

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, CIRESI, WAXMAN AND WEBSTER, APRIL 24, 2023

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, JUNE 13, 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 the need
8 for on-scene assistance to be conveyed to a security officer,
9 manager or supervisor or other appropriate hotel staff member.

10 "Hotel." Any of the following with at least ~~100~~ 150 guest <--
11 rooms:

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

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

23 (3) A place recognized as a hostelry.

24 "Hotel employee." An individual who works part time or full
25 time at a hotel for or under the direction of the hotel employer
26 or any subcontractor of the hotel employer for wages, salary or
27 remuneration of any type under contract or subcontract of
28 employment.

29 "Hotel employer." A person, including a corporate officer or
30 executive, who directly or indirectly or through an agent or any

1 other person, including through the service of a temporary
2 agency, employs or exercises control over the wages, hours or
3 working conditions of a person employed by a hotel.

4 § 1362. Employee safety device for hotel employees.

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

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

14 (i) an ongoing crime in the hotel employee's
15 presence;

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

19 (iii) any other emergency.

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

24 (b) Activation of employee safety device.--Upon a hotel
25 employee activating an employee safety device, an appropriate
26 representative of the hotel, manager, supervisor or security
27 officer shall respond promptly to the location of the hotel
28 employee. The hotel employer shall:

29 (1) Immediately reassign the hotel employee who
30 activated the employee safety device in response to an

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

8 (2) Notify all hotel employees who are assigned to work
9 in a guest room without any other hotel employees present of
10 the guest room in which the alleged incident occurred.

11 (3) Provide hotel employees, other than the hotel
12 employee who activated the employee safety device, with a
13 partner hotel employee, manager or security person when
14 servicing the guest room in which the alleged incident
15 occurred under subsection (a)(1) for the duration of the
16 guest's stay at the hotel.

17 (c) Records.--A hotel employer may keep a record of a report
18 made by a hotel employee that a guest has allegedly committed
19 sexual assault, sexual harassment, another crime of violence or
20 other inappropriate conduct toward a hotel employee and may
21 maintain the name of the guest on a list following the incident.
22 A hotel employer that maintains the name of a guest on a list
23 following a report by a hotel employee under subsection (a)(1)
24 may notify all hotel employees who are assigned to housekeeping
25 or room service duties of the presence and location in the hotel
26 of a guest on the list.

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

30 (e) Education program.--The department shall develop a

1 program to be maintained by the hotel employer, which may
2 include written information, to educate hotel employees
3 regarding:

4 (1) the use of an employee safety device and a hotel
5 employee's rights in the event that a hotel employee
6 activates an employee safety device, and encourage hotel
7 employees to activate an employee safety device when
8 appropriate;

9 (2) harassment and other inappropriate conduct by guests
10 and fellow employees; and

11 (3) sexual harassment and assault prevention and active
12 bystander intervention.

13 (f) Notice to hotel employees.--A hotel employer shall
14 provide hotel employees with written notice and post in
15 prominent locations in the workplace a list of the protections
16 available to hotel employees under this subchapter with contact
17 information for the entities from whom the hotel employees may
18 seek assistance.

19 § 1363. Penalties.

20 A hotel employer that does not provide an employee safety
21 device to each hotel employee as provided under this subchapter
22 shall be subject to an administrative penalty in an amount not
23 to exceed \$5,000 for the first violation and \$10,000 for each
24 subsequent violation, collectible by the department.

25 § 1364. Rules and regulations.

26 The department shall adopt rules and regulations to
27 effectuate the purposes of this subchapter.

28 § 1365. Applicability.

29 This subchapter shall not apply if the terms of a collective
30 bargaining agreement address the issuance of employee safety

1 devices to hotel employees or otherwise address safety and
2 reporting procedures for hotel employees working in guest rooms
3 without any other hotel employees present.

4 Section 2. This act shall take effect in 9 months.