

FEB 27 2018 

**NOTICE OF INTENT TO CIRCULATE INITIATIVE PETITION**  
*(Cal. Elect. Code § 9202)*

**CITY CLERK'S OFFICE**

**NOTICE OF INTENT TO CIRCULATE PETITION**

Notice is hereby given by the persons whose names appear hereon of their intention to circulate the petition within the City of Rancho Palos Verdes for the purpose of adopting an initiative that will enact provisions to improve protect worker safety and improve working conditions at large hospitality employers in the City.

**A statement of the reasons of the proposed action as contemplated in said petition is as follows (up to 500 words):**

This is an initiative that enacts provisions to protect the personal safety and improve working conditions of employees of large hospitality employers in the City, which include privately-owned and run hotels, golf courses, and amusement parks with 50 or more employees.

Hospitality employees who work by themselves in guest rooms, restrooms, or in isolated locations are vulnerable to crimes and other threatening behavior, including sexual assault. This initiative enables hospitality employees to protect their safety by, among other measures, requiring that large hospitality employers provide workers with panic buttons which they may use to report threatening conduct or other emergencies. Many instances of sexual assault go unreported to the police. The initiative also includes provisions that support employees' ability to report criminal and threatening behavior to the proper authorities.

The initiative includes provisions to ensure large hospitality employers, which employ large numbers of low-wage workers, pay compensation that is sufficient for workers to meet their basic needs and those of their families. The measure requires large hospitality employers to pay fifteen dollars an hour beginning January 1, 2019 and specified wage levels in subsequent years. Wage increases for low-wage workers strengthen the City's economy by improving the ability of workers to purchase products and services from local merchants. Minimum wage increases also reduce worker turnover, meaning workers will have more tenure with the same employer, which creates incentives for both employers and workers to increase training and worker productivity.

Hospitality employees are also frequently assigned overly burdensome room cleaning quotas and unexpected overtime, which undermines the public interest in ensuring that room cleaners can perform their work in a manner that adequately protects public health and interferes with workers' ability to meet family and personal obligations. The initiative assures that room cleaners receive fair compensation when their workload assignments exceed proscribed limits and prohibits hospitality employers from assigning employees overtime work when their shifts exceed 10 hours in a day, except in emergency situations, without obtaining workers' informed consent.

Finally, the City is experiencing a shortage of available parking for residents, visitors, and employees. Large hospitality employers are major contributors to the parking shortage because they both attract visitors, many of whom require parking, and have employees who commute into the City and occupy available parking spaces during the time that they are working. Hospitality industry employees are frequently required to park in residential areas or at remote offsite

locations, causing inconvenience for residents and employees alike. Employees' use of individual vehicles to commute also increases congestion in the City and adversely affects the environment. In order to help alleviate these problems, this initiative requires large hospitality employers to support their employees in using alternative means of transportation, such as vanpools, rideshares, and public buses.

BIANCA SANDOVAL

NAME OF PROPONENT

RANCHO PALOS VERDES, CA. 90275

PROPONENT'S ADDRESS

2/26/18

DATE

Jean Ellen Gardner

NAME OF PROPONENT

Rolling Hills Est., CA 90274

PROPONENT'S ADDRESS

2/27/18

DATE

RECEIVED  
CITY OF RANCHO PALOS VERDES  
FEB 27 2018

CITY CLERK'S OFFICE

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The People of the Rancho Palos Verdes do hereby ordain:

**Section 1.** A new Chapter 5.40, entitled "Hospitality Working Conditions," is added to the City of Rancho Palos Verdes Municipal Code, as follows:

**5.40.010 - Definitions.**

*"Additional-bed rooms"* means a room with additional beds such as cots or rollaways.

*"Amusement park"* means any grounds or enclosure wherein concessions and adult rides of a permanent nature and having a fixed location are situated.

*"Checkout"* means a room where the guests are ending their stay.

*"Emergency"* means an immediate threat to public safety or of substantial risk of property loss or destruction.

*"Food server"* means a person whose principal duties are to serve or deliver food or beverages to guests, regardless of who employs the person.

*"Golf course"* means any large, landscaped area having a series of holes spaced considerably apart designed for the playing of the game of golf. For the purpose of this Chapter, a golf course does not include a driving range, a miniature golf course, or a property whose principal owner or operator is a government entity.

*"Guest"* means a patron of a hotel, golf course, or amusement park, as defined herein, including without limitation, registered guests and visitors invited by registered guests.

*"Guest room"* means a room made available by a hotel for transient occupancy.

