Irvine Boasts New Protections for Hotel Workers: An 8-Step Compliance Plan for Employers

Insights
11.17.22

In what some may consider an unexpected development, the City of Irvine is set to implement a new ordinance that will require Irvine hotels to follow stringent workplace rules for their employees. The ordinance parallels the hotel worker protection ordinances already passed by other cities, such as Los Angeles and West Hollywood. On October 25, the Irvine City Council passed its first reading of the Hotel Worker Protection Ordinance, which requires hotels to provide personal security devices to their workers and adhere to specific workload limitations for room attendants, among other things. Although the ordinance is subject to a second reading before it becomes effective, Irvine hotels should prepare as soon as possible. If and when the ordinance is passed, certain components will go into effect within 30 days. What eight steps should you consider in order to prepare for compliance?

Personal Security Devices and Security Guards

Under the ordinance, hotels must provide workers with a personal security device (PSD) to be used if the hotel worker's safety is at risk. The hotel must also train workers on how to use and maintain the PSD by the later of 30 days after the ordinance's effective date or within one month of the worker's date of hire. Importantly, if a hotel has 60 or more guest rooms, then the PSD training must be in English, and in each language the hotel knows to be spoken by 10% or more of its workforce.

Hotels are also required to enlist a designated and assigned security guard who can receive alerts from a worker's PSD to subsequently provide on-site assistance. But, if a hotel has fewer than 60 guest rooms, the hotel may have a supervisor or manager take on the security guard role so long as they are properly trained.

Importantly, if a hotel worker reports violent or threatening conduct, the ordinance requires hotels to provide reasonable accommodations for the employee. This could include a modified work schedule and paid time off to report incidents to law enforcement or consult with a counselor or advisor.

Signage Requirement

Hotels must also place specific signage on the back of each guest room and restroom entrance door, in no less than 18-point font (1) stating "The Law Protects Hotel Workers From Threatening

Copyright © 2024 Fisher Phillips LLP. All Rights Reserved.

in no less than 18-point font (1) stating "The Law Protects Hotel Workers From Threatening Behavior," (2) including the chapter's Irvine Municipal Code, and (3) indicating to guests that hotel workers carry personal security devices.

Workload Limitations and Recordkeeping Requirements

The ordinance mandates that Irvine hotels limit workloads for room attendants based on square footage. The ordinance imposes maximum room cleaning quotas, depending on the size of the hotel itself. These square footage quotas can change and are highly specific.

The ordinance also imposes a three-year recordkeeping obligation, which requires employers to maintain records that identify, among other things, the room(s) cleaned, the actual square footage of each room cleaned, and the total square footage cleaned for each workday. Smaller hotels with fewer than 45 rooms are not subject to these room attendant workload limitations.

Voluntary Overtime Limitations

In addition, the ordinance states that a hotel worker may not work more than 10 hours in a workday, unless that employee gives written consent to do so. The consent document must include language stating that the employee will not suffer any retaliation for refusing to work more than 10 hours in a workday.

Daily Room Cleaning

Another change for many Irvine hotels is the ordinance's elimination any hotel program or policy that would allow for a guest room not to be cleaned and sanitized after each night it is occupied. In other words, hotel rooms must be cleaned every day. However, if a guest opts out of such service "without solicitation" by the hotel or informs the hotel that they do not wish to be disturbed, then the hotel does not have to clean the room after each night it is occupied.

Notice to Workers

To ensure that hotel workers understand their new rights, the ordinance requires hotels to provide written notice of their rights under the new ordinance either at the time of hire, or within 30 days of the ordinance's effective date, whichever is later.

What 8 Steps Should Employers Take?

Hotel employers within Irvine's city limits should evaluate their policies and procedures and take the following actions immediately:

1. Obtain personal security devices.
2. Keep records to demonstrate attendance at training sessions.
3. Eliminate any policy or program that solicits guests to opt-out of daily room cleaning

Copyright © 2024 Fisher Phillips LLP. All Rights Reserved.

3. Eliminate any policy or program that solicits guests to opt-out of daily room cleaning.
4. Prepare and post the necessary guest room and restroom signage.
5. Develop tools to calculate square footage quotas for room attendants.
6. Track room attendant and room cleaning information; maintain records for three years.
7. Adjust paid time off policies to account for new workers' rights.
8. Prepare notices of rights and voluntary overtime written consent forms.

Conclusion

We will continue to monitor developments and provide updates as appropriate, so make sure you are subscribed to Fisher Phillips' Insight System to gather the most up-to-date information. If you have questions, please contact your Fisher Phillips attorney, the authors of this Insight, or any attorney in our Irvine office.

Related People

John A. Mavros
Partner
949.798.2134
Email

Copyright © 2024 Fisher Phillips LLP. All Rights Reserved.

Arthur L. Ramirez
Associate
949.798.2103
Email

Service Focus

Wage and Hour

Workplace Safety and Catastrophe Management

Industry Focus

Hospitality

Related Offices

Irvine

Copyright © 2024 Fisher Phillips LLP. All Rights Reserved.