



City of Seattle
Hotel Employees Health and Safety Initiative • SMC 14.25

Questions & Answers

Seattle’s Hotel Employees Health and Safety (HEHS) Initiative provides protections for the health and safety of hotel employees working in Seattle. This ordinance is the result of Seattle voters passing Initiative 124 (I-124) in November 2016. The ordinance went into effect on November 30, 2016. Our Questions and Answers (Q&A) document addresses some of the most common HEHS questions. If you have a question that isn’t covered by this Q&A, visit our Hotel Employees Health and Safety Ordinance site. You can also call 206-256-5297 or reach us electronically:

- Employees with questions and wage theft complaints – submit an [online inquiry form](#).
- Employers with requests for technical assistance – send an email to business.laborstandards@seattle.gov or submit an [online inquiry form](#).

TABLE OF CONTENTS

A. SUMMARY – AT A GLANCE..... 2

B. GENERAL PROVISIONS 4

C. EMPLOYERS..... 5

D. EMPLOYEES 6

E. PROTECTING HOTEL EMPLOYEES FROM VIOLENT ASSAULT AND SEXUAL HARASSMENT 7

 1. PANIC BUTTONS..... 7

 2. PROTECTING EMPLOYEES FROM VIOLENT OR HARASSING HOTEL GUESTS..... 9

 3. PROTECTING EMPLOYEES WHO REPORT ASSAULT OR SEXUAL HARASSMENT 11

 4. GUEST ROOM SIGNAGE 13

F. PROTECTING HOTEL EMPLOYEES FROM INJURY 13

 1. ADOPTION OF REASONABLE PRACTICES TO PROTECT THE SAFETY OF HOTEL EMPLOYEES 13

 2. PROTECTING HOTEL EMPLOYEES FROM CHEMICAL HAZARDS 13

 3. PROTECTING HOUSEKEEPERS FROM INJURY AT LARGE HOTELS..... 14

G. IMPROVING ACCESS TO MEDICAL CARE FOR LOW INCOME HOTEL EMPLOYEES 16

H. PREVENTING DISRUPTIONS IN THE HOTEL INDUSTRY..... 21

I. EMPLOYER RECORDKEEPING 23

J. NOTICE OF EMPLOYEE RIGHTS..... 24

K. PROTECTION FROM RETALIATION 25

L. ENFORCEMENT 26

M. WAIVER 27

A. SUMMARY – AT A GLANCE

The Hotel Employees Health and Safety Initiative provides protections for hotel employees that work in Seattle hotels of 60 or more guest rooms, with greater protections applying to employees of hotels of 100 or more guest rooms. The following information outlines the basic protections provided by the ordinance. The Questions and Answers that follows the summary provides more details.

Protection against violent assault and sexual harassment

- Employers must give a working panic button to employees who work alone in guest rooms
- If used, an employee may stop working, go to safety, and wait for help without penalty
- Guest room doors must have a sign notifying guests of the ordinance’s protections and that employees are provided panic buttons to use
- If an employee reports an act of guest violence, an employer must:
 - Maintain a list of reported guests for five years
 - Warn staff that the guest was reported if the staff is to work alone in the guest’s room
 - Reassign the employee to another floor or area during the guest’s stay (upon request)
 - Provide the employee paid time to contact the police and provide a statement
 - Provide the employee paid time to consult a counselor or advisor
 - Cooperate with law enforcement if law enforcement action is taken
 - Decline service to a guest who is accused of assault, sexual assault, or sexual harassment for three years (if the accusation is supported by evidence or sworn statement)

Protection from workplace injury

- Employers must comply with the minimum workplace safety requirements of the Washington State Industrial Safety and Health Act, including those related to chemical hazards
- Large employers cannot require housekeeping services employees to clean more than 5,000 square feet of guest rooms in an 8 hour day
 - For each additional “strenuous room cleaning” above 9, the square footage is reduced by 500 square feet
 - A strenuous room cleaning is one where a guest has checked out or where a current guest room has a cot, rollout bed, pet bed, or crib
 - If the employee is cleaning guest rooms for less than 8 hours, the square footage is reduced equivalently
 - An employee may voluntarily consent to clean more, but the employer must pay one-and-a-half times their regular rate of pay for all hours that they clean that day

Improving Access to medical care for low-wage employees

- Large hotel employers must pay additional compensation to their low-wage employees who work 80 or more hours a month to ensure they are able to afford medical and insurance costs
- The employer may be excepted from paying additional compensation if the employee enrolls in an employer-offered, gold-level equivalent health insurance plan for which the employee pays no more than 5% of their gross taxable earnings (from the hotel employer) for coverage for enrolled household member.

Preventing disruptions in the hotel industry

- When a hotel changes ownership, the outgoing owner must:
 - post notice of the change within 15 days after the transfer of ownership is executed
 - The notice must remain posted for six months after the hotel is open to the public under the new owner
 - The notice must be in a visible place for employees and applicants
 - provide the new owner with a preferential hiring list (“list”) of employees who have been working at the hotel for at least one month prior to the change
- The new employer must hire from the list before hiring other workers for six months following the opening of the hotel to the public
- Each job offer given to an employee on the list must be in writing and remain open for ten days
- For the first 90 days of employment, the employer may only fire the employee for just cause
- For the first 90 days of employment, if the employer finds that it requires fewer employees than the outgoing employer, the employer must lay off employees by seniority within classification
- At the end of the 90 days, the employer is required to give the employee a written performance evaluation and consider retaining the employee on staff

Recordkeeping requirements

- Employers must maintain the following records for three years for each current and former employee, by name:
 - Regular hourly rate of pay for each workweek of employment
 - Additional compensation reflective of the cost of medical coverage for each month the employee worked at least 80 hours (*only low-wage employees at large hotels)
 - The total square feet of guest room floor space cleaned, the number of strenuous room cleanings, the number of hours worked and the employee’s gross pay for each day of employment (*only employees providing housekeeping services at a large hotel)
 - Verification of written offers of employment that were given to employees on a preferential hiring list (following a change in ownership)
- Employers must keep records of the guests reported for violence for five years from the last report of violence

Notice of employee rights

Employers must provide a notice of employee rights to each current and newly hired employee in English and any language spoken by 10 or more employees. A model notice is located [here](#).

Enforcement & Retaliation

- Employers may not take an adverse action against an employee for exercising their rights.
- Employees may file a private lawsuit to enforce their rights
- OLS may investigate failures to pay additional compensation owed under SMC 14.25 under Seattle’s Wage Theft Ordinance.
- Employees may file a sexual harassment complaint with the Seattle Office for Civil Rights if an employer fails to take prompt action to stop a guest’s sexual harassment

B. GENERAL PROVISIONS

The following provides some general information about the origins of the Hotel Employees Health and Safety Initiative and the Seattle agency responsible for administering it.

1. What is the origin of this ordinance?

In November 2016, Seattle voters approved Initiative 124 which established the Hotel Employees Health and Safety Initiative as a new Seattle labor standards ordinance.