*"Hotel"* means a facility that is designated or used for lodging and other related services for the public, and containing 50 or more guest rooms, or suites of rooms (adjoining rooms do not constitute a suite of rooms). "Hotel" also includes any contracted, leased or sublet premises connected to or operated in conjunction with the facility's purpose, or providing services at the facility.

*"Large hospitality employer"* means a person who owns, controls, and/or operates a hotel, golf course, or amusement park in the City of Rancho Palos Verdes, and employs or exercises control over the wages, hours, or working conditions of 50 or more employees at such hotel, golf course, or amusement park, directly or through an agent or any other person, including through the services of a temporary service or staffing agency or similar entity. The term "large hospitality employer" also includes any contracted, leased or sublet premises connected to or operated in conjunction with such hotel's, golf course's, or amusement park's purpose, or a person, other than a hospitality employee, who provides services at such hotel, golf course, or amusement park in conjunction with the hotel's, golf course's, or amusement park's purpose.

*"Hospitality employee"* means any individual who (1) is employed by a large hospitality employer; and (2) was hired to or did work an average 5 hours/week for 4 weeks at one or more hotels, golf courses, or amusement parks.

“*Panic button*” means an emergency electronic contact device carried by a hospitality employee which allows him or her in the event of an ongoing crime, threat, or other emergency to alert a security guard responsible for providing immediate on-scene assistance.

“*Person*” means an individual, corporation, partnership, limited partnership, limited liability partnership, limited liability company, business trust, estate, trust, association, joint venture, agency, instrumentality, or any other legal or commercial entity, whether domestic or foreign.

“*Ridesharing service*” means a dynamic, on-demand, fee-based service that supports real-time ridesharing or carpooling through short-term arrangements enabled by GPS, wireless service, or other technologies.

“*Room cleaner*” means a person whose principal duties are to clean and put in order residential guest rooms in a hotel, regardless of who employs the person.

“*Transit Pass*” means any pass, token, fare card, voucher or similar item entitling a person to transportation on public transit within the meaning of 26 U.S.C. § 132(f)(5)(A), as the federal law may be amended from time to time, including but not limited to, travel by bus, light rail or train.

“*Vanpool*” means a “commuter highway vehicle” within the meaning of 26 U.S.C. § 132(f)(5)(B), as the federal law may be amended from time to time, which currently means any highway vehicle:

- (A) the seating capacity of which is at least 6 adults (not including the driver), and
- (B) at least 80% of the mileage use of which can reasonably be expected to be (i) for the purpose of transporting employees in connection with travel between their residences and their place of employment; and (ii) on trips during which the number of employees transported for such purposes is at least 1/2 of the seating capacity of such vehicle (not including the driver).

“*Workday*” means a 24-hour period beginning at 12:00 a.m. and ending at 11:59 p.m.

#### **5.40.020 - Measures to protect hospitality employees from threatening behavior.**

A. **Purpose.** Hospitality employees who work by themselves in guest rooms, restrooms, or in isolated locations are vulnerable to crimes and other threatening behavior, including sexual assault. This Section enables hospitality employees to protect their safety by, among other measures, requiring that large hospitality employers provide workers with panic buttons which they may use to report threatening conduct or other emergencies. Many instances of sexual assault go unreported to the police. This Section also includes provisions that support employees’ ability to report criminal and threatening behavior to the proper authorities.

B. A large hospitality employer shall provide to each hospitality employee who works as a room cleaner, food server, or any other hospitality employee who so requests, at no cost to the hospitality employee, a panic button.

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(1) If a hospitality employee encounters a situation necessitating his or her use of the panic button as described above, the hospitality employee may cease working and remove him/herself from the situation to await the arrival of the security guard responsible for providing immediate assistance. No hospitality employee may be disciplined for ceasing work under these circumstances.

(2) No hospitality employee may be disciplined for use of a panic button absent clear and convincing evidence the hospitality employee knowingly and intentionally made a false claim of emergency.

C. A hospitality employee who brings to the attention of a large hospitality employer the occurrence of violence or threatening behavior, including but not limited to indecent exposure, solicitation, assault, or coercive sexual conduct by a guest or other person shall be afforded the following rights.

(1) The large hospitality employer shall immediately allow the affected hospitality employee sufficient paid time to contact the police and provide a police statement and to consult with a counselor or advisor of the hospitality employee's choosing; the large hospitality employer will permit, but may never require, the complaining hospitality employee to report an incident involving alleged criminal conduct to the law enforcement agency with jurisdiction; and

(2) The large hospitality employer shall cooperate with any investigation into the incident undertaken by the law enforcement agency and/or any attorney for the complaining hospitality employee.

