

HOUSE BILL 139

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

Elizabeth "Liz" Thomson

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; HCPAC → ~~REQUIRING RECORDKEEPING;~~ ← HCPAC 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.--

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

25 HCPAC → ~~(5)~~ (2) ←HCPAC with the employee's

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1 consent, report an incident of violence or sexual harassment to
2 the police and cooperate with an investigation; and

3 HCPAC→(6) (3)←HCPAC post a notice on the back
4 of each guest room door that:

5 (a) includes the heading: "The Law
6 Protects Hotel Employees from Assault and Sexual Harassment";

7 (b) is printed in at least eighteen-
8 point font; and

9 (c) states that panic buttons are
10 provided to hotel employees assigned to work alone in guest
11 rooms, including housekeepers, room servers and other
12 employees.

13 B. An employee who informs a hotel employer of an
14 act of violence or sexual harassment by a guest shall

15 HCPAC→:←HCPAC

16 HCPAC→(1)←~~upon request, receive a transfer to~~
17 ~~a different floor or work area for the duration of the guest's~~
18 ~~stay at the hotel; and~~←HCPAC

19 HCPAC→(2)←HCPAC receive paid time off to
20 HCPAC→contact alert←HCPAC the police, provide a police
21 statement or HCPAC→contact←HCPAC HCPAC→initiate contact
22 with←HCPAC a counselor or attorney of the employee's choosing.

23 C. For the purposes of this section:

24 (1) "employee" means an individual who, in any
25 particular work week, performs at least two hours of work for a

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1 hotel employer and is not employed in a managerial or
2 supervisory role;

3 (2) "hotel employer" means a person who
4 HCPAC→controls and operates a hotel, motel, bed and breakfast,
5 inn or similar transient lodging establishment in the state
6 and, ←HCPAC directly or indirectly, including through the
7 services of a temporary staffing service or agency, employs or
8 exercises control over the wages, hours or working conditions
9 of a hotel employee at a hotel, motel, bed and breakfast inn or
10 similar transient lodging establishment; and

11 (3) "panic button" means an emergency contact
12 device HCPAC→, appropriate for the size and layout of the
13 establishment, ←HCPAC that can be used to summon immediate on-
14 scene assistance from an employee, security personnel or a
15 representative of a hotel employer.

16 D. In lieu of any penalty provided by Section
17 50-9-24 NMSA 1978, a hotel employer that violates this section
18 shall be HCPAC→notified of the violation. If a violation is
19 not corrected within fifteen days from the date the
20 notification was made, the hotel employer shall be ←HCPAC
21 subject to a civil penalty not to exceed HCPAC→~~five hundred~~
22 ~~dollars (\$500)~~ ←HCPAC HCPAC→fifty dollars (\$50.00) ←HCPAC for
23 each day that the violation continues."

24 SECTION 3. EFFECTIVE DATE.--The effective date of the
25 provisions of this act is HCPAC→~~July 1, 2019~~ January 1, 2020

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