2. What does the Hotel Employees Health and Safety Initiative do?

The Hotel Employees Health and Safety Initiative provides protections for the health and safety of employees working at hotels in Seattle. It ensures that hotel employers take steps to prevent and respond to acts of guest violence committed against hotel employees, safeguard employees from injury, promote access to health insurance, and support employee job stability when ownership changes. The ordinance also ensures employees can access the ordinance's protections without retaliation and can file a lawsuit when the ordinance is violated.

3. When did it take effect?

The ordinance took effect on November 30, 2016. The administrative rules that clarify key pieces of the ordinance took effect on July 1, 2018.

4. What City department is responsible for administering this ordinance?

The Office of Labor Standards (OLS) is responsible for providing technical assistance, training, and rulemaking. OLS also has limited enforcement of the ordinance where a violation of HEHS may be a violation of the Wage Theft ordinance. As written by the Initiative's drafters, the ordinance's primary enforcement mechanism lies with the courts through a private right of action (private lawsuit).

5. Where do employees call with questions?

Employees can call 206-256-5297, submit an [online inquiry](#), or email workers.laborstandards@seattle.gov.

Upon request, and to the extent permitted by law, OLS protects the identifying information (e.g. name, job title) of employees who report violations and witnesses who provide information during investigations. OLS may need to release names of employees who are owed payment because of an investigation.

6. Where do employers call with questions?

Employers can call 206-256-5297, submit an [online inquiry](#), or email business.laborstandards@seattle.gov.

OLS does **not** share information about employer questions with our Enforcement Team. Phone conversations and email conversations with employers are kept separate from the investigative

process. OLS does not provide legal advice but provides technical assistance/information about compliance with Seattle’s labor standards.

7. Does immigration status impact coverage/application of the ordinance?

No. As a matter of policy, the City of Seattle does not ask about the immigration status of anyone using City services. Additionally, an employer violates the ordinance if they tell or suggest to a person asserting their rights under the ordinance that they will report suspected citizenship or immigration status of an employee or a family member to a government agency. Read [OLS’ Commitment to Immigrant and Refugee Communities](#) for more information.

8. Will OLS protect the identifying information of workers who contact the office with questions or complaints?

Yes. At first point of contact, OLS will ask employees and other complainants if they would like to protect their identifying information (e.g. name, job title). If so, OLS will not disclose the person’s identifying information before, during and after the investigation, to the extent permitted by law. OLS may need to release names of employees who are owed payment because of an investigation.

9. What happens when an employer calls OLS with a question about compliance?

OLS has staff dedicated to business engagement who handle employer inquiries and who are not members of the Enforcement Team. Phone conversations and email exchanges with business engagement staff are kept entirely separate from the investigation process.

OLS encourages businesses to call or email their questions to our office; our goal is help employers attain full compliance with Seattle’s labor standards and we answer many types of labor standards questions.

C. EMPLOYERS

The following questions and answers explain which employers are impacted by this ordinance.

1. What employers are covered by this ordinance?

The ordinance covers hotel employers within the City of Seattle. A *hotel employer* is any person who exercises control over the wages, hours, or working condition of any employee and who owns, controls, or operates a hotel in Seattle. It also includes a person who exercises control over the wages, hours, or working conditions of any person employed in conjunction with a hotel employer in furtherance of the hotel’s provision of lodging and other related services for the public.

2. Are employers who are contracted by hotels covered by this ordinance?

Yes. There are some hotel employers who provide services at a hotel that “further the provision of lodging or other related services in a hotel.” Essentially, this means that a hotel employer is also an employer that assists the hotel to provide its services. For instance, hotels commonly

contract with employers who provide spa services and food and beverage services. These employers are also considered hotel employers.

3. What is a hotel?

A hotel is a commercial lodging place where a majority of the rooms are provided to individuals for a fee on a daily or short-term basis and where:

- individuals predominantly access the units by means of common interior hallways; or
- individual predominantly access the units by means of common exterior corridors.

A hotel is also any contracted, leased, or sublet premises connected to or operated in conjunction with the building’s purpose or providing services at the building.

D. EMPLOYEES

The following questions and answers explain which employees are covered by this ordinance.

1. Who is considered a hotel employee?

Hotel employees are employees who work in a Seattle hotel that has 60 or more guest rooms and work for two hours (or more) in any given week directly for a hotel employer or for an employer that has been contracted by the hotel to provide services at the hotel. To be considered a hotel employee, an employee must also be considered an employee under the Seattle minimum wage ordinance or the State of Washington minimum wage law.

Some provisions only apply to employees of hotels of 100+ guest rooms (“large hotels”) or specific types of employees (e.g. housekeeping services employees or low-wage employees). Throughout this document, the answers that you will read will indicate which provisions apply to which kind of employees and which kind of hotel employers.

2. What employees are entitled to Seattle’s minimum wage law?

Seattle’s Minimum Wage ordinance covers hourly employees who perform work in Seattle. The ordinance does not apply to employees excluded under the definition of employee in [SMC 12A.28.200\(B\)](#).

An employee is any individual employed by an employer, including full-time, part-time, seasonal, temporary employees, and employees who are jointly employed by one or more employers (e.g. employee hired through the services of a staffing agency or similar entity).

Some occupations are excluded from both the State of Washington’s and Seattle’s minimum wage laws, such as certain agricultural workers, casual laborers, exempt “white collar” workers, volunteers, newspaper vendors/carriers, railroad workers, live-in workers and others. See [SMC 12A.28.200\(B\)](#) for more details on the definition of employee in Seattle’s Minimum Wage Ordinance. See [RCW 49.46.010](#) for more information on the (identical) definition of employee in the State of Washington’s Minimum Wage Act.

3. Are supervisors and “confidential employees” covered by the HEHS ordinance?

No. Supervisors and confidential employees are not covered by this ordinance.

4. What employees are supervisors?

A supervisor as any individual who has the authority to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees. A supervisor is also someone who has responsibility to direct employees or to adjust their grievances.

5. What is a “confidential employee”?

A confidential employee as one who assists or acts in a confidential capacity to persons who make or effect management policies about labor relations or stand in for persons who do so. Mere access to confidential labor relations material or personnel records does not make a person a confidential employee.

E. PROTECTING HOTEL EMPLOYEES FROM VIOLENT ASSAULT AND SEXUAL HARASSMENT

1. PANIC BUTTONS

Hotel employers are required to provide panic buttons to hotel employees when the hotel employee works without other employees in a guest room. The ordinance also allows an employee to take certain kinds of actions after activating the panic button. The following questions and answers outline the rights and responsibilities related to panic button use.

a) When must employers provide a panic button to an employee?

A hotel employer must provide a panic button to an employee when they are assigned to work in a guest room without another employee present. This requirement applies to all covered hotel employees regardless of position. This includes (but is not limited to) employees who provide housekeeping services, room service, in-room spa services, or delivery.

b) What is a panic button?

A panic button is an emergency contact device that can be carried by the employee and that, when activated, summons immediate on-scene assistance from another employee, security guard, or person designated by the hotel employer.

c) What must a panic button do?

