

The Californian

The Quarterly Newsletter of



August 2021

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PRESIDENT'S REPORT

David Chandler, CALSAGA President

Thank you for reading this edition of *The Californian: The Quarterly Newsletter of CALSAGA*. On page 13 you will read a Legislative Update concerning AB 229 which would mandate Use of Force Training. In the twelve years that I have served on the CALSAGA Board of Directors, I have never worked so hard on an issue as I have on this bill. I have had countless phone calls with Board Members and concerned members as well as CALSAGA's lobbyist Kelly Jensen. Myself and other Board Members have testified before multiple Assembly and Senate committees. Rest assured, we have been working hard to represent you. Although

the text of the bill includes some concessions that we would rather have been omitted, we feel confident that the voice of the industry was heard and our interests were considered. Furthermore, we look forward to continuing a working relationship with bill author Assemblymember Holden and his staff. I encourage you all to register for the 2021 CALSAGA Virtual Annual Conference. You will enjoy Live Q&A sessions with many of our speakers, giving you the opportunity to ask your questions and work towards resolutions to the struggles your business faces. We appreciate your continued support of the association.

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REGULATION CORNER

David Chandler, CALSAGA President

Updates to the BreEZe system were reported during a recent BSIS Advisory Committee Meeting. Licensees renewing a firearm permit now have the ability to see if there is a delay in the renewal process and be alerted to application deficiencies such as an error on the renewal application, missing proof of re-qualifications.

The BSIS is hopeful that this feature will be available soon to applications seeking an initial firearm permit.

Please encourage your officers to check their BreEZe account to minimize delays in processing firearms renewals.

Need to contact the BSIS? Send a message rather than calling! Currently all calls to the BSIS are routed to a general Department of Consumer affairs call center. BSIS Chief Lynne Andres has reported that her staff strives to return messages sent to the BSIS General Inbox within 24 hours. Visit the [Contact Us](#) page of the BSIS website. Click Message the Bureau and choose an option.

ASSOCIATION MANAGER REPORT

Kate Wallace



Happy summer to you all! On page 7 you'll find timely information that you need to put policies in place to prevent heat illness. Many of you have communicated to our team about the difficulties you experience with hiring and retention. In this edition you will read analysis and advice on the matter from two CALSAGA Associate Members and a Network Partner.

Hopefully you have had the chance to see CALSAGA's updated website and refreshed logo. Check out the new Find a Vendor function to connect with CALSAGA Network Partners and Associate Members that can save you money on your bottom line. Once logged into the CALSAGA Member Portal, members can pay dues; track officers' training and generate BSIS-compliant certificates; purchase Security Officer Training materials, Sexual Harassment Training and School Security Training materials.

If you have questions about your membership or if our team can do something to support you, please do not hesitate to reach out. You can email our team at members@calsaga.org or me directly at kate@calsaga.org. Don't forget to register for the CALSAGA Virtual Annual Conference! The Early Bird Discount expires at the end of the month. I look forward to seeing you virtually!



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THE HEAT IS ON! AGAIN – HEAT ILLNESS PREVENTION

Shaun Kelly, Tolman & Wiker, CALSAGA Preferred Broker



With the weather so hot, I thought it would be a good reminder to the members on the Heat Illness Prevention Plan requirements. CALSAGA has previously published articles about heat injury illness prevention yet many members do not have a plan implemented.

With the change in seasons comes the warmer weather and it is imperative (and required by Cal/OSHA!) that all employers train their supervisors and employees on heat illness prevention. The safety of your employees is the responsibility of the employer and if an unfortunate event does occur, Cal/OSHA may be investigating the event. If so, they will be asking if you have your Heat Illness Prevention Program in place. The investigation will include verification that you have provided training to your supervisors and employees.

A Cal/OSHA study identified the key role that employers play in preventing worker fatalities due to heat illness. The findings highlighted the value of training supervisors so that they can make the fullest use of their power to control safety on the job.

