City of Chicago

SO2017-3260

Office of the City Clerk

Document Tracking Sheet

Meeting Date:	4/19/2017
Sponsor(s):	Harris (8) Mitts (37) Foulkes (16) Pawar (47) Laurino (39) Sadlowski Garza (10) Austin (34) Burnett (27) Dowell (3) King (4) Hairston (5) Quinn (13) O'Connor (40) Burke (14) Silverstein (50) Beale (9) Smith (43) Valencia (Clerk)
Type:	Ordinance
Title:	Amendment of Municipal Code Section 4-6-180 by requiring hotel employees assigned to work in guest rooms or restrooms to be equipped with portable emergency contact devices
Committee(s) Assignment:	Committee on Workforce Development and Audit

SUBSTITUTE

ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

SECTION 1. Section 4-6-180 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

4-6-180 Hotel.

(a) *Definitions*. As used in this section:

"Anti-sexual harassment policy" means the written policy required under subsection (e)(2) of this section.

"Employee(s)" means any natural person who works full time or part time at a hotel for or under the direction of the licensee or any subcontractor of the licensee for wages or salary or remuneration of any type under a contract or subcontract of employment, whether express or implied.

"Guest" means any invitee to a hotel, including registered guests, persons occupying guest rooms with registered guests, visitors invited to guest rooms by a registered guest or other occupant of a guest room, persons patronizing food or beverage facilities provided by the hotel, or any other person whose presence at the hotel is permitted by the licensee. The term "guest" does not include employees.

"Guest room" means any room made available by a hotel for overnight occupancy by guests.

(Omitted text is unaffected by this ordinance)

"Panic button" or "notification device" means a portable emergency contact device that is designed so that an employee can quickly and easily activate such button or device to effectively summon to the employee's location prompt assistance by a hotel security officer, manager or other appropriate hotel staff member designated by the licensee.

"Restroom" means any room equipped with toilets.

"Sexual harassment" means any unwelcome sexual advance, request for sexual favors, or other verbal or physical conduct of a sexual nature.

(Omitted text is unaffected by this ordinance)

(d) *Departmental duties.*

(Omitted text is unaffected by this ordinance)

(3) Investigations to enforce the provisions of subsection (e) of this section may be conducted, as appropriate, by the Department of Business Affairs and Consumer Protection or Chicago Commission on Human Relations ("CCHR"). Investigations to enforce subsection (f)(3) of this section shall be conducted by CCHR.

(e) *Legal duties.* Each license engaged in the business of hotel shall a duty to:

(1) equip employees who are assigned to work in a guest room or restroom, under circumstances where no other employee is present in such room, with a panic button or notification device. The employee may use the panic button or notification device to summon help if the employee reasonably believes that an ongoing crime, sexual harassment, sexual assault or other emergency is occurring in the employee's presence. Panic buttons and notification devices shall be provided by the licensee at no cost to the employee;

(2) develop, maintain and comply with a written anti-sexual harassment policy to protect employees against sexual assault and sexual harassment by guests. Such policy shall: (a) encourage employees ("complaining employee") to immediately report to the licensee instances of alleged sexual assault and sexual harassment by guests ("offending guest"); (b) describe the procedures that the complaining employee and licensee shall follow in such cases; (c) instruct the complaining employee to cease work and to leave the immediate area where danger is perceived until hotel security personnel or members of the Police Department arrive to provide assistance; (d) offer temporary work assignments to the complaining employee during the duration of the offending guest's stay at the hotel, which may include assigning the employee to work on a different floor or at a different station or work area away from the offending guest; (e) provide the complaining employee with necessary paid time off to: (i) sign a complaint with the Police Department against the offending guest, and (ii) testify as a witness at any legal proceeding that may ensue as a result of such complaint, if the complaining employee is still in the licensee's employ at the time such legal proceeding occurs; (f) inform the employee that the Illinois Human Rights Act, Chicago Human Rights Ordinance and Title VII of the Civil Rights Act of 1964 provide additional protections against sexual harassment in the workplace; and (g) inform the employee that subsection (f)(3) of this section makes it illegal for an employer to retaliate against any employee who reasonably uses a panic button or notification device, or in good faith avails himself or herself of the requirements set forth in subsection (e)(2)(c), (e)(2)(d), (e)(2)(e) of this subsection, or discloses, reports or testifies about any violation of this section or rules promulgated thereunder. Nothing in this subsection (e)(2) shall be construed to relieve the licensee from compliance with Section

4-4-306; and

(3) provide all employees with a current copy in English, Spanish and Polish of the hotel's anti-sexual harassment policy, and post such policy in English, Spanish and Polish in conspicuous places in areas of the hotel, such as supply rooms or employee lunch rooms, where employees can reasonably be expected to see it.

~~(e)~~(f) *Prohibited acts.* It shall be unlawful for any licensee engaged in the business of hotel to:

(Omitted text is unaffected by this ordinance)

(3) retaliate against any employee for: (i) reasonably using a panic button or notification device, or (ii) availing himself or herself of the requirements set forth in subsection (e)(2)(c), (e)(2)(d) or (e)(2)(e) of this section, or (iii) disclosing, reporting, or testifying about any violation of this section or any rule promulgated thereunder. Any complaint alleging a violation of this subsection (f)(3) shall be filed by the aggrieved party with the Chicago Commission on Human Relations ("CCHR") no later than 180 days after the occurrence of the alleged violation and in accordance with rules duly promulgated by the Commissioner of CCHR. Two or more adjudged violations of this subsection (f)(3) within any 12-month period may result in license suspension or revocation in accordance with Section 4-4-280. Provided, however, that: (A) the subject matter of any such disciplinary hearing or proceeding under Section 4-4-280 shall be limited to the issue of whether the required number of adjudged violations of this subsection (f)(3) occurred within any 12-month period; (B) the licensee shall not be permitted at such disciplinary hearing or proceeding to challenge the adjudged violations themselves, nor any underlying facts asserted or determined therein; and (C) no fines shall be imposed on the licensee as a result of such displinary hearing or proceeding under Section 4-4-280.