The panic button must summon immediate on-scene assistance from another employee, security guard, or person designated by the hotel employer.

d) Which panic buttons will meet the ordinance’s requirements?

There are many types of panic buttons that perform in different ways. Some produce a loud noise when pressed and will serve to notify individuals in the immediate area. Others may be pressed silently and will notify a person via text or email that a person needs assistance. Some can be worn around the wrist, clipped on a belt buckle, or on a lanyard.

Not all “panic buttons” will meet the ordinance’s requirements. When examining whether a panic button meets the requirements, a hotel employer should consider if:

- The panic button can be easily carried by the employee;
- The panic button summons immediate assistance when activated;
- Environmental factors that make the panic button work properly are in place; and

- The panic button does not require continued activation by the employee to sustain the alert (e.g. simple whistles and walkie-talkies are not panic buttons)

e) What environmental factors need to be considered?

Environmental factors may determine whether the panic button meets the ordinance's requirements. For instance, a panic button that emits a loud noise will only meet the requirements of the ordinance if there is another designated employee or security guard close enough to hear and respond immediately to the panic button. If the panic button uses wireless internet to summon assistance, the employer must ensure that each room is outfitted with the proper equipment and service so that the panic button will function as intended. It is the employer's responsibility to ensure that the panic button performs the requisite tasks.

f) Who pays for the panic button?

The employer is responsible for paying for and providing a working panic button. An employee cannot be charged for the cost of purchasing or maintaining the panic button.

g) Who must the panic button notify?

The panic button must alert another employee, security guard, or other person designated by the hotel employer. An employer should ensure that there is always at least one person responsible and able to respond to a panic button alert. An emergency can happen in an instant. If the designated person is on break, out to lunch, or not checking their alerts (text messages, emails, etc.) then the employer risks the employee's safety and non-compliance with the ordinance. OLS encourages employers to consider creating clear lines of protocol for who responds and what should be done, including selecting back-up or fill-in responders.

h) What are protected uses of the panic button?

An employee is legally protected for using the panic button if they believe that a crime, emergency, or act of harassment is happening.

i) What may an employee do after using the panic button?

The employee can stop work, go to safety, and wait for assistance. In an employee does so, an employer cannot take any adverse employment action against them if they do so.

Note: Adverse employment actions include being fired, denied a promotion or job, demoted, or failure to hire the employee after a seasonal interruption of employment. It can also include threats to report someone to immigration, to change their status to a nonemployee, or to file a false report with a government agency. It can also include any action that is discriminatory or that is likely to deter someone from engaging in protected activity. For more information on this topic, please see the section titled "Retaliation."

j) Are there negative repercussions for an employee if they do not carry the panic button?

The ordinance does not require employees to use or carry the panic button. Rather, the ordinance requires that hotel employers provide the panic button to employees for their safety and that the employee be allowed to use it. While it may be in the best interest of the employee carry or use the panic button, the ordinance does not require the employee to do so.

k) Who is responsible for maintaining the equipment in working order and ensuring that the panic button works properly?

The hotel employer holds the responsibility of providing a *working* panic button to their employees. As addressed earlier, this responsibility can also include ensuring that the environmental factors that make the panic button function are also in place. For instance, if the panic button is battery operated, the employer must ensure that the batteries are charged/full. If the panic button requires cellular data, wireless internet, or Bluetooth for proper operation, the employer is responsible for ensuring that those mechanisms are in place and functional.

2. PROTECTING EMPLOYEES FROM VIOLENT OR HARASSING HOTEL GUESTS

Employers are required to maintain a list of guests who are reported to have engaged in violence at the hotel for five years. Depending on the behavior for which the guest has been reported and on what evidentiary support exists for the report, the employer may be required to decline services to the guest for three years. The following details questions related to these rights and responsibilities.

a) What does the ordinance require an employer to do after an employee reports that a guest has committed an act of violence?

List. The response by the hotel employer depends on what kind of act the guest has been accused of committing. If an employee reports that a guest has committed any act of violence, the hotel employer must keep the name of the guest on a list for five years. If the guest's name is not available, the employer must record as much identifying information as reasonably possible. Any time an employee is asked to work in that guest's room alone, the hotel employer must notify that employee that the person is on the list and warn them to proceed with caution.

Additionally, an employer may consider taking other steps to mitigate the potential danger to the employee. This can include partnering the employee with another employee while cleaning the room, stationing another employee nearby while the guest room is cleaned, and reviewing how to use the panic button with the employee and what to do if they need to use it.

Three-year bar. If a guest is reported to have assaulted, sexually assaulted, or sexually harassed an employee, the hotel employer must refuse service to that guest for three years from the incident. To trigger this additional requirement, one of the following is required:

- A statement made under penalty of perjury (by the employee, a witness, or other person); or
- Other evidence to support the report.

Employment discrimination laws also require employers to provide their employees a workplace free from sexual harassment, including that from customers, coworkers, and vendors. For more information about these rights and responsibilities, please visit: [Seattle Office for Civil Rights](#) (local protections), [Washington Human Rights Commission](#) (state protections), and the [Equal Employment Opportunities Commission](#) (federal protections).

b) What if the hotel employer cannot determine the identity of an accused person?

If the identity of the accused person cannot be determined, the hotel employer must gather and record as much identifying information as reasonably possible.

c) How long must the guest remain on the list?

The accused guest must remain on the list for five years from the date of the most recent accusation.

d) What is a statement under penalty of perjury?

Washington State law provides guidance on what constitutes a statement made under penalty of perjury (otherwise referred to as a “sworn statement”). The Office of Labor Standards has adopted that standard for consistency. The statement must have four elements: (1) must be certified or declared by the person to be true under penalty of perjury, (2) must be signed by the person making the statement, (3) must state the date and place that it was signed, and (4) must state that it is done so under the laws of the State of Washington.

The certification or declaration may be in substantially the following form:

“I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.”

(Date and Place)

(Signature)

e) Can an employer require an employee to make a statement?

No. A hotel employer cannot require an employee to make a sworn statement. If an employee declines to do so, the hotel employer must look to other witnesses to make one or must consider other evidence to substantiate the report.

f) What is “other evidence”?

Other evidence is evidence other than statements of the victim, witnesses, or other persons, that tends to show that assault, sexual assault, sexual harassment occurred. Other evidence includes, but is not limited to, physical evidence; audio and video recordings or photographs of events, occurrences, injuries, incident scenes; or other similar evidence.

g) How long must the hotel employer refuse service to this guest?

If the report is accompanied by a sworn statement or other evidence, the guest must be not allowed to return for three years from the date of the incident.

h) What if the hotel employer doesn't know that the accused/banned guest has returned (e.g. registered with a false name, visited the hotel lobby without registering, etc.) during those three years?

Under some circumstances, an employer may not reasonably know if the guest has returned (e.g. visited the hotel lobby without registering, registers under a different name). An employer must take reasonable steps to comply with the ordinance's requirements. These steps could include ensuring that staff are familiar with the list and with what to do if a staff member becomes aware of the return of an accused/banned guest (e.g. reporting, resolution, etc.). However, if an employer becomes aware of the guest's return, they must take steps to remove the guest from the premises.

