Panic Buttons: What hotel owners need to know about unions and new ordinance in Long Beach, CA

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Voters in Long Beach, California passed an initiative in November 2018 that affects all hotels in Long Beach with more than 50 hotel rooms. The Hotel Workplace Requirements and Restrictions Initiative Ordinance, known as the “Panic Button Initiative” places new requirements and restrictions on hotel owners and puts non-union hotels at a disadvantage.

Marta Fernandez, Hotel Lawyer and a partner in JMBM’s Labor & Employment department, discusses “Panic Buttons” and the new ordinance below and describes what Long Beach hotels should do to prepare for compliance and potential union organizing.

What hotel owners need to know about unions and the “Panic Button” ordinance in Long Beach, CA

by
Marta M. Fernandez, Hotel Lawyer and Labor & Employment Partner

Passed by voters last November, the “Panic Button Initiative” – which was placed on the local ballot after the hotel workers union submitted 46,000 signatures to the City Clerk in Long Beach, California – has become a new chapter in the City of Long Beach Municipal Code, titled “Hotel Working Conditions.”

The new code mandates that all hotels with 50+ rooms in Long Beach, California must

- Provide panic buttons for workers to protect them against sexual assault
- Require notices regarding the use of panic buttons to be posted in guest rooms
- Give workers who are assaulted the right to reassignment and paid time off for reporting and consultation

Unrelated to potential assaults on hotel housekeepers, the ordinance also requires hotels to

- Place limits on overtime and make overtime voluntary
- Limit the amount of space that housekeepers can clean per shift
- Keep certain records relating to the above

Why the hotel union spent resources on an initiative that does not apply to union hotels

The Panic Button Initiative (also known as Measure WW) tellingly included a significant carve-out for unionized hotels – all provisions of the new ordinance may be waived for union hotels through the collective bargaining process.

Under the guise of protecting workers, the ordinance gives an unfair advantage to union hotels in Long Beach.

The union’s message to union-free hotel owners in Long Beach is loud and clear: If you want the same advantages as union hotels, you have to negotiate neutrality agreements with us.
What we see in the passing of Measure WW is also a very clever use of the legislative process to promote union membership.

The union’s message to hotel workers is clear: We have the power to get a new law implemented – don’t you want to be a union member?

Protecting hotel workers

The Long Beach hotel workers ordinance also gives the false impression that hotels will not protect their workers without a mandate to do so. But a report prepared by BAE Urban Economics prior to the passage of Measure WW, which was prepared at the request of the City of Long Beach to determine the potential economic effects of the ordinance, states:

“Currently, many of the provisions contained in the November 2018 Ordinance are already in place: at least 11 Long Beach hotels comprising more than 3,200 rooms, for example, already require their housekeepers to wear panic buttons, representing over 52 percent of hotel rooms in the City.”

It also reported:

“Generally, most [hotel] operators indicated that they were fully supportive of panic buttons if they help make their workforce feel safer and more comfortable.”

What should hotel owners and operators do?

The Long Beach Business Journal reported that the California Hotel & Lodging Association, in response to the new law, has filed a lawsuit against the City of Long Beach alleging that voters cannot implement workplace rules, as this infringes on the authority of the California Occupational Safety and Health Administration (Cal OSHA). It will take time for the litigation to be resolved, but hotel owners and operators will want to monitor the progress of the lawsuit and its outcome.

In the meantime, hotel owners and operators in Long Beach need to examine the requirements of the ordinance and implement policies and procedures that fully comply with the new law.

Additionally, union-free hotels need to implement an action plan to examine workforce satisfaction, and ensure measures are in place to keep winning the hearts and minds of their employees. They also need to educate their workers as to the benefits that accrue to them as a union-free hotel, and on the overall positive working conditions at their hotels.

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*The City of Long Beach has included hotels and motels with 49 rooms or less in the mandate to provide panic buttons but has exempted them from the limits on overtime and amount of space cleaned per shift.*
Marta Fernandez is a partner in JMBM’s Employment and Labor Department and a senior member of JMBM’s Global Hospitality Group®. As a management labor lawyer with more than 20 years of experience, Marta specializes in representing hospitality industry clients in all aspects of labor and employment including labor-management relations such as union prevention, collective bargaining for single as well as multi-employer bargaining units, neutrality agreements and defense of unfair labor practice charges before the NLRB. She defends employers in administrative and litigation claims, such as employee claims of sexual harassment and discrimination and counsels clients in preventative strategies such as executive training, arbitration enforcement, and policies and procedures. For more information, please contact Marta Fernandez at 310.201.3534 or at mfernandez@jmbm.com.

This is Jim Butler, author of www.HotelLawBlog.com and hotel lawyer, signing off. Please contact us if you would like to discuss any issues or development that affect your hotel interests. We would like to see if our experience might help you create value or avoid unnecessary pitfalls. Who’s your hotel lawyer?

Jim Butler is a founding partner of JMBM and JMBM’s Global Hospitality Group® which provides business and legal advice to hotel owners, developers and investors. This advice covers hotel purchase, sale, development, financing, franchise, management, labor & employment, litigation, ADA, IP, EB-5 matters and many other areas.

Jim is recognized as one of the top hotel lawyers in the world and has led the Global Hospitality Group® in more than $87 billion of hotel transactions and more than 3,900 hotel properties located around the globe.

Jim’s group has advised on more than 100 EB-5 projects, closed more than $1.5 billion of EB-5 financing, and sourced more than half of that for our clients.

Contact Jim at +1-310-201-3526 or JButler@jmbm.com