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HOUSE BILL 305

**53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018**

INTRODUCED BY

Elizabeth "Liz" Thomson and Javier Martínez

AN ACT

RELATING TO OCCUPATIONAL SAFETY; REQUIRING HOTEL EMPLOYERS TO PROVIDE EMPLOYEES WHO WORK ALONE IN GUEST ROOMS WITH PANIC BUTTONS TO PROTECT FROM VIOLENCE OR SEXUAL HARASSMENT; REQUIRING RECORDKEEPING; ESTABLISHING RIGHTS AND RESPONSIBILITIES; PROVIDING A CIVIL PENALTY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 50-9-1 NMSA 1978 (being Laws 1972, Chapter 63, Section 1, as amended) is amended to read:

"50-9-1. SHORT TITLE.--~~[Sections 50-9-1 through 50-9-25]~~  
Chapter 50, Article 9 NMSA 1978 may be cited as the "Occupational Health and Safety Act"."

SECTION 2. A new section of the Occupational Health and Safety Act is enacted to read:

"[NEW MATERIAL] HOTEL EMPLOYEE SAFETY--CIVIL PENALTY.--

underscoring material = new  
~~[bracketed material] = delete~~

1           A. A hotel employer shall:

2                   (1) provide an employee working alone in a  
3 guest room with a panic button free of charge. An employee may  
4 use the panic button and cease work if the employee reasonably  
5 believes that there is an act of violence, sexual harassment or  
6 other emergency happening in the employee's presence;

7                   (2) keep a record of any accusations that the  
8 hotel employer receives indicating that a guest has committed  
9 an act of violence or sexual harassment toward an employee.  
10 The hotel employer shall compile and maintain a list of all  
11 guests accused of violent or harassing conduct and retain any  
12 written documents related to the accusations for a period of  
13 five years from the date of the first accusation;

14                   (3) decline service for a period of three  
15 years to any guest on the list required to be maintained by  
16 Paragraph (2) of this subsection if the accusation against the  
17 guest is supported by a statement made under penalty of perjury  
18 or other evidence;

19                   (4) notify an employee assigned to work alone  
20 in guest rooms, prior to the employee starting work, of any  
21 guest on the list required to be maintained by Paragraph (2) of  
22 this subsection who is staying at the hotel and warn the  
23 employee to exercise caution when entering the guest's room;

24                   (5) with the employee's consent, report an  
25 incident of violence or sexual harassment to the police and

1 cooperate with an investigation; and

2 (6) post a notice on the back of each guest  
3 room door with the heading: "The Law Protects Hotel Employees  
4 from Assault and Sexual Harassment". The notice shall be  
5 printed in at least eighteen-point font and state that panic  
6 buttons are provided to hotel employees assigned to work alone  
7 in guest rooms, including housekeepers, room servers and other  
8 employees.

9 B. An employee who informs a hotel employer of an  
10 act of violence or sexual harassment by a guest shall:

11 (1) upon request, receive a transfer to a  
12 different floor or work area for the duration of the guest's  
13 stay at the hotel; and

14 (2) receive paid time off to contact the  
15 police, provide a police statement or contact a counselor or  
16 attorney of the employee's choosing.

17 C. For the purposes of this section:

18 (1) "employee" means an individual who, in any  
19 particular work week, performs at least two hours of work for a  
20 hotel employer and is not employed in a managerial or  
21 supervisory role;

22 (2) "hotel employer" means a person who  
23 directly or indirectly, including through the services of a  
24 temporary staffing service or agency, employs or exercises  
25 control over the wages, hours or working conditions of a hotel

underscoring material = new  
~~[bracketed material] = delete~~

1 employee at a hotel, motel, bed and breakfast inn or similar  
2 transient lodging establishment; and

3 (3) "panic button" means an emergency contact  
4 device that can be used to summon immediate on-scene assistance  
5 from an employee, security personnel or a representative of a  
6 hotel employer.

7 D. In lieu of any penalty provided by Section  
8 50-9-24 NMSA 1978, a hotel employer that violates this section  
9 shall be subject to a civil penalty not to exceed five hundred  
10 dollars (\$500) for each day that the violation continues."

11 SECTION 3. EFFECTIVE DATE.--The effective date of the  
12 provisions of this act is July 1, 2018.