3. PROTECTING EMPLOYEES WHO REPORT ASSAULT OR SEXUAL HARASSMENT

The ordinance provides protections to employees who report a guests' violent behavior to their employer. The following questions and answers provide details about these protections.

a) What protections are provided to an employee that has reported guest violence?

If a hotel employee reports that a guest has committed an act of violence, the employee is entitled to the following:

1. Reassignment to a different floor, or if not available, to a different area upon request;
2. Immediate use of sufficient paid time to contact the police and provide a police statement;
3. Immediate use of sufficient paid time to consult with a counselor or advisor of the employee's choosing;
4. If the employee consents, the hotel employer must report an incident involving alleged criminal conduct to law enforcement; and
5. The employer must cooperate with any law enforcement investigation that is initiated.

b) What if there isn't another floor for an employee to be reassigned?

If another floor is unavailable, the hotel employer must reassign the employee to a different work area during the guest's stay at the hotel.

c) Does the ordinance require an employer to give paid time to consult a counselor or advisor *any time* the employee pushes the panic button?

No. There are some protected uses of a panic button where an employee will not have a right to paid time (e.g. non-violent emergency). The right to paid time is triggered when an employee informs the hotel employer that an act of violence has occurred.

d) What must an employee say to receive time off to consult with an advisor or counselor, or call the police and make a police statement?

Employees are not required to use specific language to trigger these rights. The employee's report of a guest's violence to the employer signals to the employer that the employee is

entitled to immediate paid time to consult with an advisor or counselor and to call the police or make a police statement.

e) Who is considered a counselor or advisor?

A counselor or advisor is a person who gives advice or guidance and includes family members, friends, licensed professionals, attorneys, and advocates.

f) How much time does an employee get?

The ordinance requires employers to give the employee “sufficient” time to call the police and make a statement and to consult with an advisor or counselor. The law enforcement agency will determine how much time is needed to make a statement. The amount of time needed to consult with an advisor or counselor will vary depending on the circumstances and employee. The employee is owed a reasonable amount of time to consult with a counselor or advisor on creating an immediate plan of action. This is explored more in the next question.

g) What does it mean “to consult” a counselor or advisor?

Consult means to seek advice or counsel on immediate steps following an event that triggers the right to paid time (e.g. an assault or report of violence). The amount of time necessary will vary depending on the situation and on the person. Where it may be sufficient for one person, it may be inadequate for another. An employer must allow the employee sufficient time to create a plan of action. However, this consultation does not include paid time for on-going recovery or treatment. An employee may be entitled to time off (paid or unpaid) by other local, state, and federal laws, like the Seattle Paid Sick and Safe Time ordinance, for these purposes.

h) Can an employer deduct paid hours used to file a police report, make a police statement, or consult a counselor or advisor from the employee’s Paid Sick and Safe Time hours?

No. These hours are additional to those allowed by Seattle’s Paid Sick and Safe Time ordinance and other leave (e.g. vacation, PTO, etc.). An employer may not deduct this time from an employee’s paid sick and safe time balance.

i) Does the employer have to provide continuous paid time until the employee recovers from the incident?

This ordinance does not require an employer to provide continuous paid time for the employee to seek on-going treatment or recovery. The ordinance provides an employee with enough paid time to consult with a counselor or advisor about immediate steps following a triggering event, and to contact the police and provide a statement.

However, an employee may be entitled to other paid or unpaid time off for these purposes. For instance, Paid Sick and Safe Time (SMC 14.16), Washington State paid sick leave (RCW 49.46), the Americans with Disabilities Act, Washington’s Law Against Discrimination (RCW 49.60), Seattle’s Fair Employment Ordinance (SMC 14.04), and other laws provide additional

protections related to seeking time off or paid time to seek treatment for a health condition (mental or physical) or for a disability related need.

4. GUEST ROOM SIGNAGE

The ordinance requires a sign to be displayed on the back of each guest room door that informs guests of the existence of the ordinance and that employees have been supplied with panic buttons.

a) What must the guest room sign say?

The guest room sign must include three things:

1. A heading that states: “The Law Protects Hotel Housekeepers and Other Employees from Violent Assault and Sexual Harassment;”
2. A citation to Seattle Municipal Code 14.25; and that
3. The hotel is providing panic buttons to its housekeepers, room servers, and other employees assigned to work in guest rooms without other employees present in compliance with Seattle Municipal Code 14.25.

b) What size and font type must the sign be?

The sign must use size 18 font or larger. Any type font may be used so long as it is reasonably legible and clear.

c) Where must the sign be?

The sign must be located on the back of each guest room door.

F. PROTECTING HOTEL EMPLOYEES FROM INJURY

1. ADOPTION OF REASONABLE PRACTICES TO PROTECT THE SAFETY OF HOTEL EMPLOYEES

Hotel employers must provide safety devices and safeguards and use work practices that are reasonably adequate to make their employees’ workplace safe. The following questions and answers outline information about the rights and responsibilities under these requirements.

a) What are the safety standards that the ordinance requires?

The ordinance adopts the same health and safety standards as those required by the Washington State Industrial Health and Safety Act (WISHA), Revised Code of Washington (RCW) 49.17, and its corresponding administrative codes.

The Washington State Department of Labor & Industries’ (L&I) Division of Occupational Health and Safety (DOSH) enforces and administers WISHA. For more information about L&I, DOSH, and WISHA, please visit: [Washington State's Labor & Industries Website](#).

2. PROTECTING HOTEL EMPLOYEES FROM CHEMICAL HAZARDS

Hotel employers must control chemical agents and protect employees from the hazards of contact with these chemical agents. Employers must also provide information about hazardous chemicals in employee’s work area. The following outlines more specific details.

a) What are the chemical hazard protections required by the ordinance?

The ordinance adopts the same chemical hazard standards as those required by the Washington State Industrial Health and Safety Act (WISHA), Revised Code of Washington (RCW) 49.17, and its corresponding administrative codes.

The Washington State Department of Labor & Industries' (L&I) Division of Occupational Health and Safety (DOSH) enforces and administers WISHA. For more information about L&I, DOSH, and WISHA, please visit: [Washington State's Labor & Industries Website](#). For information on WISHA's Hazard Communication, please see: [L&I's Rules on Hazard Communication](#).

3. PROTECTING HOUSEKEEPERS FROM INJURY AT LARGE HOTELS

The ordinance places restrictions on how much guest room square footage housekeeping services employees at large hotels can be required to clean in a work day. If an employee agrees to clean more than the maximum, the employee is entitled to additional pay.

a) What employees are covered by this section?

Employees who provide housekeeping services in large hotels (100+ guest rooms) are covered. Employees at smaller hotels (99 or fewer guest rooms) are not covered.

b) What does it mean to provide housekeeping services?

Housekeeping services are any services or tasks that are required to prepare or maintain the cleanliness of the physical guest room before, during, or after a guest's stay. These activities neither include maintenance activities like repair or maintenance of hotel fixtures nor tasks associated with preparing already-made beds for sleep, maintaining inventory (e.g. minibar, toiletries, and towels), or inspecting housekeeping services performed in a guest room.

c) What does it mean "to clean" a guest room?

