

IRVINE HOTELS MUST PREPARE FOR WORKLOAD LIMITATIONS LAW TO TAKE EFFECT NEXT WEEK: YOUR 10-STEP COMPLIANCE PLAN

Insights
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Starting next week, hotel employers in Irvine must be ready to implement additional requirements of the city's new Hotel Worker Protection Ordinance – including stringent workload limitations for room attendants. While certain obligations such as the requirement to provide personal security devices to workers kicked in late last year, other sections of the Ordinance governing room attendants and their workload limitations are set to take effect 180 days upon signing – which is coming up on May 21. What are the 10 steps that Irvine hotel employers should consider taking in order to ensure compliance with the law?

Overview of New Law: Staggered Obligations

As mentioned in our [article](#) late last year, the Irvine City Council passed the Hotel Worker Protection Ordinance in 2022. It applies to all Irvine hotels, except for those that have fewer than 45 guest rooms or those who successfully obtain a hardship waiver with the City of Irvine. Some of the obligations for employers became effective in December 2022, while the workload limitation requirement is one of several provisions taking effect on May 21.

Workload Limitations and Square Footage Quotas

Beginning May 21, Irvine hotels must limit workloads for room attendants based on square footage. These square footage quotas can change and are highly specific. The Ordinance also imposes maximum room cleaning quotas, depending on the size of the hotel itself.

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For example, for hotels with 45 to 59 guest rooms, a room attendant cannot perform room cleaning of more than 4,500 square feet of floor space in any eight-hour workday, unless the room attendant is paid twice their regular rate of pay for each hour worked during the workday. For hotels with 60 or more guest rooms, the square footage quota is reduced to 3,500 square feet which means that double time would be triggered sooner. The square footage limitation is further reduced under the following circumstances:

- If a room attendant is assigned to clean any combination of six or more special-attention rooms or additional bedrooms during a workday, then the square footage quota must be reduced by 500 square feet for each special-attention room or additional bedroom over five.
- If a room attendant is required to clean floor space in more than one hotel building during a workday, then the square footage quota must be reduced by 500 square feet for each additional hotel building.
- If a room attendant is required to clean floor space on more than two floors of a hotel building during a workday, then the square footage quota must be reduced by 500 square feet for each additional floor.

The workload limitations can be further prorated if a room attendant works less than eight hours in a workday or if a room attendant is assigned to perform room cleaning for less than eight hours in a workday. Practically, this means that a hotel cannot schedule or force a room attendant to work less than eight hours in a day to avoid triggering the square footage quotas. When providing written assignments of rooms to room attendants under these workload limitations, hotels must state the actual square footage of each room.

Voluntary Overtime

In addition, the Ordinance prevents hotels and managers from requiring any hotel workers from working more than they want to beyond 10 hours in a day. 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 written consent acknowledgment must include language stating that the employee may decline to work more than 10 hours in a workday and will not suffer any

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retaliation for refusing to work more than 10 hours in a workday.

Recordkeeping Requirements

Beginning May 21, the Ordinance also imposes a three-year recordkeeping obligation. Covered hotels must retain 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. Hotels subject to this section of the Ordinance must implement practices and procedures to track this detailed information on a daily basis.

Daily Room Cleaning

Another change for many Irvine hotels is the Ordinance's elimination of 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.

Personal Security Devices and Other Safety Features

There were other obligations that have been in effect for several months already. Upon its passage, the Ordinance mandated that hotels were to provide workers with a personal security device (PSD) to be used if the hotel worker's safety is at risk starting December 22, 2022. This PSD is to serve as a panic button whereby activation by a hotel worker would alert a designated security guard or responsible supervisor to the activation and the worker's location. Hotels were further required to train workers on how to use and maintain the PSD 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 have also been 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, then 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, then the Ordinance requires hotels to provide reasonable accommodations for the employee, such as a modified work schedule and paid time off to report incidents to law enforcement or consult with a counselor or advisor.

Hotels are also expected to 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 Behavior," (2) including the chapter's Irvine Municipal Code, and (3) indicating to guests that hotel workers carry personal security devices.

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. Importantly, this notice must be provided in English, Spanish, and any other language known by the hotel employer to be spoken by at least 10% of the hotel workers.

Exemption and Waiver Application

Notably, the workload limitation, recordkeeping, overtime, daily room cleaning, and notice regulations will not apply to Irvine hotels with fewer than 45 guest rooms. Moreover, the Irvine City Manager may grant waivers to hotels that file an **application** demonstrating that compliance with the aforementioned regulations would cause a significant adverse economic impact.

Examples of adverse economic impact include bankruptcy, shutdown, reduction in force by more than 20%, or reduction of hotel workers' total hours by more than 30%. However, hotels must provide written notice of the waiver application to all its hotel workers before submitting it. Upon receiving a determination from the Irvine City Manager, hotels must also relay the determination to all its hotel workers within three days.

What 10 Steps Should Employers Take?

Hotel employers within Irvine's city limits should evaluate their policies and procedures and take the following 10 action steps immediately:

1. Obtain and distribute personal security devices
2. Designate required hotel security representative
3. Conduct and track mandated training sessions
4. Eliminate any policy/program that solicits guests to opt out of daily room cleaning
5. Prepare and post necessary guest room and restroom signage
6. Develop tools to calculate square footage quotas for room attendants
7. Track room attendant and room cleaning data; pay overtime/double time where applicable
8. Maintain all relevant records for three years
9. Distribute notices of rights and voluntary overtime written consent forms to employees
10. [Sign up for Fisher Phillips Insights](#) to receive updates related to this law and other matters impacting your workplace directly in your inbox

Conclusion

The Ordinance parallels other hotel worker protection ordinances already passed by cities such as Los Angeles and West Hollywood. While Irvine became the first city in Orange County to vote to implement such an ordinance, fellow cities in the county may soon follow. This includes the City of Anaheim, which currently has a proposal pending for a \$25.00/hour minimum wage, and, like the Irvine Ordinance, double-time for room attendants who perform work beyond their square footage maximum. We will continue to monitor developments and provide updates related to new laws 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 about compliance with the Ordinance's provisions, please contact your Fisher Phillips attorney, the

authors of this Insight, or any attorney in our [Irvine](#) office.