

The Californian

The Quarterly Newsletter of



November 2018



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PRESIDENT'S REPORT

David Chandler,
CALSAGA President

Here we are nearing the end of 2018 and releasing our fourth edition of The Californian! I am very grateful to have been elected again last month to serve as your CALSAGA President for 2019-2020.

I am glad to report that the 2018 CALSAGA Annual Conference was a great success! You can see the full conference recap on page 7. In attendance were the current BSIS Chief, two former BSIS Chiefs and three former CALSAGA Presidents. During the event \$1250.00 was raised to benefit the CALSAGA Charitable Foundation.

Thank you to everyone who contributed. If you would like to contribute to the CALSAGA Charitable Foundation please contact Kris at Kris@calsaga.org.

As you may know, the refreshed CALSAGA Training Materials were released last quarter. (See page 13 for purchase information.) We are very proud of this AB 2880 training program which includes digital course textbook, test, answer key and instructor presentation.

Don't forget that access to the CALSAGA Training Database is included for all members. The Database – which is a complement to the training program – allows members to track officers' training and generate BSIS-compliant certificates.



Executive Director Roy Rahn, BSIS Chief Darrel Woo, BSIS Deputy Chief Samuel Stodolski and CALSAGA President David Chandler at the 2018 Awards Dinner

BSIS UPDATE

Roy Rahn, Executive Director



It has been a great year for CALSAGA. Earlier this year I was pleased to engage with members in both Sacramento and Orange County at our management training programs *Managing Private Security* (formerly PPO 101) and *Growing your Private Security Company* (formerly PPO 102). I have represented CALSAGA at numerous industry events this year; most recently I attended the gathering of the International Association of Security and Investigative Regulators, Inc. in Scottsdale, Arizona. The CALSAGA Staff and Board of Directors will convene this month for the 2019 Strategic Planning Meeting. You can look forward to more great programming and events for the new year.

In the last edition of The Californian we reported that Governor Brown had appointed Darrel Woo of Sacramento as the new chief of the Bureau of Security and Investigative Services. Chief Woo as well as Deputy Chief Samuel Stodolski addressed attendees at the 2018 CALSAGA Annual Conference which took place last month in Rancho Mirage. We look forward to continuing to cultivate a great working relationship with the new Chief.

Lastly, remember that Tuesday, November 6th is election day. It is important for everyone to get out and be counted!

REGULATION CORNER

David Chandler, CALSAGA President

BSIS Deputy Chief Gloriela Garcia has asked us to help spread the word regarding applications submitted on outdated forms.

During the October BSIS Advisory Board Meeting questions and concerns were raised regarding the rejection rate in processing applications provided on outdated forms. Please note, the Bureau does not automatically reject applications on outdated forms. Updated forms can be accessed from the BSIS website: https://www.bsis.ca.gov/forms_pubs/index.shtml

Deputy Chief Garcia ensures us that BSIS staff are aware of when outdated forms should and should not be rejected.



Alex Vicente of Allied Universal presents George Oliver Carter with the Lifesaving Award at the 2018 CALSAGA Awards Dinner

SB 1343 EMPLOYER ALERT – NEW SEXUAL HARASSMENT PREVENTION TRAINING REQUIREMENTS

Shaun Kelly, Tolman & Wiker,
CALSAGA Preferred Broker



With the changes that are happening in society regarding the "Me too" movement and the subsequent litigation surrounding the allegations, it

does not surprise me that California legislators passed Senate Bill 1343, effective January 1, 2019.

The current law requires employers with 50 or more employees to provide at least 2 hours of prescribed training and education regarding sexual harassment, abusive conduct, and harassment based upon gender, as specified, to all supervisory employees within 6 months of their assumption of a supervisory position and once every 2 years, as specified.

The new law reduces the 50 employee trigger and now requires an employer who employs 5 or more employees, including temporary or seasonal employees, to provide at least 2 hours of sexual harassment training

to all supervisory employees and at least one hour of sexual harassment training to all nonsupervisory employees by January 1, 2020, and once every 2 years thereafter, as specified.

Here is a brief summary of the new bill:

1. All employers with 5 or more employees, including temporary or seasonal, must provide all employees in a supervisory role a minimum of 2hrs of sexual harassment training (this does not include bullying, which is required and is in addition to the minimum 2hr requirement).

2. All employers with 5 or more employees, including temporary or seasonal, must provide all employees in a NON supervisory role a minimum of 1hr of sexual harassment training.