A guest room is "cleaned" if the employee performs housekeeping services in the guest room. As addressed above, housekeeping services includes any services or tasks that are required to prepare or maintain the cleanliness of a physical guest room before, during or after a guest's stay. This includes, but is not limited to: cleaning surfaces, preparing beds (making beds, removing linens, or replacing linens), wiping down or dusting surfaces, and cleaning the bathroom and associated fixtures (toilet, tub, sink).

d) What is not included in guest room cleaning under the ordinance?

Some activities are not considered "cleaning." This includes: preventative or as-needed maintenance activities (repairing or replacing appliances or fixtures), tasks associated with preparing already-made beds for sleep (turning down the comforter, placing chocolates on pillows or slippers by the bed), maintaining inventory (refilling the mini-bar, replacing toiletries, delivering towels), or inspecting rooms where housekeeping services have been performed.

- e) **How many square feet of guest room can a housekeeping services employee clean in a shift?**
 An employee cannot be required to clean more than 5,000 square feet of guest rooms when cleaning 9 or less “strenuous cleanings” in an eight-hour work day. The square footage is reduced by 500 square feet for every additional strenuous cleaning completed. The table below outlines the square footage space associated with the number of strenuous room cleanings and the hours spent cleaning guest rooms. If an employee performs any housekeeping services in the room, the entire square footage of the room is counted.

- f) **What is a “strenuous room cleaning”?**
 A strenuous room cleaning is the cleaning of (1) a checkout room, or (2) a stayover room that includes the cleaning or removal of a cot, rollout bed, pet bed, or crib.

		Number of Strenuous Room Cleanings								
Hours Spent Cleaning	9 or less	10	11	12	13	14	15	16	17	
8 hours	5,000	4,500	4,000	3,500	3,000	2,500	2,000	1,500	1,000	
7 hours	4,375	3,875	3,375	2,875	2,375	1,875	1,375	875	375	
6 hours	3,750	3,250	2,750	2,250	1,750	1,250	750	250	0	
5 hours	3,125	2,625	2,125	1,625	1,125	625	125	0		
4 hours	2,500	2,000	1,500	1,000	500	0				
3 hours	1,875	1,375	875	375	0					
2 hours	1,250	750	250	0						
1 hours	625	125	0							

- g) **What is a “checkout room”?**
 A checkout room is a guest room that is assigned to be cleaned because of guest’s departure.
- h) **What is a “stayover room”?**
 A stayover room is a guest room that is assigned to be cleaned during a guest’s stay.
- i) **What does it mean that an employee “cannot be required to clean”?**
 This means that an employer cannot assign an employee more than the allowable maximum square footage without the employee’s voluntary consent.
- j) **May an employer ask an employee to clean additional square footage?**
 Yes. However, the employee must voluntarily consent to clean the additional amount of guest room square footage. To gain the employee’s voluntary consent, an employer must inform the employee of the amount of additional square footage available to clean prior to the employee’s agreement to clean the additional amount. If the employee consents, the employer must pay one-and-a-half times the employee’s regular rate of pay (“HEHS premium pay”) for all hours that the employee cleaned guest rooms that day.
- k) **May an employee refuse to clean additional square footage?**
 Yes. An employee has a right to refuse to clean the additional square footage.

l) When is an employee entitled to HEHS premium pay and how does an employer calculate it?

Employers must pay one-and-a-half times the employee’s regular rate of pay (“HEHS premium pay”) for all hours spent cleaning guest rooms in a day when an employee cleans over the square footage allowed by SMC 14.25.100. Employers should calculate the premium rate for hourly employees at time-and-a-half the employee’s regular rate of pay in the preceding workweek multiplied by the hours spent cleaning guest rooms that day. Where the employee is paid a single hourly rate, the “regular rate” will be that hourly rate. If the employee’s time is paid at more than one hourly rate or on some other basis, employers should look to Washington State law to inform their calculation (See [Administrative Policy ES.A.8.1](#)).

m) Are there situations where an employee isn’t entitled to HEHS premium pay if they clean more than the square footage allotted?

Yes. An employee is not entitled to HEHS premium pay when one of the following things causes the employee to exceed the maximum square footage:

- The employee requests to leave work because of an unforeseeable emergency or for an activity protected by law (e.g. sudden need to use paid sick and safe time hours);
- Operations cannot begin or continue due to threats to employees or property;
- Operations cannot begin or continue due to the recommendation of a public official;
- Operations cannot begin or continue because public utilities fail to supply electricity, water, or gas, or there is a failure to the public utilities, or sewer system; or
- Operations cannot begin or continue due to natural disaster, weather events, or events that would cause the employer to violate a law, statute, ordinance, code, administrative rule, and/or governmental executive order.

G. IMPROVING ACCESS TO MEDICAL CARE FOR LOW INCOME HOTEL EMPLOYEES

The ordinance requires that large hotel employers provide additional compensation to their low wage, full-time employees under certain circumstances. The following questions and answers outline information related to this requirement.

1. What is a large hotel employer?

A large hotel employer is one that has 100 or more guest rooms or suites of rooms that are suitable for providing lodging to the public for a fee. The determination of guest rooms is not reliant on whether those rooms are occupied or in commercial use at any given time.

2. What is a full-time employee under the HEHS ordinance?

A full-time employee is one who works **at least 80 hours in a calendar month** (approximately 20 hours/week). Determining whether an employee is a full-time employee is a month-by-month determination.

3. What is the definition of a low-wage employee?

A low-wage employee is an employee whose total monthly compensation from the employer is 400 percent or less of the monthly federal poverty line (guidelines) for the size of the employee’s household. Only the employee’s compensation is considered in this determination (not that of the employee’s household). Compensation means wages, salary, sick pay, vacation pay, holiday pay, bonuses, commissions, allowances, and in-kind compensation for work performed. An employee’s status as a low-wage employee is a month-by-month determination.

4. Where can I find the poverty guidelines?

The Department of Health and Human Services publishes the *annual* federal poverty guidelines in the Federal Register each year. You can find the newest guidelines by visiting: <https://aspe.hhs.gov/poverty-guidelines>.

Typically, the newest annual guidelines are published in January each year. The 2018 annual and monthly guidelines are listed to the right.

2018 Poverty Guidelines for the 48 Contiguous States and the District of Columbia		
Persons in household	Annual Guideline (100%)	Monthly Guideline (100%)
1	\$12,140	\$1,011.67
2	\$16,460	\$1,371.67
3	\$20,780	\$1,731.67
4	\$25,100	\$2,091.67
5	\$29,420	\$2,451.67
6	\$33,740	\$2,811.67
7	\$38,060	\$3,171.67
8	\$42,380	\$3,531.67
For households with more than 8 persons, add \$4320 for each additional person.		