California Code of Regulations, Title 8, Section 3395 Heat Illness Prevention requires all employers to have a Heat Illness Prevention Program which includes the following:

Provide fresh/potable drinking water

Employers must provide employees with fresh, pure, and suitably cool water, free of charge. Enough water must be provided for each employee to drink at least one quart, or four 8-ounce glasses, per hour and the water must be located as close as practicable to the work area. Employers are also required to encourage employees to drink water frequently

Provide access to shade

When temperatures exceed 80 degrees, employees must be provided shade at all times in an area that is ventilated, cooled, or open to air and that is as close as practicable to the work area. There must be sufficient space provided in the shade to accommodate all employees taking rest. When temperatures do not exceed 80 degrees, employees must be provided timely access to shade upon request. Employees should be allowed and encouraged to take preventative cool-down rest as needed, for at least 5 minutes per rest needed.

Have high heat procedures in place

High heat procedures are required of agricultural employers when temperatures exceed 95 degrees. The procedures must provide for the maintenance of effective communication with supervisors at all times, observance of employees for symptoms of heat illness, procedures for calling for emergency medical services, reminders for employees to drink water, pre-shift meetings to review heat procedures and the encouragement of employees to drink plenty of water and take preventative cool-down rest as needed.

CALIFORNIA SUPREME COURT RULES CALCULATION OF PREMIUM PAY MUST INCLUDE NON- DISCRETIONARY PAY

Saba Zafar, Esq. and
Jaimee K. Wellerstein, Esq.
Bradley & Gmelich, CALSAGA Legal Advisor



On July 15, 2021, the California Supreme Court held that if an employer fails to provide a legally compliant meal period or rest break to an employee, the wage premium owed to the employee must be paid at the employee's "regular rate of compensation," which includes not just hourly wages but all nondiscretionary payments for work performed by the employee. The Court also held that its decision will be retroactive.

The Case

Jessica Ferra worked as an hourly bartender for Loews Hollywood Hotel. She received hourly wages plus quarterly nondiscretionary incentive payments. If an hourly employee was not provided a compliant meal or rest break, Loews paid the employee an hour of pay at the employee's base hourly rate. Loews argued this was the "regular rate of compensation" mandated by Labor Code section 226.7(c).

In 2015, Ferra filed a class action lawsuit, arguing that nondiscretionary incentive



payments should be factored into the regular rate of compensation for purposes of meal and rest break premiums. The trial court and Court of Appeal agreed with Loews that the "regular rate of compensation" was not synonymous with the "regular rate of pay" used in Labor Code section 510(a) governing overtime. Ferra appealed to the Supreme Court, and the instant ruling followed.

The Supreme Court discussed the history and evolution of the wage orders as well as Labor Code section 226.7 extensively as the basis for its holding. The Court noted that neither the Labor Code nor Wage Order No. 5-2001 define the terms and the words could reasonably be construed to mean hourly wages or wages plus nondiscretionary payments as is the case under Labor Code section 510(a) for calculation over the regular rate of pay for purposes of overtime.

The Supreme Court also relied on the courts' and DLSE's understanding of two different terms, that "regular rate" under the Federal Labor Standards Act ("FLSA") and "regular rate of pay" in Labor Code section 510 have the same meaning.

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IN MEMORIAM MARTIN BENOM

We were saddened to hear of the loss of longtime CALSAGA Member Martin Benom in May. We appreciate his service to CALSAGA Committees, his loyal attendance at CALSAGA events and his dedication to increased professionalism of the private security industry. Our thanks to Mark Myers for the information about Martin below.

Martin began his career in facility services in 1958, working for White Glove Maintenance Services helping the company revenue grow from 6 million to 8 million annually through until it sold to ITT. Shortly after, Martin enlisted in the Marine Corps, and left with an honorable discharge. He returned to the Security Industry in 1970 and soon became CEO of Worldwide Security and Worldwide Cleaning Services. Over the years he formed and grew Goffman Building Maintenance and Sentinel Guard Services then The Resource Collection and Command Guard Services; ultimately forming United Facilities Solutions and Command Guards in 2008 with Mark Myers.