3. The period in which this is to be accomplished is 1/1/2020, if the employee is currently employed.

- a. for new employees in supervisory or non supervisory positions, the training must be conducted at time of hire or within 6 months of hire
- b. for employees entering a new, supervisory role, the training must be conducted within 6 months of their new role
- c. for temporary, seasonal or employees hired to work less than 6 months, the training must be conducted within 30 days of hire or 100 hours worked, whichever occurs first.

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BRADLEY & GMELICH LLP's LEGAL CORNER

In this issue, we address a couple of hot topics for Private Patrol Operators (PPOs). Both come from our firm's Private Security Business and Licensing Team. The first is how to lawfully take advantage of the legalization of cannabis in California in providing security services. The second addresses getting ready for routine audits of records from BSIS (which they affectionately call "inspections.") Our goal is to assist you in figuring out the maze of rules, statutes, regulations and case law that can keep you out of trouble and in lawful compliance. Both are areas that our clients are frequently calling us about, and we want to share some best quick assistance.



PREPARING FOR YOUR BSIS AUDIT

Barry A. Bradley, Esq.,
Bradley & Gmelich,
CALSAGA Network Partner

So, you received a letter from the Bureau of Security and Investigative Services advising that they will be conducting "a routine inspection" of your documents. It should take no more than two hours (on the average) and the meeting should include the owner(s), executive principals and/or possibly administrative staff "to assess and discuss key aspects of your daily operations" as a PPO.

ALARMS should be going off for you! There is nothing routine about this. In every instance where our clients have contacted us, they have been out of compliance. This, despite their best intentions. The opportunity to fix your records before you are audited could mean the difference between no citation at all, versus an administrative fine, a cease and desist order, and potential suspension or revocation of your PPO license. This all becomes very public, too. Make no mistake about it: BSIS is here to regulate, not to collaborate.

Areas Of Concern:

As a PPO licensee, you have obligations that will require you to address various areas:

PPO Records, Vehicles and Uniforms:

Are your PPO license and all branch licenses properly displayed.
Are your records kept at your principle place of business – as recorded with the Bureau?
Are your current badges and patches in conformity with the original BSIS approval?
Are your current badges, patches and insignias in compliance with the Private Security Services Act? Are your Certificates of Insurance for both workers compensation and for General Liability in compliance with Business & Professions Code 7582.39 as well as the California Code of Regulations?

**CLICK HERE TO CONTINUE
READING**

Check out the rest of the Legal Corner on page 9.

WHY YOU NEED DIRECTORS & OFFICERS LIABILITY

Nick Langer, Turner Surety & Insurance Brokerage, Inc.

Lawsuits are all too common these days. According to the Chubb 2013 Private Company Risk Survey, the average total cost of Directors & Officers

lawsuits to companies typically falls in the six-figure range, including judgments, settlements, fines and legal fees. Without sufficient insurance coverage, defending a lawsuit could be financially devastating to your company.

Directors and Officers liability insurance protects a company's board of directors and/or officers from personal losses against lawsuits.

Why would Directors and Officers be sued?

Directors and officers are sued for a variety of reasons related to their company roles, including:

- Breach of fiduciary duty, resulting in financial losses or bankruptcy
- Misrepresentation of company assets

- Misuse of company funds
- Fraud
- Failure to comply with workplace laws
- Theft of intellectual property and poaching of competitor's customers
- Lack of corporate governance
- Illegal acts or illegal profits are generally not covered under D&O insurance.

This insurance typically protects the company, as well as covers legal fees, settlements, and other costs in the event that employees, vendors, competitors, investors, customers, or other parties, sue for actual, or alleged, wrongful acts in managing a company.

D&O insurance is the financial backing for a standard indemnification provision, which holds officers harmless for losses due to their role in the company. Many officers and directors will want a company to provide both indemnification and D&O insurance.

[CLICK HERE TO CONTINUE READING](#)



SOCO Private Security was well represented at the 2018 CALSAGA Awards Dinner. During the event SOCO Officer Frankie Arroyo-Acevedo was presented with the Lifesaving Award.

2018 ANNUAL CONFERENCE RECAP

The 2018 CALSAGA Annual Conference was a success!

The Agua Caliente Casino Resort and Spa team were great hosts and the food was delicious. Thank you to everyone who attended, our speakers and to our vendors and sponsors who made the conference possible.

