

The Californian

The Quarterly Newsletter of



November 2019

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*The 2019 Annual Conference & Exhibits
was a success! Check out the recap on pages
12 and 13.*



Click here to view
photos from the Annual
Conference.

Click here to view
photos from the Awards
Dinner.

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PRESIDENT'S REPORT

David Chandler, CALSAGA President

If you were in attendance at the 2019 CALSAGA Annual Conference & Exhibits then you know what a great event it was. Once again the speakers were dynamic, delivering relevant and important information and the food was excellent. The Exhibit Hall was completely sold out; each vendor offering goods and services necessary to your business. We were able to honor several brave security professionals during our annual Awards Dinner. Check out the Annual Conference Recap starting on page 12 for more details. If you missed it, I hope that you will plan to attend in 2020.

I am very appreciative that BSIS Chief Lynne Jensen Andreas and Deputy Chief Samuel Stodolski made it a priority to both attend and serve as General Session speakers during the conference. They also made themselves available to answer attendee questions and address concerns.

Don't forget that CALSAGA offers high-quality, affordable Sexual Harassment Training that can be taken online by your employees and satisfies the requirements of SB 1343. If you have not yet begun training your employees, I encourage you to make it a priority so that you are in compliance but also as a protection for your employees.



CALSAGA Association Manager Kris Smidt, President David Chandler and Communications & Training Manager Kate Wallace the 2019 CALSAGA Annual Conference Awards Dinner

I wish you a happy holiday season and look forward to connecting with many of you in the new year.

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David Chandler, CALSAGA President

Do you have a copy of the certificate for Powers to Arrest training on file for all of your officers? If not, you are in violation of section 7583.6e2 of the Business and Professions Code. I encourage you to rectify the issue immediately.

If a certificate cannot be obtained, it is recommended that you offer the PTA training to your officers so that a certificate may be generated. Don't forget that the regulations are not satisfied until the officer has completed the Powers to Arrest test with a score of 100 percent.

CALSAGA member companies enjoy the benefit of unlimited access to the Security Officer Training Database. The database allows users to create certificates that are BSIS-approved and satisfy the certificate requirements established in the B&P Code. If you have questions about the database or to get started utilizing this Member Benefit, contact Communications & Training Manager Kate Wallace at kwallace@calsaga.org.

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Missed something? It is easy to get caught up! Click here to check out past editions of *The Californian: The Quarterly Newsletter of CALSAGA.*



WORKPLACE VIOLENT ACT – ACTIVE SHOOTER AND VIOLENT ACT COVERAGE

Shaun Kelly, Tolman & Wiker, CALSAGA Preferred Broker



Personally, I want to say, “Thank you”, to the CALSAGA Team for putting on another wonderful conference! It is always great to see everyone and meet the new Members and guests. The Security Industry is continuing to change and CALSAGA does an excellent job keeping the Members updated on those changes that affect our businesses.

Did you know that workplace violence is the second leading cause of workplace fatalities? With incidents increasing within the last three years, it has sadly become a sign of the times. Do you and your clients know that Active Shooter and Violent Act Insurance Coverage is available to assist in mitigating potential revenue loss and liability?

As the threat of violence emerges, business owners are reviewing their general liability insurance policies and finding that bodily injury or property damage caused by an active shooter may or may not be covered.

Standard coverage may not apply to the crisis management as a result of the event. Personal attacks against customers or other third parties may not be covered by general liability insurance. Additionally, if law enforcement determines your business should remain closed after an incident, your policy may not cover loss of business income.

This policy includes coverage for Business Interruption, Third Party Bodily Injury Liability, Property Damage and Incident Response Expenses. While most people feel that GL covers some of this exposure, be aware of the following:

- Intent - Current General Liability (GL) applications do not ask questions regarding this exposure and therefore are not underwriting for it. The original intent of GL does not include coverage for this type of exposure.
- Foreseeability - GL can exclude deny coverage for events the Insured reasonably could have foreseen. This can include losses where employees have a history of violent behavior and no action was taken to prevent an event, or security measures that could have been taken that were not, etc.
- Crisis Response - GL will only respond if there is a lawsuit filed and NOT offer proactive crisis management services. The Workplace Violent Act policy offers Incident Response Expenses (IREs) that include crisis response and extra expense as well as assistance and guidance during a crisis event to help mitigate and or prevent demands and lawsuits after the crisis.
- Terrorism - While GL policies offer TRIA to be purchased, there is still no coverage for uncertified violent act or terror events.

