

The Californian

The Quarterly Newsletter of



February 2019

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Running a security business is complex. Make sure that you have all the knowledge and resources required to stay compliant with the law and competitive in the industry. This event is beneficial for new private patrol operators, those looking to advance in the security world and industry veterans!

February 20 - 21

Sacramento, CA

April 24 - 25

Southern CA

\$99 per day or \$185 for both days
Registration includes a light breakfast and lunch
Register at www.calsaga.org/trainingevents

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PRESIDENT'S REPORT

David Chandler,
CALSAGA President

Thank you again for voting for me as your CALSAGA President. I will continue to do my best to represent you in Sacramento and throughout the state. We have made a few changes in our operations that I am confident will be positive for the organization.

This year I am going to concentrate on building the CALSAGA membership. If you know of a security company or training facility that is not a member of CALSAGA, please send Kris a note so that we may follow up with them.

Our staff, Kris Smidt (Association Manager), Kate Wallace (Communication and Training Manager), along with Andrea Chandler and Aley Moyer (Administrative Support) are off and running for 2019. They have been meeting and setting up our 2019 Annual Conference, which I'm sure will be even better than last year, and organizing our upcoming Security University Training in Sacramento (February 2019) and Southern CA (April 2019).

In addition, they have been working with Anne Laguzza from The Works Consulting on our new video-on-demand Sexual Harassment Training which is very exciting.

In support of our ongoing efforts to streamline operations, provide maximum value for our members, reduce operating expenses, and focus on programs and initiatives that will continue to make CALSAGA the Voice of the Industry for now and years to come, we have reorganized our management structure.

Effective December 31, 2018, we have eliminated the position of Executive Director. The decision was reached after careful consideration and analysis by the Executive Committee and is fully supported by the Board of Directors.

We would like to take this opportunity to express our sincere gratitude for the great service Roy Rahn has provided to the organization for so many years, first as one of its presidents, then working for the program management company, and finally as the organization's Executive Director. We wish Roy much success in his future endeavors.

On behalf of the Executive Committee, we appreciate your ongoing support. Together, we continue to strive to make CALSAGA the most effective organization supporting the security industry.

Be Safe,
David Chandler

REGULATION CORNER

David Chandler, CALSAGA
President

A note from CALSAGA President David Chandler:

As of this writing ten US peace officers have lost their lives along with seven security officers so far this year. This is a very tough time for anyone in the line of duty and I would just like to remind you to tell your officers to be vigilant and be aware of their surroundings.

The Bureau has hit the road running with PPO inspections. I strongly suggest that you get your house in order. Although the Bureau would suggest that they are trying to educate the PPO population on how to come into compliance, make no mistake: this is a state regulatory agency whose job it is to protect the consumer. If you're not following the regulations, you are subject to a fine or suspension! Imagine what would happen to your employees if the bureau suspended your license. How would they provide for themselves while you sort everything out? Or what if you are involved in a civil suit and you don't have your ducks in a row and are in violation with the Private Security Services Act? No insurance company will indemnify you for a violation of a public law. I know it sounds harsh, but now is the time to get your ducks in a row or else get out your checkbook and get ready to pay.

Remember there are no guidelines to show you how to be in compliance only the book of BSIS Laws & Regulations! [Click here to review the information on the BSIS website.](#) A physical book can be ordered from Lexus Nexis by calling 800-446-3410.

CALSAGA is here for you and we want to help. Give us a call and we can guide you in the right direction. With over 3000 PPO's in California and over 300 training facilities, it's just a matter of time before it's your turn.



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SAFETY & THE IMPORTANCE OF ACCIDENT INVESTIGATIONS

**Shaun Kelly, Tolman & Wiker,
CALSAGA Preferred Broker**



At the beginning of each year, I always reflect back on the prior year to see where I could have improved and identify which area of the operations need the most

attention. In doing so, safety always comes to mind, because it involves all operations and has a significant effect on the overall efficiency and productivity on the business of my clients. Safety is a process that always needs to be updated and modified to maintain a safe workplace for your employees and others. This reminded me of accident investigations and how important they are in the safety process.

All accidents should be investigated and it's for one simple reason, to stop them from happening again. This may sound quite basic but let's put it into reality, the main purpose of an investigation is to identify the causation factors and then identify any preventative or corrective action to prevent reoccurrence. There are many other reasons for investigating accidents including legal litigation, insurance claims, workers compensation, company reputation and sometimes contractual requirements.

Please understand and remember that any investigation has certain deliverables and expected outcomes.

