing crime in the hotel employee's  
17 presence;

18 (ii) an immediate threat of sexual assault, sexual  
19 harassment, other act of violence or other inappropriate  
20 conduct; or

21 (iii) any other emergency.

22 (2) The hotel employee may cease work and leave the  
23 immediate area of the perceived danger or inappropriate  
24 conduct to await the arrival of assistance. No adverse action  
25 may be taken against the hotel employee for such action.

26 (b) Activation of employee safety device.--Upon a hotel  
27 employee activating an employee safety device, an appropriate  
28 ~~staff member~~ REPRESENTATIVE of the hotel, manager, supervisor or <--  
29 security officer shall respond promptly to the location of the  
30 hotel employee. The hotel employer shall:

1 (1) Immediately reassign the hotel employee who  
2 activated the employee safety device in response to an  
3 immediate threat under subsection (a)(1)(ii) or another crime  
4 or emergency that represented a danger to the safety of the  
5 hotel employee to a different work area away from the guest  
6 room of the guest who caused the threat or other crime or  
7 emergency for the duration of the guest's stay at the hotel,  
8 with no loss of hours or wages to the reassigned hotel  
9 employee.

10 (2) Notify all hotel employees who are assigned to  
11 housekeeping or room service duties of the guest room in <--  
12 which the reported incident occurred and of the presence and  
13 location of the reported guest. WORK IN A GUEST ROOM WITHOUT <--  
14 ANY OTHER HOTEL EMPLOYEES PRESENT OF THE GUEST ROOM IN WHICH  
15 THE ALLEGED INCIDENT OCCURRED.

16 (3) Provide hotel employees, other than the hotel  
17 employee who activated the employee safety device, with a  
18 partner hotel employee, manager or security person when  
19 servicing the guest room of the guest who caused an immediate <--  
20 threat under subsection (a)(1)(ii) or other crime or  
21 emergency that represented a danger to the safety of the  
22 hotel employee IN WHICH THE ALLEGED INCIDENT OCCURRED UNDER <--  
23 SUBSECTION (A)(1) for the duration of the guest's stay at the  
24 hotel.

25 (c) Records.--A hotel employer may keep a record of a report  
26 made by a hotel employee that a guest has ALLEGEDLY committed <--  
27 sexual assault, sexual harassment, another crime of violence or  
28 other inappropriate conduct toward a hotel employee and may  
29 maintain the name of the guest on a list following the incident.  
30 A hotel employer that maintains the name of a guest on a list

1 following a report by a hotel employee under subsection (a)(1)  
2 may notify all hotel employees who are assigned to housekeeping  
3 or room service duties of the presence and location in the hotel  
4 of a guest on the list.

5 (d) Protection from retaliation.--A hotel employee who  
6 reports an incident under this subchapter shall be protected  
7 from retaliation by hotel employers and fellow hotel employees.

8 (e) Education program.--The department shall develop a  
9 program to be maintained by the hotel employer, which may  
10 include written information, to educate hotel employees  
11 regarding:

12 (1) the use of an employee safety device and a hotel  
13 employee's rights in the event that a hotel employee  
14 activates an employee safety device, and encourage hotel  
15 employees to activate an employee safety device when  
16 appropriate;

17 (2) harassment and other inappropriate conduct by GUESTS <--  
18 AND fellow employees; and

19 (3) sexual harassment and assault prevention and active  
20 bystander intervention.

21 (f) Notice to hotel employees.--A hotel employer shall  
22 provide hotel employees with written notice and post in  
23 prominent locations in the workplace a list of the protections  
24 available to hotel employees under this subchapter with contact  
25 information for the entities from whom the hotel employees may  
26 seek assistance.

27 § 1363. Penalties.

28 A hotel employer that does not provide an employee safety  
29 device to each hotel employee as provided under this subchapter  
30 shall be subject to a civil AN ADMINISTRATIVE penalty in an <--

1 amount not to exceed \$5,000 for the first violation and \$10,000  
2 for each subsequent violation, collectable COLLECTIBLE by the <--  
3 department.

4 § 1364. Rules and regulations.

5 The department shall adopt rules and regulations to  
6 effectuate the purposes of this subchapter.

7 § 1365. Applicability.

8 This subchapter shall not apply if the terms of a collective  
9 bargaining agreement address the issuance of employee safety  
10 devices to hotel employees or otherwise address safety and  
11 reporting procedures for hotel employees working in guest rooms  
12 without any other hotel employees present.

13 Section 2. This act shall take effect in ~~60 days~~ 9 MONTHS. <--