[CLICK HERE TO CONTINUE READING](#)

NEW REQUIREMENTS FOR REPORTING SERIOUS INJURY OR ILLNESS AND DEATH

**Jaimee K. Wellerstein, Esq. &
Gregory B. Wilbur, Esq.
Bradley & Gmelich LLP,
CALSAGA Legal Advisor**



A site supervisor at one of your security company's posts calls into your dispatch center and reports that there was an altercation at a client site. Two of your guards had been asked by the client to remove a trespasser, but a scuffle broke out and the trespasser sucker-punched one of the guards. The other guard gave chase to the assailant briefly, then returned to her partner to render aid. The guard appeared fine but the punch opened a cut on his upper cheek, requiring a brief trip to the hospital for stitches. Is this a reportable event to Cal-OSHA under Labor Code section 6409.1, which requires reporting of serious injuries, illnesses, or deaths in the workplace?



At this moment, it is not, for at least two reasons. The definition of “serious injury or illness” included hospitalizations only of 24 hours or more, so a brief ER visit didn’t trigger a reporting obligation if the incident wasn’t reportable for another reason. And the definition also excluded injuries of any level of severity caused by commission of a Penal Code offense, excusing reporting for injuries suffered as a result of assault, battery, and other crimes. In our hypothetical above, both the duration of the hospital stay and the criminal conduct causing the injury would have made the above scenario one that did not have to be reported to Cal-OSHA.

But not for long. The definition of “serious injury or illness” was significantly amended earlier this year by Assembly Bill 1805, which takes effect January 1, 2020, and for the most part the effect has been to broaden the scope of the Cal-OSHA reporting requirements. The 24-hour minimum for hospital stays is gone: all hospitalizations, except those for medical observation or diagnostic testing, now trigger the requirement.

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YOUR KPIs MAY BE TOO LATE

Tony Unfriend, CSA 360



Traditional KPIs (Key Performance Indicator) present themselves too far into the reporting process to real-time relevant or even helpful in the Physical Security Industry.

Unfortunately, by the time they receive critical data, the incident is over, and someone could be injured, which could lead to the termination of the contract.

It's flawed to look backward at compliance and completion analysis, passively waiting to see if you performed an inspection, completed all site visits and post orders, security analysis, or penetration testing efficiently.

You may be accustomed to the wait for results, receiving during a Quarterly Business Review (QBR) when stakeholders are meeting and going over stats and data. But that's too late to be acting on data.

There is a vast difference between knowing something in your business, and knowing the data that drives that thing. As the champion of your organization, you shouldn't wait for lag metrics to evaluate tasks and efficiencies; you need real-time information. It would be best if you saw what is happening while it's happening, as it's happening. Security is a real-time industry, and for maximized safety and results, you need real-time evaluation and real-time data so that the focus can be on the process and the people. It's much easier to intervene and course correct in the earliest stages of an incident than it is to go back in time.

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LESS RISK, COMPLIANCE, A GOOD NIGHT'S SLEEP: HOW TO GET ALL THREE

Mark Folmer and Jon Druker,
TrackTik, CALSAGA Network Partner



Just back from a fantastic few days at CALSAGA in the desert of California and if there was one takeaway for us it is that compliance is on everyone's mind.

A good night's sleep is a precious commodity these days. It is even more precious in the security industry, where everyone needs to be alert - from the frontline security providers to the back office teams to the management groups. As a security business owner you are often focused on your client's risk, but what about the risks that your business faces? Being risk-aware in your own business is a constantly moving target, especially when it comes to compliance.

The Financial Cost of Not Being Risk Aware

There have been many news stories about companies being sued and having to pay settlements in the millions of dollars for not having complied with break legislation for their employees. The pain can be financial but also reputational.

