

## **LEGISLATIVE DIGEST**

[Health Code - Cleaning and Disease Prevention Standards in Tourist Hotels and Large Commercial Office Buildings]

**Ordinance amending the Health Code to establish cleaning and disease prevention standards and practices in tourist hotels and large commercial office buildings to help contain COVID-19, or other contagious public health threats; to require training related to these standards for employees, provide certain protections to employees as they perform cleaning duties, and prohibit retaliation against employees for refusing to perform work under conditions they believe may be unsafe or for reporting such conditions or exercising rights protected by the Ordinance; authorizing the Office of Labor Standards Enforcement to enforce the employee rights and protections under the ordinance; and to provide for administrative enforcement by the Department of Public Health, and for financial penalties and civil actions as authorized by City and state law.**

### **Existing Law**

Health Code Article 11 defines prohibited public health nuisances, establishes enforcement and due process procedures, and sets forth penalties for failure to eliminate or abate such nuisances.

### **Amendments to Current Law**

This ordinance adds Article 11B to require tourist hotels and large commercial office buildings to establish, implement, and maintain specific, written regular cleaning, disinfecting and disease prevention standards consistent with those established by the California Departments of Public Health (CDPH) and Industrial Relations (Cal/OSHA division) issued “COVID-19 Industry Guidance: Hotels and Lodging” and other applicable local, state and federal orders and guidance.

The cleaning and disinfection requirements apply to public and employee high contact areas of tourist hotels and commercial office buildings, including, but not limited to, lobbies, lounges, waiting areas, hallways, restrooms, handwashing facilities, elevators, stairwells, meeting rooms, multi-use instruments and items, doors and handles, bed linens and towels, employee break and locker rooms, loading and shipping docks. Guests in tourist hotels may request that their room not be cleaned and sanitized on a daily basis.

The proposed ordinance will require tourist hotels and large commercial office buildings to provide paid-time training for employees tasked with performing such cleaning, disinfecting and disease prevention methods, along with other employee protections to prevent retaliation or interference with an employee’s protected rights. These employee rights and protections will be enforced by the Office of Labor Standards Enforcement.

The proposed ordinance provides for enforcement by the Department of Public Health under Health Code Sections 594, 595, 596, 596.5, 600 and 610, including closure by issuance of an order per Health Code Section 596(i)(6), and by civil action for actual and punitive damages.

### Background Information

The COVID-19 pandemic precipitated an economic crisis in San Francisco, resulting in tens of thousands of workers being laid off without access to healthcare benefits or income to support their families. A majority of tourist hotels and large commercial office buildings closed or are operating at minimal capacity due to the public health measures necessary to contain the pandemic.

On May 12, 2020, the California Departments of Public Health (CDPH) and Industrial Relations (Cal/OSHA division) issued "COVID-19 Industry Guidance: Hotels and Lodging" providing guidance for the hotel and lodging industry to support a clean and safe environment for employees and guests in light of the COVID-19 pandemic.

It is the top priority of the Board of Supervisors for tourist hotels and large commercial office buildings to reopen in the safest and quickest manner possible to aid in San Francisco's economic recovery. To reach these goals it is imperative to ensure that tourist hotels and large commercial office buildings implement cleaning and disease prevention standards to minimize the spread of COVID-19 and other Contagious Public Health Threats. The Board in its efforts to reduce the spread of COVID-19 also seeks to demonstrate to visitors, residents, and workers that San Francisco's Covered Establishments are and will remain among the cleanest and safest facilities in the world.

n:\legana\as2020\2000570\01459962.docx