Many industry insiders considered Martin to be one of Building Services and Security Industry brightest minds, most generous and driven business leaders, and entrepreneurs. Martin was fond of deep diving into industry trends like digital and enhanced Officer tracking, robust training, and using technology to help keep Officers and employees safer in the field and on worksites. He was always anticipating industry trends and was always trying to understand how the business of security was changing. He thrived on pursuing acquisitions, and the act of developing long lasting relationships.



Martin Benom (second from left) at the 2019 CALSAGA Annual Conference. Also pictured from left Russell Wilmon, Mark Myers and Paul Atkins

HIRING PROBLEMS & YOUR SOLUTIONS

Armand Adkins, GuardsLink

One of the most recurring problems in the security industry is finding and hiring qualified security officers. If there was a show of hands, I don't think many members of CALSAGA would say hiring, when and how they want, is easy. It just isn't. Building the team of security officers your company needs will require creativity as well as a rigorous process to search and employ the right people to service your existing clients and move your company forward.

We need to recognize that finding the right candidates is even harder for security companies than in other industries as those we select are expected to protect lives and properties. Qualities such as experience, fitness, and appropriate training are only a few of the things security companies look for from their pool of candidates. While there are endless in-house problems that get in the way of an effective hiring process (administrative time commitment, costs, etc.), the good news is, as hard as these problems might seem, there are practical ways to effectively tackle them.

Shortage of Candidates

Always surprising - even though the physical security industry is a long standing and established sector of our economy, the Service Employees International Union still records an annual turnover rate of 100%-300% for security officers. This means that security officers leave a job within 1 year and sometimes within their first four months in a new company.

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IMPROVING CONTRACT MANAGEMENT FOR BETTER BUSINESS STRATEGY

Brandy Tomasek, Team Software, CALSAGA Network Partner



As a leader of a security company, managing your contract updates can become an incredibly daunting task, especially given today’s ever-changing environment. Not only are customers requesting more from your business in terms of the services you provide, but you’re also being required to monitor your service delivery to meet new and specific compliance standards.

As contract management becomes more complicated, you’re simultaneously being asked to provide more visibility to your customers through business data and proof of service — a process multiplied by each dispersed job site spelled out in your contract agreements.

As contract management evolves, one thing is clear. Your business strategy needs to evolve as well, namely in finding a way to leverage your technology so it’s working for you, not against you. Managing a contract across multiple platforms — or worse, through only paper-and-pencil processes — is tricky, messy and ultimately a drain on your resources. Even with regular communication to and from the field, you’re more likely to end up with answers that don’t line up across systems, discrepancies in how information is processed and assigned, and a loss of customer business. It’s important to use technology specifically designed for the needs of the security industry to counteract these dangers and better manage your contracts.

Trainings, Licensures and Breaks

With your contracts, it’s important to make sure you have officers with the correct qualifications fulfilling the requirements of any given job, and that you’re providing fair and equitable hours whenever possible. Employees need to be onboarded thoroughly and appropriately with ongoing training and licensure requirements accurately tracked, so when a job does require specific certifications, you can fill those service-level agreement needs appropriately.



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THE STAFFING DROUGHT

Tony Unfried, CSA360



We have a new drought among the security industry... It is a staffing drought. Finding new staff has been harder than ever. According to LinkedIn there are over 53,000 jobs available in the US. For various (some valid) reasons, not many people are eager to return to work. Lowering your turnover and improving retention is more important now than ever. Here is how you can help solve staffing gaps.

Art of Incentives

People are competitive by nature and nothing like a friendly competition to motivate your team. Using the art of incentives can be one of the best kept secret methods to encourage your team. This can be your secret weapon to keep your security team motivated. Perhaps finding a good scheduling software that can track this is a good idea.

