

# West Hollywood Passes Ordinance Expanding Hotel Worker Protection

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Last week, the City of West Hollywood approved [an expansive hotel worker protection ordinance](#). The ordinance seeks to protect the safety and security of hotel workers and improve their working conditions. The following is a summary of the ordinance's five key elements.

## **1. Personal Security Devices**

Similar to [an ordinance passed in 2020 by Sacramento](#), West Hollywood will require hotel employers to provide personal security devices (i.e., panic buttons) to all hotel workers assigned to work in guest rooms or restroom facilities where other hotel workers are not present. Hotel employers shall also assign a security guard, manager, or supervisory hotel staff member to provide immediate on-scene assistance in response to the activation of a personal security device.

In addition, hotel employers must also provide training to workers regarding the following:

- How to use and maintain personal security devices
- The employer's protocol for responding to activation of devices
- Hotel worker rights and hotel employer obligations

Such training must be provided by the effective date of this requirement or within one month of the worker's date of hire, whichever is later.

Additionally, hotel employers must provide hotel workers with written notice of their rights at the time of hire or on the effective date of this chapter, whichever is later. Such notice shall be provided in English, Spanish, and any other language spoken by five percent or more of the hotel workers employed by the hotel employer.

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A hotel employer must also place signs, written in at least 18-point font, that include the following items on the back of the entrance door to each guest room and restroom facility in a hotel: (1) Statement providing that “The Law Protects Hotel Workers From Threatening Behavior”; (2) citation to this chapter of the West Hollywood Municipal Code; and (3) notification to guests that the hotel employer provides personal security devices to its employees.

Lastly, the hotel employer must retain records of incidents of personal security device activation for three years from the incident.

This section becomes operative on January 1, 2022.

## **2. Compensation and Workload**

Employers at hotels with fewer than forty guest rooms shall not require room attendants to clean rooms larger than 4,000 square feet of floor space in any eight-hour workday unless the hotel employer pays the room attendant twice the room attendant’s regular rate of pay for every hour worked during the workday. The same is true for hotels with forty or more guest rooms, except that attendants must not clean rooms larger than 3,500 square feet in floor space.

If a room attendant is assigned to clean seven or more checkout rooms or additional bedrooms during any eight-hour workday, each such checkout room or additional bedroom shall, for purposes of this subsection, count as 500 square feet, regardless of the actual square footage of each room. These limitations apply to any combination of spaces, including guest rooms, meeting rooms, and other rooms within the hotel, regardless of the furniture, equipment, or amenities occupying such rooms.

There are additional provisions regarding workload proration, voluntary overtime, and preservation of records.

This section becomes operative on January 1, 2022.

## **3. Right of Recall**

Unlike [several local right of recall ordinances issued since 2020](#) that specifically pertain to COVID-19, this ordinance is broader and applies to any hotel worker who is laid off.

A hotel employer must offer qualifying laid-off hotel workers, in writing, all job positions for which the employee is qualified that become available after the ordinance becomes effective.

A hotel worker is qualified for a position if:

- The worker held the same or similar position at the site at the time of the worker’s most recent lay-off; or
- The worker is or can be qualified for the position with the same training that would be provided to a new hotel worker hired into that position.

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Hotel employers must comply with requirements regarding offers, including order of preference, seniority, the timing for acceptance and declination, and notice of non-selection and notice of rights. Hotel employers must retain the following records for at least three years:

- The worker's full name, job classification, date of hire, last known mailing address, telephone number, and email.
- A copy of the layoff notice provided to the worker.

This section becomes operative on September 1, 2021.

#### **4. Worker Retention**

Changes of hotel control trigger time-sensitive notice and retention requirements. Within five days of a change of control of a hotel, the successor employer shall post written notice of the change in the affected hotel.

Within fifteen days of a change of control, an incumbent hotel employer shall provide the successor employer with a list of eligible hotel workers. Managerial, supervisory, or confidential employees do not have a right of retention under the ordinance.

During the retention period, the successor employer shall offer employment to each eligible hotel worker for no less than 90 days. Successor employers are not required to offer employment to the worker if the employer has reasonable and substantiated cause not to retain based on the individual's performance or conduct. The successor employer also will not be required to retain workers if it determines during the retention period that fewer workers are required.

The ordinance mandates the successor employer provide retained workers with the same terms and conditions established by the successor hotel employer as required by law and shall not be discharged except for good cause based on individual performance or conduct.

Retained hotel workers shall be employed under the same terms and conditions as the incumbent employee and the successor employer must comply with other terms regarding offers, performance evaluation, and record retention.

This section becomes operative on September 1, 2021.

#### **5. Public Housekeeping Training**

The ordinance requires West Hollywood to establish a certification and designation process of at least one public housekeeping training organization. The hotel employer shall contract with a certified public housekeeping organization to at least annually conduct training and examination of hotel workers.

The training program will include:

- Hotel worker rights and hotel employer responsibilities.

- Best practices for identifying and responding to suspected instances of human trafficking, domestic violence, or violent or threatening conduct.
- Best practices for effective cleaning techniques to prevent the spread of disease.
- Best practices for identifying and avoiding insect or vermin infestations.
- Best practices for identifying and responding to the presence of other potential criminal activity.

This section becomes operative July 1, 2022.

The ordinance provides for limited waiver and exceptions, as well as civil remedies for non-compliance.

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