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CONFIDENTIAL ATTORNEY-CLIENT
PRIVILEGED MEMORANDUM

DATE: September 30, 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: IWA Article 70, "Panic" Devices

As previously reported, due to concern that the Hotel Trades Council would insist upon inspecting each Hotel's "panic" device system and, given the likely inability of Business Agents to comprehend the technical aspects of the systems and the possibility that the Union would condition their approval of any system upon some unrelated issue affecting a Hotel, the Hotel Association engaged in discussions with the Hotel Trades Council to establish a set of protocols that vendors must adopt which would eliminate those concerns. After weeks of negotiation, we are pleased to report that we have reached an agreement on the protocols which will now allow Hotels to seek and contract with vendors.

All vendors must provide Hotels with written assurance of the following:

Subject to the parties' acknowledgment that "because of the varying sizes and physical layout of each hotel, different devices may be appropriate for different hotels," the devices to be provided to those employees as identified in Article 70(B) of the IWA will: (i) signal location only once the device has been activated by the employee; (ii) identify location within the guest room, subject to technological and building limitations; (iii) allow the employee to see or hear confirmation that the signal from the device has been transmitted; and (iv) allow the employee to know the device is connected. It is acknowledged that a site survey prior to installation will be conducted by the vendor to determine frequency density. Systems and devices will be routinely tested.

The Union reserves its right to verify compliance with the foregoing.

In recognition that it is unlikely that installation of "panic" devices of all Hotels covered by the IWA will occur before December 31, 2013, the Union has further agreed that, by that date, Hotels must have contracted for the installation of the system in the near future.

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