Transparency

Having transparency within your staff is easier said than done. From knowing the availability of your staff to how they are performing can be difficult. It is a definite must. While having fun, positive incentives are great. It has been proven that people perform better when they know they are being watched and critiqued based on their work performance. Reward the employees who are always on time by giving them the better shifts or their preferred shift or the best positions. While you can keep track of this with a spreadsheet that can become a bit tedious, it is recommended you read into security software which can automate this process.

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HIRING CHALLENGES

Jeff Davis, Team Software,
CALSAGA Network Partner



Every market seems to be haywire right now. Low interest rates, high building costs and excess disposable income has led to unprecedented demand and price increases in the housing market. The stock market has also been a rocket since hitting lows at the beginning of the pandemic. So, why should we expect anything less from the security labor market?

Let's go ahead and address the 800-pound gorilla in the room: security firms are not getting enough applicants. While pundits debate the reasons for the drop in applicants, we can assume the answer is likely due to multiple factors affecting job seekers. Before we look at the possible causes, let's take a look at recent trends in hiring and applicants.

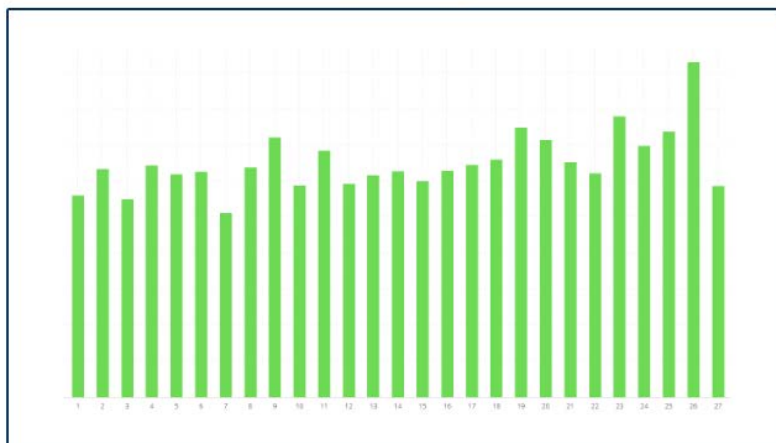
Hiring Trends

Hiring has steadily grown week-by-week in 2021, with the most new hires coming in late June. Overall, hiring for April 2021 was up 62% year over year. Demand is strong for contract security services. As the world reopens, it makes sense that demand for security services would increase.

Applicant Volume

Applicant volume has not followed the same path as hiring. Where hiring has steadily built each week, applicant volume started high, dipped in the spring, and has somewhat leveled off to first quarter (2021) numbers. This presented a very challenging spring when trying to fill security positions, as well as in other

National Weekly Hiring Trends, 2021



industries, as new applicants were hard to find.

Key Factors

Steady hiring with lower and inconsistent applications makes for a difficult hiring environment.

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LEGISLATIVE UPDATE

Kate Wallace, Association Manager

As we reported to you earlier this year, Assemblymember Chris Holden introduced Assembly Bill 229 which would require the development of Use of Force curriculum for the private security industry. Among other topics the training would include active shooter situations; implicit and explicit bias and cultural competency; mental health and policies.

The CALSAGA Executive Committee along with our lobbyist Kelly Jensen have been working with Assemblymember Holden's office, the Committee Consultant for the Senate Business, Professions and Economic Development Committee and Chief Andres of the Bureau of Security & Investigative Services on the text and ramifications of the bill. CALSAGA President David Chandler has testified before Assembly and Senate committees regarding the bill.

The current draft of the bill would remove Weapons of Mass Destruction from Powers to Arrest and replace it with Use of Force. Weapons of Mass Destruction will become an elective option. It would require the initial guard card training to be administered in a traditional classroom setting with a physical instructor utilizing "hands-on training." Originally the legislation would have increased the initial training requirement from 8 hours to 10 hours. CALSAGA addressed this with Assemblymember Holden and are glad to report that he is agreeable to keeping the initi

Proposed legislation would also increase requirements for reporting altercations. Currently all physical interactions involving a security officer must be reported to the BSIS. al training as an 8 hour course.

**CLICK HERE TO CONTINUE
READING**