This is why we need to continually assess and evaluate safety policies and procedures throughout the investigation, so that we can proceed down the appropriate path. To refresh your memory, the following are the basic stages in an accident investigation:

STAGES IN AN INVESTIGATION

- OBTAIN FACTS
- DETERMINE THE CAUSES
- DETERMINE THE CHANGES NEEDED
- RECORD THE FINDINGS
- COMMUNICATE THE FINDINGS
- REVIEW ACTION
- OBTAIN THE FACTS

Establishing what is relevant and what is not can be time consuming. However, this information can be obtained by:

- Inspecting the immediate scene and equipment
- Interviewing the person directly involved with the accident
- Interviewing witnesses to the accident
- Reviewing procedures and training

Inspecting the immediate scene and equipment:

The accident scene should be inspected as soon as possible after the accident.

Particular attention should be given to the following to see if any of them had a bearing on the accident potential:

- Positions of people
- Any personal protective equipment
- Tools and equipment
- Orderliness/tidiness
- Procedures

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SAVE THE DATE



October 15, 2019 6:00 pm President's Reception
October 16-17, 2019 Seminar & Exhibits

Rancho Mirage, CA



BRADLEY & GMELICH LLP's LEGAL CORNER

It's hard enough to comply with BSIS regulations, local ordinances, and the constant perils of potential Labor Code violations for wage and hour claims. In this issue, we address how to educate your clients to help keep them out of trouble, and to keep you compliant. We also discuss the importance of conducting Post Surveys to help keep your company out of trouble.

EDUCATING YOUR CLIENTS ON THE PERILS OF REST PERIOD VIOLATIONS

Annette M. Barber, Esq.
Bradley & Gmelich,
CALSAGA Network Partner

How many times have you attempted to discuss rest periods and the need for relief with your clients? How did that go? Did you receive a glazed look that showed lack of interest, or did you receive a hostile response such as "Those are your employees – they are not my responsibility!" If you are like a lot of account managers, you might have decided not to pursue the issue further and silently vowed to yourself that you would handle this. Did I summarize this scenario accurately? If yes, you are not alone.

Unless you have been living in a cave for the past two years, you know that the ruling in *Augustus v. ABM Security Industries, Inc.*, significantly changed the way security professionals operate their businesses. It doesn't matter any longer if you have one lone guard at a site: he or she must receive two paid ten minute breaks each day, free from all duties, or you must pay the employee an additional hour of pay for each day. End of story.



Some businesses may decide to pay the extra hour due to no other reasonable options. But some of you may decide to partner with your clients to try to develop options to stay legally compliant without incurring additional costs. That requires you to educate your clients and to also be creative.

Educating your clients shouldn't be so difficult, right? But your client's "What's in it for me?" response when you approach the topic is not for the faint of heart. Here is an approach that might work.

Start with the positives – we value your business, we want to ensure the coverage you want and need, we want to limit your liability and prevent co-employment issues.

The ruling in *Augustus* was unexpected and impractical, but is now the law and we need to comply.

We will be charged one hour of pay for every violation if we cannot give our employees rest periods free from all duties.

And unfortunately, California Labor Code section 2810.3 now makes clients of staffing companies (which guard companies fall under)

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INSURANCE, TERRORISM & THE TERRORISM RISK INSURANCE ACT (TRIA)

Nick Langer, Turner Surety &
Insurance Brokerage, Inc.

First passed into law in 2002, the Terrorism Risk Insurance Act (TRIA) requires commercial insurers to make terrorism insurance coverage available. Since then TRIA has established a federal backstop program, providing the necessary stability to the private terrorism risk insurance market by guaranteeing both the availability and affordability of terrorism insurance coverage for U.S. commercial properties and businesses.

The initial intent of TRIA was to provide a temporary federal backstop program that would allow the economy to recover following the 9/11 attacks. While the reinsurance industry has become increasingly willing to cover terrorism risks over the years, the private market still cannot assume all the risk alone. On January 12, 2015, President Obama signed H.R. 26, the Terrorism Risk Insurance Program Reauthorization Act of 2015 (TRIPRA 2015) into law, which extends the federal backstop program for an

additional six years through December 31, 2020. As was the case with the prior reauthorization in 2007, TRIPRA 2015 calls for new structural changes to be implemented, which reduces the federal role in the program.

