

KANE KESSLER, P.C.
1350 Avenue of the Americas
New York, N.Y. 10019
(212)541-6222
Fax (212) 541-9799
Direct dial (212) 519-5156
drothfeld@kanekessler.com

CONFIDENTIAL ATTORNEY-CLIENT
PRIVILEGED MEMORANDUM

DATE: October 17, 2013

TO: Hotel Association of New York City, Inc.
Labor Relations Members
General Managers, Controllers and Human Resource Directors

FROM: Kane Kessler, P.C.
Labor and Employment Law Department

RE: "Panic" Device Vendor Protocols

Following our agreement with the Union on the protocols which vendors must provide written assurance of, the Association has consulted with some vendors. Those vendors, which we understand have given bids to several Hotels, have provided written assurance to Hotels on each of the protocols as follows:

- 1) Signal location only once the device has been activated by the employee;
Vendor's statement: The device only reports location information once it has been activated by the employee and is in an active alarm state.
- 2) Identify location within the guest room, subject to technological and building limitations;
Vendor's statement: When in alarm, the device will report its current location which can include Guest Rooms and Hallways.
- 3) Allow the employee to see or hear confirmation that the signal from the device has been transmitted;
Vendor's statement: Our device utilizes an LED light on the tag to indicate an active and connected alarm. This light changes colors to indicate an alarm has been sent and acknowledged by a responder (allowing the employee to know that help is on the way).
- 4) Allow the employee to know the device is connected;
Vendor's statement: Each device confirms network availability. If a failure is detected, this will be visually indicated on the tag by activating a bright red or amber light on the tag.

In addition, the vendor should provide written assurance of the following:

- 5) Conduct a site survey to determine frequency density;
Vendor's statement: We acknowledge that a site survey will be conducted prior to installation to determine frequency density.
- 6) Conduct routine testing of systems and devices.
Vendor's statement: We acknowledge that systems and devices will be routinely tested.

Hotels should also be mindful of Article 70's requirements, particularly of prompt assistance in response to a call from the device.

We expect that these assurances will be the norm, as vendors recognize that in order to compete in this market, they must accept these conditions. We recommend including the above language into your Hotel's actual contract with the vendor so that, in the event that the device provided does not actually comply with the above, the Hotel will have legal recourse against the vendor.

In addition, Hotels may choose to notify the Union of the selection of their vendor by letter to Peter Ward.

If you have any questions, do not hesitate to contact David R. Rothfeld, Judith A. Stoll, Niki J. Franzitta, Lois M. Traub, Alexander Soric or Robert L. Sacks.

cc: Joseph E. Spinnato, Esq.
Geoffrey A. Mills, Chairman