~~(f)~~(g) *Penalty – License revocation – One year wait for new license – Exceptions.*

(1) ~~In~~ Except as otherwise provided in subsection (f)(3)(C) of this section, and in addition to any other penalty provided by law, any person who violates ~~any requirement of~~ this section or any rule ~~or regulation~~ promulgated thereunder shall be subject to a fine of not less than $250.00 nor more than $500.00 for each offense. Each day that a violation continues shall constitute a separate and distinct offense.

(Omitted text is unaffected by this ordinance)

SECTION 2. Section 2-160-090 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

2-160-090 Violation – Investigation by commission on human relations – Prosecution.

The Chicago ~~commission on human relations~~ Commission on Human Relations shall receive and investigate complaints of violations of this chapter, except where such duty is modified by intergovernmental agreement, and complaints of violations of subsection (f)(3) of Section 4-6-180, and shall prepare and provide necessary forms for such complaints. No person shall refuse or fail to comply with any subpoena, order or decision issued in the course of or as a result of an investigation.

SECTION 3. Section 2-160-100 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

2-160-100 Retaliation prohibited.

No person shall retaliate against any individual because that individual in good faith has made a charge, testified, assisted or participated in an investigation, proceeding or hearing under this chapter or under subsection (f)(3) of Section 4-6-180.

SECTION 4. Following its passage and publication, that portion of this Ordinance that creates subsection (e)(1) of Section 4-6-180 shall take full force and effect on July 1, 2018. The remainder of this Ordinance shall take full force and effect 60 days after its passage and publication.

CHICAGO CITY COUNCIL CO-SPONSOR ADDITION /CHANGE

Document No.: SO 2017-3260

Subject: amendment of Municipal Code Section 4-6-180 by requiring hotel employees assigned to work in guestrooms or restrooms to be equipped w/portable emergency contact devices.

Please Add or Change the Co-Sponsor as Shown Below

Alderman _____ 40th Ward

Alderman _____ 9th Ward

Alderman _____ 14th Ward

Alderman _____ 43rd Ward

Alderman _____ 50th Ward

Please Remove or Change the Co-sponsor as Shown Below

Alderman _____ _____ Ward

Alderman _____ _____ Ward

Alderman _____ _____ Ward

Alderman _____ _____ Ward

Alderman _____ _____ Ward

PATRICK J. O'CONNOR, Chairman
Committee on Workforce Development and Audit

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Final copies to be filed with:

- Chairman of Committee to which legislation was referred
- City Clerk

CHICAGO CITY COUNCIL CO-SPONSOR ADDITION /CHANGE

Document No.: SO 2017 - 3260

Subject: amendment of Municipal Code Section 4-6-180 by requiring hotel employees assigned to work in guestrooms or restrooms to be equipped w/portable emergency contact devices.

Please Add or Change the Co-Sponsor as Shown Below

Alderman Patrick O'Connor 40th Ward

Alderman _____ 9th Ward

Alderman Edward M. Burke 14th Ward

Alderman Proco Joe Moreno 43rd Ward

Alderman _____ 50th Ward

Please Remove or Change the Co-sponsor as Shown Below

Alderman _____ _____ Ward

Alderman _____ _____ Ward

Alderman _____ _____ Ward

Alderman _____ _____ Ward

Alderman _____ _____ Ward

Patrick O'Connor

PATRICK J. O'CONNOR, Chairman
Committee on Workforce Development and Audit

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Alderman Patrick O'Connor 40th Ward

Alderman [illegible] 9th Ward

Alderman [illegible] 14th Ward

Alderman [illegible] 43rd Ward

Alderman [illegible] 50th Ward

Please Remove or Change the Co-sponsor as Shown Below

Alderman _____ _____ Ward

Alderman _____ _____ Ward

Alderman _____ _____ Ward

Alderman _____ _____ Ward

Alderman _____ _____ Ward

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Patrick O'Connor

PATRICK J. O'CONNOR, Chairman
Committee on Workforce Development and Audit

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Chicago City Council Co-Sponsor Form

Document No.: SO2017-3260

Subject: Amend Mun. Code re: Equipping Hotel Employees with Emergency Contact Devices

Adding Co-Sponsor(s)

Please **ADD** Co-Sponsor(s) Shown Below – (*Principal Sponsor's Consent Required*)

Alderman Andrea M. Valencia (_____ Ward)
(Signature)

Alderman _____ (_____ Ward)
(Signature)

Alderman _____ (_____ Ward)
(Signature)

Alderman _____ (_____ Ward)
(Signature)

Alderman _____ (_____ Ward)
(Signature)

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Date Filed: _____ Principal Sponsor: Michelle A Harris
(Signature)

Patrick O'Connor
Chairman, Committee on Workforce Development + Audit

Removing Co-Sponsor(s)

Please **REMOVE** Co-Sponsor(s) Below – (*Principal Sponsor's Consent NOT Required*)

Alderman _____ (_____ Ward)
(Signature)

Alderman _____ (_____ Ward)
(Signature)

Date Filed: _____

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- City Clerk