D. Each large hospitality employer shall place a sign on the back of the entrance door of each public restroom and, where applicable, on the back of each entrance door of a guest room, written in a font size of no less than 18 points, that includes the heading "The Law Protects Hospitality Employees From Threatening Behavior," a citation to this Chapter of the Rancho Palos Verdes Municipal Code, and notice of the fact that the large hospitality employer is providing panic buttons to employees.

#### **5.40.030 – Large Hospitality Employer Minimum Wage**

A. On and after January 1, 2019, large hospitality employers shall pay a wage of no less than Fifteen Dollars per hour, which shall increase by One Dollar per hour on each January 1 thereafter through January 1, 2022.

B. On January 1, 2023, and annually thereafter, the minimum wage will increase annually to reflect increases in the cost of living. The cost of living increase shall be the greater of (1) two percent (2%) or (2) the percentage increase as of September 30, 2022, and as of September 30 in any subsequent year for further annual adjustments, over the level as of September 30 of the preceding year of the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W) for the Los Angeles Metropolitan Area (Los Angeles-Riverside-Orange County, CA), which is published by the Bureau of Labor Statistics, U.S. Department of Labor or the successor index or federal agency. The City Manager shall publish a bulletin by November 1 of each year announcing the adjusted rates, which shall take effect the following January 1. Such bulletin will be made available to all Employers and to any other person who has filed with the City Manager

a request to receive such notice, but lack of notice shall not excuse noncompliance with this Section. The City Manager shall prescribe a poster advising Employees of their rights under this article and distribute it to all Employers. An Employer shall post the notice in a prominent place where it will be seen by Employees. An Employer shall provide written notification of the rate adjustments to each of its Employees and make the necessary payroll adjustments by January 1 following the publication of the bulletin.

**5.40.040 – Humane workload.**

A. **Purpose.** Hospitality employees who clean guest rooms are frequently assigned overly burdensome room cleaning quotas and unexpected overtime, which undermines the public interest in ensuring that room cleaners can perform their work in a manner that adequately protects public health and interferes with their ability to meet family and personal obligations. This provision assures that workers receive fair compensation when their workload assignments exceed proscribed limits and prohibits hospitality employers from assigning employees overtime work when their shifts exceed 10 hours in a day, except in emergency situations, without obtaining workers' informed consent.

B. A large hospitality employer that owns, controls, and/or operates a hotel shall not require a room cleaner to clean rooms amounting to more than 4,000 square feet of floorspace, or more than the maximum floor space otherwise specified in this Section, in any one, eight-hour workday unless the large hospitality employer pays the room cleaner twice his or her regular rate of pay for all hours worked by the room cleaner during the workday. If a room cleaner works fewer than eight hours in a workday, the maximum floor space shall be reduced on a prorated basis. When a room cleaner during a workday is assigned to clean any combination of seven or more checkout rooms or additional-bed rooms, the maximum floorspace to be cleaned shall be reduced by 500 square feet for each such checkout or additional-bed room over six. The limitations contained herein apply to any combination of spaces, including guest rooms and suites, meeting rooms or hospitality rooms, and apply regardless of the furniture, equipment or amenities in any rooms.

C. A large hospitality employer shall not suffer or permit a hospitality employee to work more than 10 hours in any workday unless the hospitality employee consents. Consents must be written and signed by the hospitality employee or communicated electronically through an account or number particular to the hospitality employee. No consent is valid unless the large hospitality employer has advised the hospitality employee in writing not more than 30 days preceding the consent that the hospitality employee may decline to work more than 10 hours in any workday and that the hospitality employer will not subject the hospitality employee to any adverse action for declining. An assignment in excess of 10 hours in a workday due to an emergency shall not violate this Section.

**5.40.050 – Support for Alternative Transportation**

As to each hospitality employee, a large hospitality employer shall take one of the following actions:

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(1) Offer to the hospitality employee each month a transit pass for the public transit system requested by the hospitality employee or credit toward vanpool or ridesharing service charges at least equal in value to the purchase price of the monthly transit pass, which shall at a minimum be equal to the cost of a non-discounted adult Los Angeles Metro Pass enabling use at no additional charge of all Metro services and which may be used by the hospitality employee for the purpose of commuting to and from work for the large hospitality employer.

(2) Offer the hospitality employee transportation from the hospitality employee's residence to and from the large hospitality employer's worksite at no cost to the hospitality employee in a vanpool or bus, or similar multi-passenger vehicle operated by or for the large hospitality employer.