CALSAGA Preferred Broker Tolman & Wiker sponsored our opening night President's Reception on the West Lawn. As always, this event

provided an opportunity for attendees, sponsors and vendors to network.

The general session kicked off with a legal update from CALSAGA Legal Advisor Barry Bradley. Anne Laguzza and Gary Bradley presented the session that attendees always enjoy: California's Human Resource Challenges. For the first time, the event included a session tackling cannabis in California.



Conference attendees had the opportunity to hear from new BSIS Chief Darrel Wooand BSIS Deputy Chief Samuel Stodolski. CALSAGA looks forward to a great working relationship with the new chief.

Our Vendor Hall sold out again this year. We appreciate the support of all of our vendors and sponsors!

Sponsoring Vendors: Tolman & Wiker, Silvertrac, TSIB, El Dorado Insurance Agency, Inc., TrackTik, Destiny Software, On Guard Apparel, Kwantek, UniPro International

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The Annual Awards dinner typically takes place on the last night of the conference; this year it was held on Wednesday allowing more to attend. Emceed by CBS Local Meteorologist Patrick Evans, Officer of the Year, Medal of Valor, Lifesaving and Howenstein Lifetime Achievement Awards were presented.



Thank you to Kwantek for presenting financial gifts to award winners. We were fortunate to have Al Howenstein in attendance to present the Howenstein Lifetime Achievement Award this year.

Lifesaving Award Recipients: George Oliver Carter, Sterling Simeon, Arleen Vargas, Michael Moise, Nichole Richter and Frankie Arroyo-Acevedo

Officer of the Year Recipient: Deantoiné Dwanyne Washington
Medal of Valor Recipient: Jason Medford
Howenstein Lifetime Achievement Award: L. Earle Graham

At the event \$1250 was raised for the CALSAGA Charitable Foundation. The purpose of the foundation is to assist severely injured officers as well as the families of officers killed in the line of duty throughout California. In addition, the Charitable Foundation honors and recognizes those who exemplify the best of our industry. Thank you to everyone who contributed!

Look out for the announcement about the 2019 Annual Conference coming soon!



FEELING THAT CANNABIS HIGH

Stephan P. Hyun, Esq.
Bradley & Gmelich,
CALSAGA Network Partner

Starting on January 1, 2018, cannabis-related business activity became legalized in California, resulting in a lot of questions about the opportunities that have now become presented. We as legal counsel often get asked: Should I do business with a cannabis company? What should I look out for? How do I protect myself? After all, this legalization affects both the licensed cannabis businesses themselves as well as the businesses who do business with them.

Here are important issues that we frequently deal with in protecting our clients who want to start doing business with a cannabis company.

1) Typically in contracts, there are provisions that say how the agreement will be governed and interpreted, as well as where any claims can be brought.



Al Howenstein, Cal Horton of First Security and
2018 Howenstein Lifetime Achievement Award
Recipient L. Earle Graham at the 2018
CALSAGA Awards Dinner



Having these provisions properly drafted can be 'life-savers' because while cannabis is legal in California, it is not legal federal-wide. Also since California has enacted additional protections to ensure that the contract can be enforced under California law, adding certain clauses and language in your contract can allow California courts to determine that your contract is valid and enforceable. This will help you in instances when the cannabis business your dealing with is not upholding their end of the bargain.

2) We advise our clients to put into the agreement ways in which you can terminate or suspend your services immediately without any notice. When advising our clients and drafting their contracts, we take into account the possibility of the federal government investigating or prosecuting cannabis activity even in states where it's 'legal'.

3) Our firm has negotiated key provisions to be incorporated into cannabis security service contracts. One of the provisions that we insist be carved out is about when the cannabis business will defend you and cover your losses if the federal government comes after you for being seen as facilitating/assisting a cannabis business.

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*Thank you to the sponsors of the 2018
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HOW INTEGRATED TECHNOLOGY FOR SECURITY CONTRACTORS CAN ENABLE GROWTH AND INCREASE EFFICIENCY:

Why security management software is worth the spend.

TEAM Software

In their July 2018 annual U.S. Contract Security white paper, Robert H. Perry & Associates, Inc. estimates the outsourced contract security industry in the U.S. to be worth \$25.5 billion. That's a four percent increase over previous estimates. And, while analysts expect steady growth over the next few years, security contractors still deal with high labor costs, wage creep and a narrow profitability margin of about four percent of revenue, according to IBIS World's 2018 report on the industry. That means keeping a laser focus on labor and operating costs is critical. The businesses who can juggle these demands will have the most to gain. It's no secret that technology can help. In fact, investing in holistic enterprise-level software with a proven track record can pay off quickly in increased efficiency and site-level profitability insight, enabling security companies to grow in fiercely competitive markets.