5. What does it mean to make 400% or less of the federal poverty guidelines?

This means that the employee’s annual compensation is equal to or less than 4 times the annual poverty guideline for the household size. As an example, the 2018 guidelines indicate that the annual poverty guideline for a one-person family is \$12,140. If you are at 100% of the poverty guideline, your annual income is \$12,140. To determine 400% of the guideline, multiply the guideline by 4. For a one-person household, this is: \$48,560. Therefore, if you make \$48,560 or less in 2018 and you are a household of one person, you have an annual income that is 400% or less of the 2018 federal poverty guidelines. To find the *monthly* guideline, divide the annual 400% guideline by 12 and compare it to the employee’s compensation for that month.

6. Who is considered a household member for determining the household size for the poverty guideline?

Household members are: the employee, the employee’s spouse or domestic partner, and the employee’s tax dependents as defined by the Internal Revenue Code. To determine who are tax dependents under the Internal Revenue Code, visit the [Internal Revenue Service](#) website.

7. What additional compensation must be paid to low-wage employees each month?

Updated! By the 15th of the following month, a large hotel employer must pay the **greater** of:

- \$275.17* or
- The difference between the monthly premium for the lowest-cost, gold-level policy available on the Washington Health Benefit Exchange that would provide coverage to the employee and the employee’s spouse/domestic partner and dependent children

Note: The questions and answers in this document are not a substitute for laws and regulations and do not constitute legal advice. Businesses are responsible for complying with all legal requirements.

and 7.5% of the amount by which the employee's compensation for the previous calendar month exceeds 100% of the federal poverty guideline.

** The ordinance references "\$200, adjusted for inflation." The \$275.17 figure is the adjusted figure for 2018. The Office of Labor Standards will announce the 2019 figure by January 1, 2019.*

8. When must the additional compensation be paid to the employee?

The additional compensation must be paid no later than the 15th of each calendar month for the additional compensation owed for the previous month. For example, additional compensation for the month of April must be paid by the 15th of May.

9. Where can I find out the cost of the lowest-cost, gold-level policy on the Washington Health Benefit Exchange ("Exchange")?

Determining the Exchange policy that is the lowest-cost, gold-level policy is an employee specific inquiry that requires information about the employee and their spouse/domestic partner and dependent children (if applicable). The following information is required:

- Birth dates
- Sexes/Genders
- Smoking statuses
- Zip code where they reside

Once this information is gathered, visit the "[Shop for Plans](#)" page of the Exchange website. Use the information to complete the form. Do not fill out the box that requests household income as this is not used to determine the cost of the lowest-cost, gold-level plan. The results of this search will provide all plans that would provide coverage to the employee and their spouse/domestic partner and dependent children (if they have a spouse and/or dependent children).

To filter for "gold-level" plans, select "Gold" under the "Metal Level" on the left-hand side of the screen and select "Update." This will remove all the non-gold-level plans from the list. Then, select the lowest-cost, gold-level policy.

Alternatively, you can look to the [Office of Insurance Commissioner rate approval filings](#) to find the lowest-cost, gold-level plans.

10. How does an employer find out the information needed to determine if an employee is low-wage and for which lowest-cost gold level plan they qualify?

The ordinance does not provide a specific process by which an employer would determine this information. In the City of Seattle, inquiring about ones' family status and age during the hiring process and in some other contexts may amount to discrimination under Seattle Municipal Code 14.04. As a result, it is important that the employer provide the employee with enough information about why the inquiry is being made and how the information will be used and to inquire only after an employee has been hired.

For example, after an employee is hired, an employer may choose to provide a form to the employee that states: “Seattle Municipal Code 14.25 provides that you may be entitled to additional compensation reflective of the cost of medical coverage if you are a low-wage earner. To determine if you qualify and, if you do, how much you qualify to receive, please tell us how about your household members, their genders, their ages, whether they are a smoker, and the zip code where you live. Household members include your spouse or domestic partner, and tax dependents as defined by the Internal Revenue Code. If you do not provide this information, we will assume that your household consists of only you and that you are a non-smoker. This information will only be used for the purposes of determining if you qualify for additional compensation.”

11. What should an employer do if an employee refuses to provide the necessary information to determine household size or the lowest cost gold-level plan on the Exchange?

An employer must make reasonable efforts to obtain the information necessary to comply with the ordinance. Some information may be found in records that are already available, and the employer can look to this information to fill in some of the missing items. However, some information (household demographics, smoking status, for instance) may not be readily available without an employee voluntarily providing it. If an employee refuses to provide it, the default is that the employee is a household of one and is a non-smoker. An employer should consider retaining documentation of the employee’s refusal in case a dispute arises.

12. How do I determine the inflation change this year?

Updated! The inflation change is calculated using the “year-over-year” cost increase of the lowest-cost, gold-level policy available on the Exchange. The Office of Labor Standards computes and announces this amount by January 1st of each year. The adjusted amount for 2018 is: \$275.17.

13. How do I compute the calculation to determine what amount is owed that month?

Updated! To compute the calculation, follow the seven steps below.

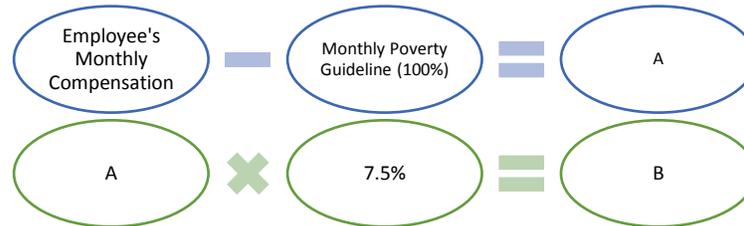
Step 1: Gather information about the household: ages, genders, and smoking status of all household members, and zip code where the employee lives.

Step 2: Using information from Step 1, determine the lowest-cost, gold-level Exchange policy by following the steps outlined in question #9 above.

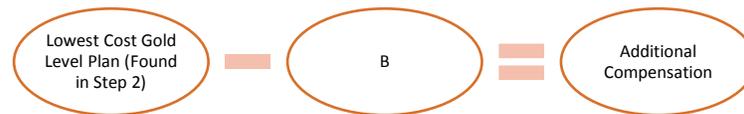
Step 3: Determine the employee’s compensation for the month. Compensation means wages, salary, sick pay, vacation pay, holiday pay, bonuses, commissions, allowances, and in-kind compensation for work performed. Do not include additional compensation for medical care that was paid to the employee.

Step 4: Determine the monthly 100% poverty line for the employee (you'll need the household size and the poverty guideline chart listed in question #4 above.)

Step 5: Subtract the monthly poverty guideline from the employee's compensation for that month. Then, multiply this amount by 7.5%. If A is a negative number, A equals 0.



Step 6: Subtract the amount in #5 (Amount B) from the cost of the lowest-cost, gold-level plan (found in Step 2).



Step 7: Compare the amount in Step 6 to the adjusted inflation amount for the current year. In 2018, the adjusted amount is: \$275.17. The employee is owed the higher amount.

14. Are there any exceptions to providing additional compensation?

Yes. A large hotel is not required to provide the additional compensation if the employee enrolls in an employer-sponsored (offered) health insurance policy that:

- Is at least equal to a gold-level policy on the Washington Health Benefit Exchange; and
- The monthly premium costs the employee no more than 5% of the employee's monthly, gross taxable earnings from the hotel employer to cover themselves and any enrolled household member.

