

New Jersey Enacts Panic Device Law for Hotel Workers

By James M. McDonnell

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Meet the Authors



James M. McDonnell

Principal
908-795-5208
James.McDonnell@jacksonlewis.com

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New Jersey has enacted a law requiring hotels with at least 100 guest rooms to provide employees in housekeeping or room service with panic devices. The law also sets recordkeeping and security protocol requirements covered hotels must comply with by January 1, 2020.

The Legislature enacted the law to protect workers (whom the law characterizes as marginalized members of society) from assault, sexual assault, and harassment.

Covered Employers and Employees

The law applies to hotels, inns, boarding houses, motels, or any other business providing sleeping accommodations (and retains the right to access and control of the premises) with at least 100 guest rooms.

Individuals protected by the new law include full-time employees, part-time employees, and contractors and subcontractors who perform housekeeping or room service duties at a hotel.

The statute also defines a “hotel employer” as *any person* who employs or controls hours, wages, or work conditions “employed in furtherance of the hotel’s provision of lodging and other related services to the public.” To be sure, the definition states that “hotel employer” includes any manager who directs or is responsible for workers retained through a temporary staffing agency.

Panic Device Requirements

Covered hotels must provide a panic device to each hotel employee (including contractors and temporary help) assigned to work in a guest room at no cost to the employee.

The device may be a two-way radio or other electronic device the employee may use to summon immediate assistance in the event of a crime or immediate threat of crime or other emergency.

Protocol and Recordkeeping

Upon activation of the panic device, a hotel security officer, supervisor, or staff member must promptly respond to the location, *i.e.*, the responder must physically arrive on scene. The employee may cease work and leave the area until assistance arrives. Further, the law’s anti-retaliation provision prohibits an employer from taking adverse action against an employee who exercises this right under the statute.

The law sets forth a series of mandates (*e.g.*, reports to law enforcement and recordkeeping) that may require hotel employers to revise their standard protocol. These mandates include:

1. Maintaining a record of accusations against hotel guests for acts of violence, sexual assault, sexual harassment, or inappropriate conduct toward a hotel employee. The record must include the name of the accused guest and it be maintained on a list for a period of five years from the date of the incident.
2. Reporting any alleged criminal conduct by a guest or any other person to law enforcement.
3. Notifying hotel employees in housekeeping or room service of the presence and location of any guest on the hotel's list of accused guests.
4. Reassigning the hotel employee who activated the panic device to a work area away from the guest or guest room of the accused for the duration of the guest's stay.
5. Offering other hotel employees assigned to the guest on the list of accused guests:
 - (a) a partner to perform the services; or
 - (b) opting out of servicing the room for the duration of the guest's stay.

The new law further permits the hotel to deny accommodations to a guest convicted of a crime in connection with the activation of the panic device.

Education Protocol

Covered hotel employers must develop programs to educate employees regarding the use of the panic devices; educate employees with respect to their rights associated with the panic devices; and encourage employees to activate panic devices when appropriate.

Similarly, the hotel must inform guests that employees carry panic devices in the following manner: (a) a guest acknowledgment of the policy at check-in; or (b) by placing on the interior of each guest room a posting, in large font, details on the panic device policy and the rights of hotel employees.

Penalties

An employer who fails to comply with the law faces a penalty of \$5,000 for a first offense and \$10,000 for each subsequent offense.

The law further requires the New Jersey Department of Labor and Workforce Development to develop and implement regulations, which may provide covered hotels with further information and obligations.

New Jersey's law follows other jurisdictions with similar requirements, including Chicago, Miami, Sacramento County (California), and Seattle. Other jurisdictions likely will follow.

Given the training, reporting, recordkeeping, and notice requirements, covered hotel employers should develop appropriate protocols to ensure compliance. Jackson Lewis attorneys are equipped to assist in the development of such programs and protocols for hotel employers.

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