

## **SUMMARY and FISCAL NOTE\***

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|--------------------|-----------------------------------------|---------------------------|
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*\* Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.*

### **1. BILL SUMMARY**

**Legislation Title:** AN ORDINANCE relating to employment in Seattle; requiring certain employers to limit room cleaning workloads for certain employees; adding a new Chapter 14.27 to the Seattle Municipal Code (SMC); and amending Sections 3.15.000 and 6.208.020 of the SMC.

**Summary and background of the Legislation:** This legislation requires employers to provide hourly employees working in large hotels with safety protections to reduce the frequency and occurrence of injuries associated with room cleaning. Covered employers include those who own, operate and/or control a large hotel with 100 or more rooms; or contractors of any size who provide services at a large hotel. Key protections include:

1. Maximum floor space for room cleanings
  - a. Maximum floor space means 5,000 square feet of guest room floor space.
  - b. Employers must not require employees to perform room cleanings totaling more than the maximum floor space in a workday that is eight hours or longer.
  - c. Employees may opt out of team cleaning; if an employee does not opt out of team cleaning, then the maximum floor space for room cleaning is calculated by splitting the square footage of any guest rooms assigned as team cleans equally among the number of assigned housecleaners.
  - d. Employers must reduce the maximum floor space when an employee performs ten or more strenuous room cleanings in a workday.
2. Right to refuse room cleanings that exceed the maximum floor space
  - a. Employees have the right to refuse an employer's request to perform room cleanings that exceed the maximum floor space.
3. Higher pay rates for room cleanings that exceed the maximum floor space
  - a. Employees who request or consent to perform room cleanings that exceed the maximum floor space must be paid at a higher rate.
  - b. Employers must pay employees at least one-and-one-half times the employee's normal hourly rate of pay for all the time the employee performs room cleanings during that workday, subject to certain exceptions.
4. Collective bargaining agreement waiver
  - a. Employees covered by a bona fide collective bargaining agreement may agree to a waive legislative requirements if the agreement is ratified by the employees and has alternative safeguards that meet the public policy goals of the legislation.

This legislation also provides a private right of action and authorizes the Office of Labor Standards to coordinate implementation and enforcement.

As background, this legislation establishes protections to employees similar to those included in the Hotel Employees Health and Safety Initiative (Initiative 124). Initiative 124 was passed by voters on November 6, 2016; added to the Seattle Municipal Code as [Section 14.25](#); and became effective on November 30, 2016.

Subsequent to Initiative 124's passage, various hotel associations filed an action in state court challenging its validity. The King County Superior Court upheld the initiative. However, on December 24, 2018, Division I of the Washington State Court of Appeals invalidated the initiative in its entirety based on its conclusion that the initiative contained multiple, unrelated subjects. The City Attorney's Office filed a petition for review in the Washington State Supreme Court. The Supreme Court has decided to take up a review, and oral argument has been scheduled for September 17, 2019. At least until resolution of the Supreme Court proceedings, the provisions of Initiative 124 are effectively on hold.

The provisions in this legislation become effective on January 1, 2020.

## 2. CAPITAL IMPROVEMENT PROGRAM

Does this legislation create, fund, or amend a CIP Project? ☐ Yes ☒ No

## 3. SUMMARY OF FINANCIAL IMPLICATIONS

**Does the legislation have other financial impacts to the City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?**

Yes. This legislation establishes an implementation and enforcement role for the Office of Labor Standards and an appeal role for the Hearing Examiner. Additional resources to support these activities may need to be considered in the Mayor's 2020 Proposed Budget and future budget deliberations.

**Is there financial cost or other impacts of *not* implementing the legislation?**

There are no financial costs to the City of not implementing the legislation. However, not implementing this legislation could have a significant impact on hotel workers who will not have access to critical safety protections that reduce the frequency and occurrence of injuries associated with room cleaning.

#### 4. OTHER IMPLICATIONS

**a. Does this legislation affect any departments besides the originating department?**

Yes. The Office of Labor Standards will implement and enforce this legislation. The Hearing Examiner will conduct hearings on appeals from employers. There also may be an undetermined number of legal referrals to the City Attorney.

**b. Is a public hearing required for this legislation?**

No.

**c. Does this legislation require landlords or sellers of real property to provide information regarding the property to a buyer or tenant?**

No.

**d. Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**

No.

**e. Does this legislation affect a piece of property?**

No.

**f. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? What is the Language Access plan for any communications to the public?**

This legislation supports the City's commitment to eliminate racial disparities and achieve racial equity in Seattle by establishing workplace protections that particularly focus on issues experienced by vulnerable or historically disadvantaged workers. According to the federal Bureau of Labor Statistics, people of color, women, and immigrants and refugees represent a disproportionate portion of the hotel industry who would not otherwise have access in Seattle to the minimum requirements and protections of this legislation.

Regarding language access, this legislation requires the Office of Labor Standards to create and make available a poster with notice of employee rights in English, Spanish and other languages; employers must then display this poster in the employee's primary language in a conspicuous and accessible place at the jobsite. The Office of Labor Standards is well positioned to implement this requirement and translate other informational materials. The office currently uses a two-step translation process that involves professional services and community review to translate posters into more than 18 languages; templates and general outreach into Seattle's top tier languages; and press releases into Spanish and Chinese. The

office also contracts with community and business organizations for outreach that include interpretation and translation services.

- g. If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program's desired goal(s).**

Outreach and enforcement will be key to effectiveness of this legislation. The Office of Labor Standards would be expected to publicly share information on these efforts on an [on-line, quarterly dashboard](#). The same metrics publicized for other local labor standards should apply here (e.g., number of inquiries, number of investigations, amount of remedies). With or without this legislation, the Office of Labor Standards also will continue to contract with community and business organizations to conduct measurable outreach and education efforts on worker rights and employer responsibilities.