15. Is the 5% premium cost inclusive of costs for dental or vision plans?

No. The ordinance requirement is related to health and hospitalization coverage, which is typically different than (separate from) dental or vision plans.

16. How do I determine if the coverage is "at least equal" to a gold-level policy on the Washington Health Benefit Exchange?

Health and hospitalization coverage at least equal to a gold-level policy on the Washington Health Benefit Exchange is one that meets the requirements of a Gold Level Plan as set forth in Section 1302 of the Affordable Care Act (42 U.S.C. § 18022). Please contact your insurance company/broker for questions about whether your policy meets this requirement.

17. What if there is more than one covered employee in the same household? Is each employee entitled to additional compensation?

Yes. Each covered employee is entitled to additional compensation. However, if a household has two or more employees who qualify, their combined coverage cannot exceed the total cost of coverage for the household under the least-expensive gold policy offered on the Washington Health Benefit Exchange.

If a household includes two or more employees who qualify for additional compensation and work for two different hotel employers, the hotel employers may coordinate payment of the additional compensation so that their combined payments do not exceed the total cost of the household's coverage for the least-expensive gold policy offered by the Washington Health Benefit Exchange.

H. PREVENTING DISRUPTIONS IN THE HOTEL INDUSTRY

The ordinance requires hotel employers to take certain steps to protect the job security of covered employees during and after a change in hotel ownership. The following questions and answers provide additional details related to the obligations to retain employees after a hotel changes ownership.

1. When a hotel changes ownership, what does the ordinance require of the outgoing hotel employer?

First, the outgoing hotel employer must post a written notice of the change in control at the affected hotel within five business days following the execution of the transfer document. The notice must be in a conspicuous location that can be viewed by affected employees and applicants for employment. The incoming hotel owner must keep this notice posted for at least six months after the hotel is open to the public under the incoming (new) hotel employer.

Second, an outgoing hotel employer must create a "preferential hiring list" to provide to the new hotel employer within 15 days of the date the transfer of ownership is executed.

2. What employee names are placed on the preferential hiring list?

The names of all "retention hotel workers" must be included on the preferential hiring list along with their address, hire date, and their occupational classification.

3. Who is a retention hotel worker?

A retention hotel worker is an employee who worked for the outgoing hotel employer for at least one month prior to the change in ownership and whose primary place of employment was at the hotel whose ownership was subject to change.

4. What are the new hotel employer's obligations to the employees on the preferential hiring list ("the list")?

The new hotel employer must:

- Hire from the list for at least six months after the hotel is open to the public;
- Make written offers of employment to employees on the list;

- Allow the employee ten days to accept the offer;
- Have just cause to discharge an employee if within the first 90 days of employment;
- If the new employer requires fewer workers than were required by the outgoing employer, the employer may lay off a retained worker by seniority within job classifications;
- Provide a written performance evaluation to the employee after the first 90 days of employment;
- Consider retaining the employee after the first 90 days of employment; and
- The new hotel employer must also keep the notice of change in ownership posted for six months after the hotel was opened to the public under the new ownership.

5. Must a new hotel employer hire from the preferential hiring list? If so, for how long?

Yes. The incoming employer must hire from the preferential hiring list before hiring employees not on the list for at least six months after the hotel is open to the public.

6. What if the hotel determines that they need fewer employees than are on the preferential hiring list?

If this occurs, the new hotel employer must retain retention hotel employees by seniority within each job classifications to the extent that comparable job classifications exist.

7. What are the requirements related to offering a job to the retention hotel worker?

The job offer must be in writing and held open for ten business days. If the employee accepts, the hotel employer must retain the employee for 90 days following their start date. During this 90-day period, the employee can only be fired for just cause and can only be laid off by seniority within their classification (to the extent comparable job classifications exist) if the hotel employer finds that it requires fewer employees than was employed by the outgoing hotel employer. The employer must keep records of the offers for three years from the offer date.

8. What is just cause to be fired?

To be fired for just cause as referenced in SMC 14.25.140(F) requires that a fair and objective investigation produced evidence that the employee violated a reasonable and consistently applied workplace standard of which the employee knew or reasonably should have known, and that discharge was reasonably related to the seriousness of the employee's conduct and was the consistently applied punishment for a violation of that workplace standard.

9. Of what does the performance evaluation consist?

The new employer must provide the employee with a written performance evaluation at the end of the first 90 days of employment with the new employer. The evaluation should address whether the employee's performance was satisfactory. Employers are encouraged to provide an explanation of the rating. The employer must retain a record of the evaluation for three years. The employer is not required to retain the employee beyond the employee's first 90 days but is required to consider doing so.

10. How does an employee or applicant find out that a hotel is undergoing (or has undergone) a change in ownership?

The outgoing hotel employer must post a written notice of the change in control at the affected hotel within five business days following the execution of the transfer document. The hotel employer must post it in a conspicuous location that can be viewed by affected employees and applicants for employment. The incoming hotel owner must maintain this notice for at least six months after the hotel is open to the public under the incoming hotel employer.

I. EMPLOYER RECORDKEEPING

The ordinance requires employers to maintain certain types of records for three to five years. The following questions and answers provide details about these recordkeeping requirements. Please click on this link to view our [Employer Guide to Recordkeeping](#). This document outlines the recordkeeping requirements for all of the labor standards ordinances administered by the Office of Labor Standards.

1. What records must an employer maintain?

The following records must be kept for three years for each current and former employee, by name:

- For all employees at all covered hotels (60+ guest rooms): each employee’s regular rate of pay for each workweek of employment;
- For employees who perform housekeeping services at large hotels (100+ guest rooms): daily totals for square footage of guest rooms that the employee cleaned, the number of strenuous room cleanings performed, the number of hours worked, and the employee’s gross pay for that date; and
- For full-time, low-wage employees at large hotels (100+ guest rooms): the amount of additional wages/salary paid to the employee as required by SMC 14.25.120(A).

The following records must be maintained for five years:

- Records regarding accusations by a hotel employee that a hotel guest has committed an act of violence.

The following records must be maintained for three years after a hotel undergoes a change in ownership:

- A copy of the preferential hiring list of retention hotel employees;
- Verification of written offers of employment made to hotel employees on the preferential hiring list; including, the name, address, date of hire, and employment occupation classification of each retention hotel employee; and
- Copies of the ninety-day performance evaluations required by [SMC 14.25.140\(G\)](#).