Maximize efficiency and automation with one holistic system

According to the IBISWorld's April 2018 Security Services in the U.S. report, efficient work practices are one of the key factors to success in the contract security industry. Eliminating redundant work and manual processes offer a one-two punch in maximizing operational efficiency, and a holistic software platform can solve those challenges by connecting the financial, operations and workforce management components of the business in one system. It's cheaper in the long run, too, with no need for multiple software packages, expensive integrations or custom interfaces.

The WinTeam ERP for security contractors includes financials, accounting, guard scheduling, time and attendance, human resources, payroll, compliance business analytics and employee self-service features. Combined, they connect executive-level decision-making, back office functions and field-based operations.

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Your newly elected 2019-2020 Board of Directors

President: David Chandler

Northern California Vice President: Mark Tsuji

Southern California Vice President: Aleda Sebenick

Treasurer: Mark Miller

Secretary: Mike Smidt

Northern California Directors: Ashlee Cervantes and Chris de Guzman

Southern California Directors: Gary Bradley and Hugo Rodriguez

ACTIVE SHOOTER INCIDENTS: HOW SECURITY OFFICERS ARE HELD LIABLE

Tory Brownyard, Brownyard Group

The sheer volume of active assailant incidents in 2017 and 2018 has left many observers feeling the prognosis is grim for halting

these incidents. Yet the security industry has remained a practical and hopeful voice in response, as experts seek to address the threat head-on with strategies and practices for access control, de-escalation and timely reporting.

However, one critical element is sometimes left out of these discussions: reducing potential liabilities. In the aftermath of active shooter incidents, as we all search for a cause, sometimes security is held up as the party at fault. Even if an officer behaves professionally, they may be held liable—whether it's a verdict in the courtroom or the perception of those who read or view it in the media.

It may seem self-serving to focus on mitigating the risks associated with protection. I know security professionals want to focus on protecting the people and businesses

they have been hired to serve. Yet they can't do that job if they do not protect themselves as well.

Clients have high expectations for security officers. In fact, they sometimes expect security contracts to guarantee total safety and security, which no firm can promise. From an insurance perspective, I recommend firms seek to include indemnification clauses in their contracts, which transfer risk from the security professionals to the people who contract them, essentially holding the security professionals harmless. Similarly, contracts may include force majeure clauses, which remove liability in the case of an unforeseeable or extraordinary incident.

However, the reality is that contracts do not always include this language. When they do, the incidents that are covered by either clause can be up for debate. When that is combined with the very real and valid trust clients put in security professionals, it can result in litigation. These lawsuits may include allegations of negligent security, failure to protect or failure to anticipate foreseeable violence.

During litigation, attorneys sometimes raise the issue of poorly designed or improperly followed policies and procedures. For example, some businesses have a “zero tolerance policy” for workplace violence. This is communicated to security officers with little indication of how this impacts their post orders or how they should respond in specific situations. Instead, post orders communicated in contracts should create clear expectations for officers and, ideally, be developed in conjunction with security experts.

[CLICK HERE TO CONTINUE READING](#)

SECURITY GUARD VS. SECURITY OFFICER- WHICH SHOULD YOU USE?

Kwantek Team

So, you have a position opening up in your contract security firm. Now is the time to post the job in various places using your standard job description and other boilerplate materials you use when hiring.

You know you need systems in place for this, so you arm yourself with tools like an applicant tracking software or detailed hiring spreadsheets.

The question now becomes, what should your job title be?

Security Guard or Security Officer?

Many people in the industry will tell you there is no difference in the two.

Some say an Officer is armed and a Guard is not.

Some say the Officer has greater training and/or responsibility.

As we look at today's hiring and retention landscape, there are two main reasons you should prefer the term "Security Officer" rather than "Security Guard."

1) "Security Officer" is Searched More Often on Indeed

Thanks to data made publicly available by Indeed, we are able to know exactly how people are searching for security jobs.

In September of 2018, "Security Officer" was searched 725,027 times.

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CALSAGA President David Chandler,
CALSAGA Security Officer of the Year
Recipient Deantoiné Dwayne Williams and
Russell Mallette of Allied Universal at the 2018
CALSAGA Awards Dinner



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