California isn't the only state that has break rules for specific categories of

employees. In the USA alone there are 21 states that have passed wage orders, statutes and regulations regarding meal and rest breaks. But in California, it hits home, as a General Counsel for a national service provider mentioned to me while at CALSAGA's conference: "It's not if you will get hit by a class-action lawsuit, it's when, so be ready!"

The Personnel Cost of Not Being Risk Aware

Beyond the risks associated with non-compliance, and the potential financial costs, there's an indirect, yet tangible, personnel and performance cost as well. These rules are in place to support security personnel and to also help them perform better.

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SIX COMPLIANCE TRENDS TO FOLLOW RIGHT NOW

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The landscape for labor, tax and payroll compliance is always shifting. At TEAM, we keep our eye on these topics because we know how challenging it can be to stay informed. We understand how important (and challenging) it is for janitorial and security contractors to stay in compliance. And, we know how costly noncompliance can be. That's why we're bringing you an updated list of compliance trends for you to follow.

Workplace Regulations for Nursing Mothers

What's going on?

In 2018, both California and New York City provided additional legislation at the state and city level to support the needs of nursing mothers. The intent of the state and local mandate is to augment the Fair Labor Standards Act (FLSA) legislation that was enacted in 2010.

This legislation focuses on offering the amount of time and breaks needed by nursing mothers as well as the physical space that must be available to pump breast milk. The trend is that a lactation space must be a private room and not a bathroom. Legislation also covers the duration of the right to pump, which can be up to three years following the birth of her child.

What does this mean for you?

Many companies are using staff scheduling to support the lactation mandate along with meal and rest breaks. Most jobs in service-related industries, especially in security companies, can't be un-staffed, so businesses have started scheduling lunches and breaks to ensure they can cover the breaks and work area. Scheduling and time and attendance software can help manage the staffing challenges that come along with these labor mandates, from ensuring coverage through smart scheduling practices to providing meal and rest break notifications and audit trails.

Legal Medical Marijuana Use

What's going on?

While all recreational and medical marijuana use is still illegal under federal law, many states are facing a new discussion around how to handle medical marijuana use in relation to employment law.

[CLICK HERE TO CONTINUE READING](#)



Brian Herman of CIS Security, Mark Folmer of Award Sponsor TrackTik, Lifesaving Award Recipient Ricky Dean and CALSAGA President David Chandler at the 2019 CALSAGA Awards Dinner

USING TECHNOLOGY TO MAKE THE INVISIBLE VISIBLE

Chris Anderson, Silvertrac Software



We sat down with Lawrence Borgens - founder of Delta Protective Services - to ask him about the process of switching his security company from paper reporting to Silvertrac. Delta Protective Services (DPS) was founded 26 years ago in 1993 on a mission to “create safe communities.” They have since grown to an operation of 85 officers, including standing guards and mobile patrol. Lawrence is focused on growth and making it easier for people to become customers.

Information Can Make or Break an Operation

Like every security company before the rise of computer technology and the internet, Delta Protective Services handled reporting through paper DARs. It didn’t take much for DPS to be fed up with paper reporting. After only a few years they “had pieces of paper coming out of [their] ears and [they] were running out of space to store [reports].” Getting paper reports to clients was a disaster. Information was incomplete or incorrect. DPS knew they needed a better solution. They first looked to Deggy wand and buttons, but quickly found that they “were very cumbersome. It was electronic, but also pretty primitive.”

The Desperate Need for Change

Lawrence was determined to find the best solution for his company. He couldn’t go back to paper reports, but the Deggy wand and button were not getting the job done. After talking to another local security company owner, DPS implemented an early version of Silvertrac - called Real-Time DAR - in addition to the Deggy system. Once Silvertrac was released, they started using it at a few of their locations in addition to Deggy and Real-Time DAR.