Similar to the TRIPRA 2007 program, TRIPRA 2015 requires certain criteria to have been met before federal coverage under the program begins. First, Property & Casualty insurance losses resulting from a terrorism-linked attack must meet the minimum damage certification level of USD 5 million. If losses are expected to meet this minimum threshold, then the event must also be officially certified as an "act of terrorism." This certification is determined by the U.S. Secretary of the Treasury in concurrence with the Attorney General of the United States and—new under TRIPRA 2015—the U.S. Secretary of Homeland Security. As an example, insured losses resulting from the Boston Marathon bombing were not expected to meet this minimum threshold, and the event has not been certified as an act of terrorism—even though President Obama referred to it as an act of terrorism during a speech he gave soon afterward. The certification requirement can be frustrating for policyholders, who are left wondering when or if their claims will be covered. If an act of terrorism has been officially certified, then compensation under the program will still not begin until aggregate insured losses in a calendar year reach the "program trigger." Under TRIPRA 2015, the program trigger will gradually be raised each year from USD 100 million in 2015 to USD 200 million by 2020. The increase to the program trigger is considered to be one of the most substantial changes to the program and aims to transfer more of the risk to the private insurance market. Some argue that this may negatively impact the solvency of small, insufficiently diversified insurers who are not well positioned to absorb losses up to this level.



“WE DO WHAT OUT THERE?” HAVE YOU CONDUCTED YOUR POST SURVEYS YET?

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

The best way to defend your business when you are hit with a wage and hour lawsuit (whether by an individual, a class action, or a Private Attorneys General Act [PAGA] claim), is to have conducted a well-tailored post survey. It is a tool that your account managers should implement to show that your company has gone through the mental and physical assessment of each post and shift to be compliant with the law.

In just a few minutes, a post survey will assist you in helping to determine such things as:

- Are the officers able to be provided off-duty meal breaks?
- If not, why not?
- Are valid on-duty meal period consents and policies in place?
- Are the officers taking their required rest breaks?
- Are the rest breaks truly “off duty?”
- Is there adequate seating in compliance with the Labor Code?
- Is there heat illness prevention policies and procedures in place?
- Is there potable water available?
- In interviewing the officers, are there blind spots about which you weren’t even aware?

These are just a few of the questions that can be answered in a good survey. Your particular situations will be different, depending upon the type of client you have and the type of security services offered.

It makes it much easier for your attorneys to defend you when we can pull out your completed site surveys to show that you made valid, good faith actions to comply with the law. In short, it makes us happy. (And we know how you care about your attorney’s happiness – it brings you good karma!)

If you haven’t yet prepared or updated your specific policies to be compliant, or if you need post surveys prepared for your particular line of work, don’t hesitate to contact your counsel to help you.

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AN INSURANCE GUIDE: THE MINDSET OF AN UNDERWRITER IN THE PRIVATE SECURITY INDUSTRY

Blair Brownyard, Brownyard Programs

To the business world, insurance is a necessary evil. However, with insurance costs increasing each year, many security companies would go naked, if their clients didn't insist that they carry insurance. No doubt after your latest renewal increase, this seems like a reasonable proposition. To minimize your next rate increase, here is the mindset of an insurance underwriter who is asked to underwrite and price the liability insurance of a private security company.

With most products, you know what the cost is when they are sold. Not so with insurance products; an insurance company doesn't know how much their product costs until 5-10 years after they have sold it. And that's why the pricing of liability insurance is so unpredictable. To give themselves an edge in predicting how much they pay in claims versus how much they received in premiums, insurance companies develop underwriting guidelines/criteria/signposts, which are supposed to help them determine the probability of losses with a specific type of insured to help them make a profit. The four basics of underwriting guidelines are:

Prior Loss/Claim Experience
Type of Operations
Company Management and Sophistication
Contract Language

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6 TIPS TO RETAIN GOOD SECURITY OFFICERS

Kwantek Team

Turnover is always a challenge in the contract security industry, but not all employee turnover has the same impact.

While losing mediocre employees creates more work for you, losing your best security officers can impact the health of your business.

If you're struggling to retain your best security officers, follow these six tips.

Ensure Job Fit From Day One

No one wants to work at a job that prevents them from spending time with their families or forces them to work in an environment that clashes with their preferred working styles.

To keep your security officers long-term, make sure you're putting them in an ideal position on their first day on the job. Follow these tips to ensure you're hiring the right person for the job:

- Tip #1: Determine what shift they want to work. The hours that people work have an impact on their personal time. To retain your security officers, put them on shifts that complement—rather than impede—the things they want to do in their time off of work.
- Tip #2: Find out how they like to work. Some people thrive when they're surrounded by others. Others thrive when working alone. Determine the ideal working conditions for each new security guard, and place them in roles that match those preferences.
- Tip #3: Ascertain their long-term goals. Some employees may have goals to move into supervisory positions. Others get bored easily and want to learn something new every few months. Find out what new security officers are looking for in the future, then, for example, you can create paths to promotion or plans to move them into new roles.
- Sometimes, you can ascertain the answers to these questions during an interview. However, when people are just hoping to get hired, they may give you the answers they think you want to hear rather than truly honest answers.