**5.40.060 Preservation of records.**

A. Each large hospitality employer shall maintain for at least three (3) years:

(1) for each hospitality employee, a record of his or her name, hours worked, pay rate, and proof of offer to provide a transit pass, credit toward vanpool or ridesharing service, or direct transportation consistent with Section 5.40.050; and

(2) a record of the written consents it received from hospitality employees to work more than ten hours during a shift consistent with Section 5.40.040(C).

B. Each large hospitality employer that owns, controls, and/or operates a hotel shall additionally maintain for at least three (3) years for each room cleaner a record of his or her name, pay rates received, and the rooms (or at the large hospitality employer's option, total amount of square footage) each room cleaner has cleaned on each workday.

C. The large hospitality employer shall make the records specified in Subsections A and B of this Section available to employees of the large hospitality employer or their representatives for inspection and copying except the hospitality employees' names (and any addresses and social security numbers) shall be redacted unless the requester is a hospitality employee requesting records concerning herself. Failure of the large hospitality employer to provide a copy of such records will result in a penalty of at least one hundred dollars (\$100.00) per day up to one thousand dollars (\$1,000.00) per day, the amount to be set by the court.

**5.40.070 - No retaliation.**

No person shall discharge, reduce in compensation, increase workload, impose fees or charges, change duties or otherwise take adverse action against any hospitality employee for opposing any practice proscribed by this Chapter, for participating in proceedings related to this Chapter, for seeking to enforce his or her rights under this article by any lawful means, or for otherwise asserting rights under this Chapter. A person terminating or taking any other adverse action against any hospitality employee who has engaged in any of the foregoing activities within one year preceding the termination or other adverse action shall provide to the hospitality employee at or before the time of the termination or other adverse action a detailed written statement of the reason or reasons for the termination or other adverse action including all the facts substantiating the reason or reasons and all facts known to the person that contradict the substantiating facts.

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#### **5.40.080 – Waiver.**

The provisions of this Chapter may not be waived by agreement between an individual hospitality employee and a large hospitality employer. All of the provisions of Section 5.40.030 or Section 5.40.040, or any part thereof, may be waived in a bona fide collective bargaining agreement but only if the waiver is explicitly set forth in such agreement in clear and unambiguous terms. Unilateral implementation of terms and conditions of employment by either party to a collective bargaining relationship shall not constitute, or be permitted, as a waiver of all or any part of the provisions of this Chapter.

#### **5.40.090 – Enforcement.**

A. A hospitality employee or representative of hospitality employees claiming violation of this Chapter may bring an action in the Superior Court and shall be entitled to all remedies available under the law or in equity appropriate to remedy any such violation, including but not limited to injunctive relief or other equitable relief, including reinstatement, and compensatory damages and other relief provided in this subsection. In addition to any other remedy to which a hospitality employee is entitled under this Chapter, a large hospitality employer that violates Section 5.40.030 shall be liable to each affected hospitality employee for statutory damages in the amount of fifty dollars (\$50) for each day on which a violation occurred; and a large hospitality employer that violates Section 5.40.040 shall be liable to each affected hospitality employee for statutory damages in the amount of fifty dollars (\$50) for each day on which a violation occurred. In the event of a willful violation of Section 5.40.070, the amount of damages attributable to lost income due to the violation shall be trebled. If a hospitality employee is the prevailing party in any legal action taken pursuant to this Chapter, the court shall award reasonable attorney's fees and costs as part of the costs recoverable.

B. Each hospitality employer shall give written notification to each current hospitality employee, and to each new hospitality employee at time of hire, of his or her rights under this Chapter. The notification shall be in each language spoken by more than ten (10) hospitality employees.

C. A large hospitality employer that contracts with another person, including, without limitation, another large hospitality employer, a temporary staffing agency, employee leasing agency or professional employer organization, to obtain the services of hospitality employees shall share all civil legal responsibility and civil liability for violations of this Chapter by that person for hospitality employees performing work pursuant to the contract. For the purposes of this subsection, the term "person" shall not include: (1) A bona fide nonprofit, community-based organization that provides services to workers; (2) A bona fide labor organization or apprenticeship program or hiring hall operated pursuant to a collective bargaining agreement.

#### **5.40.100 – Severability.**

If any provision or application of this Chapter is declared illegal, invalid or inoperative, in whole or in part, by any court of competent jurisdiction, the remaining provisions and portions thereof



shall remain in full force or effect. The courts are hereby authorized to reform the provisions of this Chapter in order to preserve its maximum permissible effect.

**5.40.110 – No Preemption of Higher Standards.**

This Chapter does not preempt or prevent the establishment of superior standards or the expansion of coverage by ordinance, resolution, contract, or any other action of the City of Rancho Palos Verdes. This Chapter shall not be construed to limit a discharged hospitality employee's right to bring a common law cause of action for wrongful termination.

