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REPORT NO. **R 22 - 0216**
JUN 13 2022

REPORT RE:

**DRAFT ORDINANCES AND BALLOT RESOLUTIONS RELATED TO A CERTIFIED
INITIATIVE PETITION REGARDING WORKPLACE SECURITY, WORKLOAD,
WAGE, AND RETENTION MEASURES FOR HOTEL WORKERS**

The Honorable City Council
of the City of Los Angeles
Room 395, City Hall
200 North Spring Street
Los Angeles, California 90012

Council File No. 22-1100-S3

Honorable Members:

The City Clerk has presented the City Council with a certified initiative petition in support of a proposed ordinance regarding workplace security, workload, wage, and retention measures for hotel workers. The City Charter requires Council to take certain actions upon presentation of a certified initiative petition. This report summarizes the background of the initiative petition, the provisions of the proposed ordinance, and Council's options under the Charter. Accompanying this report are draft ordinances and ballot resolutions to facilitate Council action on the initiative petition.

Background

On May 2, 2022, a group of proponents submitted an initiative petition to the City Clerk containing voter signatures in support of a proposed ordinance regarding workplace security, workload, wage, and retention measures for hotel workers. On May 19, 2022, the City Clerk completed its preliminary review of the initiative petition and

accepted it for processing. The City Clerk thereafter examined the voter signatures contained on the petition using the random sampling method authorized in the City Election Code and in accordance with Charter Section 451. The City Clerk has now completed that examination and has determined that the initiative petition contains a sufficient number of valid voter signatures to qualify for presentation to the City Council. The City Clerk certified the petition as sufficient on June 3, 2022, and presented the certified petition to Council on June 6, 2022.

Summary of the Proposed Ordinance

The ordinance proposed by the initiative petition would require hotels to supply workers with personal security devices and to afford certain protections to workers reporting violent or threatening conduct by hotel guests. The ordinance also would require hotels with 45 rooms or more to pay wage premiums when assigning workloads exceeding specified limits and to obtain written consent from workers who work more than 10 hours in a workday. Hotels demonstrating economic hardship would be able to obtain waivers from the above requirements. The ordinance would also expand the definition of "Hotel" in certain existing City ordinances to include transient occupancy residential structures and it would expand the scope of those ordinances regarding hotel workers: current worker retention rules for airport-area hotels would extend to hotels throughout the City with 50 or more rooms; and current minimum wage requirements for hotels with 150 or more rooms would extend to hotels with 60 or more rooms.

More specifically, the proposed ordinance would amend the Los Angeles Municipal Code to incorporate the following elements:

1. All hotels, as defined in the ordinance, would be required to:
 - a. Provide workers with personal security devices that provide direct contact between workers and hotel security guards or managers; and
 - b. Afford certain protections to workers who report violent or threatening conduct by hotel guests.
2. Hotels with 45 rooms or more would be required to:
 - a. Impose maximum workload requirements and pay wage premiums of twice the workers' regular rate of pay for each hour worked in the workday when workers clean more than the specified square footage in that workday;
 - b. Obtain written consent from workers who work more than 10 hours in a workday;

- c. Not implement any program or policy whereby guest rooms are not cleaned and sanitized after each night they are occupied; and
 - d. Maintain and make records available to workers showing, among other things, workers' rate of pay, square footage of rooms cleaned each workday, overtime hours, and written consents.
- 3. Hotels would be allowed to apply for a one year waiver based on economic hardship from the above requirements from the Office of Wage Standards of the Bureau of Contract Administration. The Office of Wage Standards would also be tasked with adopting administrative regulations implementing the article.
- 4. Hotels would be able to obtain a waiver of the requirements of Section 2, above, pursuant to a collective bargaining agreement.
- 5. The proposed ordinance would allow enforcement of the above provisions through a civil action by the City or any aggrieved person for actual damages and statutory damages of \$100 per aggrieved person per day.
- 6. The proposed ordinance would also amend the City's existing Hotel Worker Retention Ordinance (LAMC Section 183.00 et seq.) and Hotel Worker Minimum Wage Ordinance (LAMC Section 186.00 et seq.) to:
 - a. Expand the scope of the definition of "Hotel" in these ordinances to include "transient occupancy residential structure[s]" and "dwelling units that may be rented for periods of 30 days or fewer."
 - b. Expand the scope of the existing worker retention rules for airport-area hotels in the Hotel Worker Retention Ordinance to apply to all hotels throughout the City with 50 or more rooms.
 - c. Expand the definition of "change in control," in the Hotel Worker Retention Ordinance to include "any other event or sequence of events (including a purchase, sale, lease, or termination of a management contractor or lease) that causes the identity of the Incumbent Hotel Employer at a Hotel to Change."
 - d. Expand the scope of the existing minimum wage, compensated time off, uncompensated time off, and service charge requirements in the Hotel Worker Minimum Wage Ordinance for hotels with 150 or more rooms to apply to all hotels in the City with 60 or more rooms.

Council Options

Charter Section 452 provides that, when a valid and certified initiative petition requesting adoption of a proposed ordinance is presented to the City Council, the City Council must take one of the following actions:

- (i) Adopt the proposed ordinance;
- (ii) Submit the proposed ordinance to a vote of the electors of the City at a special stand-alone election held no earlier than 110 days but no later than 140 days after the Council acts; or
- (iii) Submit the proposed ordinance to a vote of the electors of the City at either the next City election or the next Statewide election occurring more than 110 days from the date of Council action (i.e., the City's General Municipal Election held on November 8, 2022).

Charter Section 452 provides that Council must take one of these actions within 20 days after the presentation of a valid certified petition. For this initiative, that deadline is June 27.

Should the Council wish to adopt the proposed ordinance, we have attached the ordinance proposed in the initiative. (See Option 1 Attachment.) Should the Council wish to submit the proposed ordinance to the voters, we have attached an election ordinance and ballot resolutions to place the measure on the ballot at the City's General Municipal Election, consolidated with the State General Election, on November 8, 2022. (See Option 2 Attachments.)¹ The election ordinance and resolutions include a ballot title for the measure, which must be 75 words or less.

¹ Please note that we have not transmitted documents for a special stand-alone election because the option of holding an election on the proposed ordinance during the relevant time frame can be accomplished by placing the measure on the ballot at the City's General Municipal Election already scheduled for November 8, 2022.

If you have any questions regarding this matter, please contact Deputy City Attorney Dania Minassian or Deputy City Attorney Harit Trivedi at (213) 978-7100. A member of this Office will be available when you consider this matter to answer questions you may have.

Sincerely,

MICHAEL N. FEUER, City Attorney

By

A handwritten signature in black ink, appearing to read "D. Michaelson", written over a horizontal line.

DAVID MICHAELSON
Chief Assistant City Attorney

DM:HT:cl
Transmittal