Delta Protective Services had quickly gotten into a mess. They were running three separate electronic reporting systems between all of their locations. **“I came to a point in my company and in my business where I knew I just needed to land on something. My indecisiveness about selecting a reporting tool was making my staff indecisive also.”**

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UPDATE: SEXUAL HARASSMENT TRAINING

Bradley & Gmelich LLP,
CALSAGA Legal Advisor



Last year, new sexual harassment training requirements were adopted for California employers, requiring such training by qualified individuals. Under the new law, employers in California having 5 or more employees must provide sexual harassment training to all non-supervisory employees, and to all supervisors. (Previously the requirement for supervisor training only applied to employers with 50 or more employees.)

California Governor Gavin Newsom recently signed urgency legislation in late August, 2019 extending the deadline from January 1, 2020 to January 1, 2021 for most employers to complete the training requirements. However, the legislation imposes different requirements on “temporary services employers” as defined in Section 201.3 of the California Labor Code. With very limited exceptions, Section 201.3 specifically provides that private patrol operators licensed to employ security guards are considered “temporary services employers.” Based on our review of both last year’s bill (SB 1343) and this new extension (SB 778), the deadline for private patrol operators to provide training to existing non-supervisory temporary services employees is extended to January 1, 2021. However, all new hires that are hired after January 1, 2020 must receive their training within 30 days of hire, or within their first 100 hours of service, whichever comes first. (This is broken down for you below.)

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In October CALSAGA hosted its 2019 Annual Conference & Exhibits in Rancho Mirage. The CALSAGA team has heard from multiple attendees that this was the best conference yet and is inclined to agree!

The association appreciates our strong working relationship with the Bureau of Security and Investigative Services. Bureau Chief Lynne Jensen Andres and Deputy Chief Samuel Stodolski presented attendees with a status update of the bureau. In addition, the pair took attendee questions from the stage as well as from individuals following the session.



Kicking off the General Sessions, veteran presenters Barry Bradley and Jaimee Wellerstein of CALSAGA Legal Advisor Bradley & Gmelich delivered a Legal Update.



This annual presentation helps attendees prepare for new laws that will affect their businesses and the industry as a whole. On Thursday Gary Bradley and Anne Laguzza alerted attendees to potential Human Resources pitfalls. Staples of the program, these two sessions complement each other to help attendees protect their businesses and ensure that they are compliant with staffing and hiring laws, changing regulations and more. Jesus M. Villahermosa, Jr. of Crisis Reality Training, Inc. presented the training Surviving the Active Lethal Threat Event. Jesus educated attendees on the tactics proven to increase survival in the event of an active shooter event. This powerful training

is so important and, unfortunately, extremely relevant for the time.

Our program also included sessions on cannabis, BSIS compliance and an address from CALSAGA's lobbyist Kelly Jensen of Sloan, Higgins, Jensen. In addition, Michael Hogsten General Counsel for G4S Secure Solutions shared the story of their Dignity and Respect campaign.

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The Annual Awards Dinner was held on the Wednesday evening of the conference. An afternoon Happy Hour was hosted by ProtaTECH and the Awards Dinner Cocktail Hour was hosted by UniPro. During the event Lifesaving Awards were presented to several brave security professionals.

Among the winners are the First Security Services officers who first responded during the active shooter event at the Gilroy Garlic Festival in July 2019. These brave individuals ushered civilians to safety, began performing first aid before medical personnel could arrive and safely evacuated disabled and

also helped by putting injured members of the public into their patrol cars and driving them to the hospital to save valuable time.

Additional award recipients from Allied Universal Security Services and CIS Security include:

- Officers who, after shots were fired at a medical center, established a barricade and worked to keep patients and visitors calm
- An officer who administered first aid during a mall shooting as well as assisted local law enforcement in their search for the shooters
- An officer who assisted with patient transport and hospital evacuation during the Paradise Fire in November 2018



Award winners were each presented with a check provided by Awards sponsor TrackTik.

[Click here to view the Palm Springs New Channel 3 posted regarding the Lifesaving Award winners from Gilroy.](#)

The Agua Caliente Resort & Spa continues to be a wonderful host with excellent food and service plus surprisingly inexpensive lavish rooms. We look forward to returning again next fall for the 2020 CALSAGA Annual Conference & Exhibits October 20 - 22, 2020.

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