**5.40.120 – Regulations.**

The City shall have authority to adopt rules and regulations consistent with and necessary for the implementation of this Chapter. Such rules and regulations shall have the force and effect of law, and may be relied upon by large hospitality employers, hospitality employees and other parties to determine their rights and responsibilities under this Chapter.

**Section 2. Conflicting Measures.**

Consistent with California Elections Code § 9221, should another ordinance containing provisions that conflict with this ordinance be adopted by voters at the same election as this ordinance is adopted, the terms of the ordinance that receives the higher number of affirmative votes shall control.

**Section 3. Effective Date.**

The proposed ordinance that is the subject of this initiative, once approved by the voters at the November 6, 2018 election, or such other election as authorized by law, shall be deemed adopted upon the date that the vote is declared by the City Council, and shall go into effect 10 days after that date.

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2/27/18*

February 27, 2018

Emily Colborn  
City Clerk  
Rancho Palos Verdes City Hall  
30940 Hawthorne Boulevard  
Rancho Palos Verdes, CA 90275

RECEIVED  
CITY OF RANCHO PALOS VERDES  
FEB 27 2018  
CITY CLERK'S OFFICE

Dear Ms. Colborn:

RE: Request for Official Ballot Title and Summary/Statement of Proponent

I, BIANCA SANDOVAL am a proponent of the initiative measure that is attached to this letter. Pursuant to Elections Code section 9203, I request that officials of the City of Rancho Palos Verdes, including the City Attorney, proceed with the process of preparing an Official Ballot Title and Summary with respect to the aforementioned initiative measure.

I designate the attorneys of the Kaufman Legal Group and the staff of UNITE HERE Local 11 to be my representatives for all purposes and communications related to this effort. Correspondences to me with regard to initiative process may be sent to:

George M. Yin  
Kaufman Legal Group  
777 S. Figueroa Street, Suite 4050  
Los Angeles, CA 90017  
T: 213-452-6565  
E-mail: gyin@kaufmanlegalgroup.com

**ACKNOWLEDGMENT**  
**(Per Elections Code § 9608)**

I, BIANCA SANDOVAL, acknowledge that it is a misdemeanor under state law (Section 18650 of the Elections Code) to knowingly or willfully allow the signatures on an initiative petition to be used for any purpose other than qualification of the proposed measure for the ballot. I certify that I will not knowingly or willfully allow the signatures for this initiative to be used for any purpose other than qualification of the measure for the ballot.

BIANCA SANDOVAL  
Name  
Address  
City, State, Zip CA. 90275  
Tel  
E-mail.

Dated this 26 day of February, 2018

February 27, 2018

Emily Colborn  
City Clerk  
Rancho Palos Verdes City Hall  
30940 Hawthorne Boulevard  
Rancho Palos Verdes, CA 90275

RECEIVED  
CITY OF RANCHO PALOS VERDES  
FEB 27 2018  
CITY CLERK'S OFFICE

Dear Ms. Colborn:

RE: Request for Official Ballot Title and Summary/Statement of Proponent

I, Jan Ellen Gardner, am a proponent of the initiative measure that is attached to this letter. Pursuant to Elections Code section 9203, I request that officials of the City of Rancho Palos Verdes, including the City Attorney, proceed with the process of preparing an Official Ballot Title and Summary with respect to the aforementioned initiative measure.

I designate the attorneys of the Kaufman Legal Group and the staff of UNITE HERE Local 11 to be my representatives for all purposes and communications related to this effort. Correspondences to me with regard to initiative process may be sent to:

George M. Yin  
Kaufman Legal Group  
777 S. Figueroa Street, Suite 4050  
Los Angeles, CA 90017  
T: 213-452-6565  
E-mail: [gyin@kaufmanlegalgroup.com](mailto:gyin@kaufmanlegalgroup.com)

**ACKNOWLEDGMENT**  
**(Per Elections Code § 9608)**

I, Jan Ellen Gardner, acknowledge that it is a misdemeanor under state law (Section 18650 of the Elections Code) to knowingly or willfully allow the signatures on an initiative petition to be used for any purpose other than qualification of the proposed measure for the ballot. I certify that I will not knowingly or willfully allow the signatures for this initiative to be used for any purpose other than qualification of the measure for the ballot.

Jan Ellen Gardner

Name

Address

City, State, Zip Rolling Hills Est., CA 90271

Tel:

E-mail:

Dated this 27 day of February, 2018