2. What other documents might be helpful for an employer to keep (but aren’t required)?

Employers may consider keeping the following records:

- Documentation that an employee has consented to clean more than the ordinance’s square footage maximums
- Documentation about calculations made for additional compensation

- Documentation related to an employee’s household size, composition, if produced
- Copies of written notice of employee’s rights that is required by [SMC 14.25.150\(B\)\(1\)](#)
- Copies of public posting(s) about ownership changes as required by [SMC 14.25.140\(H\)](#)

3. May an employee request to view and copy records?

An employer must make the following documentation about current and former employees available to their employees:

- For all employees at all covered hotels (60+ guest rooms): each employee’s regular rate of pay for each workweek of employment
- For employees who perform housekeeping services at large hotels (100+ guest rooms): daily totals for square footage of guest rooms that the employee cleaned, the number of strenuous room cleanings performed, the number of hours worked, and the employee’s gross pay for that date
- For full-time, low-wage employees at large hotels (100+ guest rooms): the amount of additional wages/salary paid to the employee as required by [SMC 14.25.120\(A\)](#)

J. NOTICE OF EMPLOYEE RIGHTS

The ordinance requires employers to provide employees with a notice about their rights under the ordinance. This notice must be provided to new and current employees in English and in any primary language spoken by ten or more employees.

1. Does the ordinance require employers to provide employees information about their rights?

Yes. Employers are required to provide a notice of employee rights to each current and newly hired employee in English and any language spoken by 10 or more employees. A model notice is located [here](#).

2. What information must be included in the notice?

Employers must provide the following information in substantial part:

Rights related to protection from violent assault and sexual harassment

- The right to be provided with a panic button if assigned to work alone in a guest room;
- The right to report guest violence, including assault, sexual assault, and sexual harassment;
- The right to request and receive reassignment after reporting guest violence;
- The right to paid time off from work to file a police report, to give a police statement, and to consult with a counselor or advisor after experiencing guest violence; and
- The right to be informed that a guest has been accused of an act of violence if assigned to work in the guest’s room alone.

Rights related to protection from injury

- The right to be provided with and use safety devices and to use work practices that make the workplace safe as required under state law; and

- The right to be protected from the hazards of exposure to chemical agents and to be provided information on hazardous chemicals in their work areas as required under state law.

Rights related to protections for employees who perform housekeeping services

- The right to not be required to clean more than 5,000 square feet of guest rooms in an 8-hour day; and
- The right to receive 1.5 times the regular rate of pay for all hours spent cleaning guest rooms that day if the employee cleans more than the 5,000 square feet.

Rights related to improving access to medical care for low wage hotel employees of a large hotel employer

- The right to additional compensation to cover the costs of health insurance unless the employee pays 5% or less of their gross taxable earnings towards an employer-offered, gold-level insurance policy.

Rights for retention hotel employees when a hotel changes ownership

- The right to be offered employment with the new employer before the employer hires non-retention employees for the six-month period following the opening of the hotel under new ownership;
- If offered employment with the new employer, the right to receive a written offer and have at least 10 business days to accept the offer;
- If retained, the right to only be fired for just cause during the first 90 days of employment with the new employer;
- If retained, the right to be laid off by seniority within job classification if, during the first 90 days of employment, the new employer determines fewer employees are required than the outgoing employer; and
- The right to a written performance evaluation at the end of the first 90 days of employment with the new employer.

Rights against retaliation and right to bring a lawsuit

- The right to be protected from retaliation for exercising in good faith the rights protected by the ordinance; and
- The right to bring a lawsuit for violation of the ordinance.

K. PROTECTION FROM RETALIATION

The following section addresses the ordinance’s protections against retaliation.

1. Does the ordinance prohibit retaliation?

Yes. Retaliation is illegal. Employers cannot take an adverse action or discriminate against employees who assert their rights. These rights include (but are not limited to):

- Requesting a panic button;
- Reporting a violent assault, sexual assault, or harassment on the job;
- Inquiring about additional compensation owed for additional cleaning;

- Not consenting to clean more than the protected square footage of guest rooms;
- Speaking with the Office of Labor Standards about questions about the ordinance;
- Participating in an investigation of failure to pay additional compensation; or
- Informing other employees about their rights under the ordinance.

2. What is an adverse employment action?

Adverse employment actions include being fired, denied a promotion or job, demoted, or failure to hire the employee after a seasonal interruption of employment. It can also include threats to report someone to immigration, to change their status to a nonemployee, or to file a false report with a government agency. Adverse actions are also those that are discriminatory or that are likely to deter someone from engaging in protected activity.

L. ENFORCEMENT

The following section addresses enforcement of the ordinance, and where employers and employees may seek additional information or technical assistance.

1. How is this ordinance enforced?

This ordinance is primarily enforced through a private right of action. A person who has been harmed by a violation of this ordinance may file a lawsuit in court to enforce their rights. The ordinance provides limited authority to the Office of Labor Standards (OLS) to investigate and resolve violations. OLS may investigate failures to pay additional compensation owed under SMC 14.25.100 (Protections for Housekeeping Services Employees) and SMC 14.25.120 (Additional Compensation for Health Insurance Costs) under Seattle’s Wage Theft Ordinance, SMC 14.20.

2. I’m an employer. How do I contact the Office of Labor Standards to ask a question about the ordinance that is not answered in this document?

Employers can call 206-256-5297, submit an [online inquiry](#), or email business.laborstandards@seattle.gov.

OLS does **not** share information about employer questions with our Enforcement Team. Phone conversations and email conversations with employers are kept separate from the investigative process. OLS does not provide legal advice but provides technical assistance/information about compliance with Seattle’s labor standards.

3. I’m an employee. How do I contact the Office of Labor Standards to file a complaint about possible wage theft?

Employees can call 206-256-5297, submit an [online inquiry](#), or email workers.laborstandards@seattle.gov.

Upon request, and to the extent permitted by law, OLS protects the identifying information (e.g. name, job title) of employees who report violations and witnesses who provide information

during investigations, and who have requested non-disclosure at the time of the complaint. OLS may need to release names of employees who are owed payment because of an investigation.

M. WAIVER

The ordinance provides for a limited collective bargaining agreement waiver of some rights granted under the ordinance. The following outlines the details of what is permissible.

1. Can individual employees waive their rights to protections under HEHS?

No. Individual employees cannot waive their rights under the ordinance. Employees who are part of a bona fide collective bargaining agreement can waive certain rights under the ordinance.

2. Can a party to a collective bargaining agreement waive HEHS requirements as part of the collective bargaining process?

Employees covered by a bona fide collective bargaining agreement may waive the protections covered by the following sections:

SMC 14.25.070-100 Protecting Hotel Employees from Injury

SMC 14.25.110-120 Improving Access to Medical Care for Low Income Hotel Employees

SMC 14.25.130-140 Preventing Disruptions in the Hotel industry

Any waiver of the above sections must be waived in clear and unambiguous terms by referencing the ordinance by name and citation (the Hotel Employees Health and Safety Initiative, Seattle Municipal Code 14.25) and referencing the specific provision or provisions that are being waived by the collective bargaining agreement.

Important Note: SMC 14.25.070-14.25.090 mirror the requirements of the Washington State Industrial Safety and Health Act (WISHA). Although you may waive these requirements under Seattle's Hotel Employees Health & Safety Initiative, the Washington Industrial Health and Safety Act has its own requirements and rules regarding individual and collective bargaining agreement waivers. For more information about WISHA obligations, please visit the [Department of Labor & Industries WISHA Website](#).