A better way to find out what each new security guard needs is to use Kwantek's Working Style Assessment. Our pre-hire assessment asks prospective employees a series of questions that help you determine the best job fit for new security officers, providing you with honest answers about each employee's preferred working conditions, ideal environments, and long-term goals.

Provide Great Security Officers with Incentives to Stay

Getting new employees in the right role is just step one of retaining them. Once they're in their positions and doing great work, you need to make an effort to incentivize them to stay.

And while the most obvious incentive is increased pay, that may not always be a viable option for your business. Luckily, there are plenty of other ways to keep great security officers engaged:

- Tip #4: Offer unique benefits. Even if you can't afford frequent salary increases, you can make your position better than others your security officers may be considering. Consider increasing the amount of paid time-off your best security officers get, moving them to locations closer to their homes, or offering free snacks and coffee at work.

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HOW TO CUT OPERATING COSTS FOR SECURITY BUSINESSES

Mark Folmer, CPP, Msyl, TrackTik

When you run your own security business, there are several important investments that help you provide quality service to your clients such as training for security guards, uniforms and equipment. However, with modern management options, you can streamline your business, cut costs, deliver quality service and keep your security business profitable. Here's how you can cut operating costs by 35% and increase profits for your security business:

Improve Service with Tracking and Data Analysis

Security companies live and die based on their ability to provide quality service to their clients. Tracking key field processes and using data analysis to improve your security performance is vital for lasting success in the security industry. By using software to track the location of security agents in real time, you'll be better prepared to contact the nearest available operatives when additional support is needed. As you improve your team's incident response time, client satisfaction will increase, allowing you to retain clients and gain valuable testimonials for attracting new business. Digital reporting software can also make it easier to analyze patrol and incident-related data. By matching tracking data with guard-uploaded incident pictures, video, and written comments in a digital database, it becomes significantly easier to review information so you can make informed decisions for streamlining your field operations.

Track Business Intelligence Data

Leveraging data isn't just important for improving your team's fieldwork. And while different security companies may value different KPIs (key performance indicators), there's no denying that one of your top priorities should be to optimize operations and maximize your return on investment with each client.

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ALIANZA: BLAZING A TRAIL FOR Q

Team Software Team

For small companies with distributed workforces, like the contract security industry, site level visibility, managing hourly staff and keeping communication lines open are key areas that can make or break the business. While spreadsheets, emails and texts can suffice for a while, those tools typically aren't sustainable, growth-enabling or without complexity. For Alianza Security Professionals, a small, private security company based in Dallas, Texas, setting and delivering on high standards is the company's competitive differentiator. By developing a distinct culture of service and accountability along with adopting security industry-focused technology solutions to support it, the up-and-coming company has gained a foothold in the Texas security market with 11 guards and more than 10 service locations.

Alianza uses Silvertrac's guard touring solution combined with a new field workforce management toolset for small contractors called Q by TEAM Software. Q enables companies to direct, set and track the operations of their distributed workforce. As an always-on solution, Q helps manage and track productivity, open up communication and retain the employees who are making an impact. In other words, Q strongly aligns with Alianza's strategic goals, supporting accountability in the field, more communication and, ultimately, better results.

"There are a few problems within the security industry, and they are massive. I know the pain points," explained J.D.

Torres, Alianza Principal and Founder.

"Guards are asleep on the job or leaving the property. They don't show up. They're late, or don't know when to show up.

"The biggest benefit of Q so far has been the scheduling piece and the ability for staff to clock in and out on site," Torres continued. "It's an accountability tool for them to know when they need to be on site, and I want to make sure my staff have the tools to be successful."

A technology solution along with appropriate processes help boost the reliability and service quality of Alianza's workforce. In addition, for Torres, simplicity is key along with a basic set of features, including the ability to communicate the schedule and see who is onsite and on time, in real time.

"The scheduling functionality is cut and dry and much simpler than the previous scheduling software I had been using," Torres said. "Q really fits my needs right now, especially for my industry."

With Q's streamlined scheduling and time and attendance capabilities, Alianza can capitalize on its promise of accountability to customers. Plus, proactively managing the schedule benefits the company in many ways, including overtime prevention, better site coverage and accurate customer billing.

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