

# *The Californian*

*The Quarterly Newsletter of*



*November 2021*

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# PRESIDENT'S REPORT

David Chandler, CALSAGA President

The 2021 CALSAGA Virtual Annual Conference was a success. Thank you to our staff, speakers, sponsors, vendors and attendees. We could not have done it without all of you. You can check out the [Annual Conference Recap on page 12](#).

As great as the virtual conference was, I really miss the in-person conference. I have heard from many of you that you also miss seeing your colleagues face to face (as well as the great food!). Our team is already working diligently on the 2022 Annual Conference. The event will take place in-person October 18th - 20th at the Agua Caliente Resort

in Rancho Mirage. 2022 will bring the return of The President's Reception which is a great outdoor networking reception as well as the CALSAGA Awards Dinner which honors deserving security professionals. Later this year applications will open for the Lifesaving Award, Medal of Valor, Security Officer of the Year Award and the Al Howenstein Lifetime Achievement award.

I hope that you and your family have a very happy holiday season and a wonderful New Year. Many wishes for a prosperous New Year in 2022.

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# REGULATION CORNER

David Chandler, CALSAGA President

## AB 229 - Use of Force

As we've reported previously, CALSAGA was very involved in the efforts to reform the text of AB 229 prior to its passing. The new training requirements will go into affect in 2023 but the next reporting requirements take place in less than two months. Please pay close attention to Bradley, Gmelich + Wellerstein's Legal Corner on page 6 for important information about reporting.

I am glad to be representing CALSAGA on the committee to assist with the writing of the Use of Force training. The association will give you more information as we know it.

## Firearm Ownership

In September, the CALSAGA Board of Directors met with the Department of Justice to request an updated bulletin regarding the assignment of firearms to licensed security officers by Private Patrol Operators.

I am glad to report that an update has been provided. We strongly encourage you to print a copy for all armed officers to carry on their person while on duty and to replace all previous versions of the bulletin with the one linked below.

**Update to Assignment of Firearms**

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# WORKERS' COMPENSATION CLAIMS: HOW TO CHOOSE AN OCCUPATIONAL CLINIC

Shaun Kelly, Tolman & Wiker,  
CALSA Preferred Broker



Hello to all and we hope everyone is doing well!

We have been assisting employers in managing Workers' Compensation claims for many years. This includes First Aid claims, moderate injuries involving transitioning to light duty to get the employee back to work as soon as possible and assisting with very serious injuries. One part of the process in managing Workers' Compensation claims that all employers should engage in, is choosing an occupational clinic that works best for you, the employee and the insurance carrier. A designated Occupational Clinic should be selected prior to any injuries. Including all team members handling Workers' Compensation claims in this process is important. This should also include your insurance broker in order to assist you throughout the claim.

The clinic you choose is an important decision as it sets the tone for the rest of the claim. A well written discharge report will limit options while a poorly written report can

leave the door open for further allegations and treatment. The clinic you choose should also help convey how your company cares about its employees.

## Things to look for in a clinic:

1. Look for a clinic who can see your employees during your work hours
2. Look for a clinic who will keep copies of your job descriptions on file
3. Look for a clinic who will use MRIs sparingly
4. Look for a clinic who is responsive to employee needs and has a pleasant bedside manner

Before choosing a clinic you should schedule a time to visit. This will allow you to tour the clinic which will give you an idea of the average wait time, as well as meet some of the doctors. You may also ask the clinic to do an on-site visit of your facility. This will give the clinic a better idea as to what it is you do and what type of job duties your employees have as well as the physical demands of the job.

## Things to ask during your visit to the clinic:

1. What are their hours of operation? Are they open at night and on weekends?
2. How many locations do they have?
3. How do they handle return-to-work? Do they try to get injured employees back to modified duties as soon as possible? Do they send work status reports via email to employers as soon as possible? How descriptive do they get in writing work restrictions?
4. How do they communicate with employers?

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# BEWARE OF NEW BSIS INCIDENT REPORTING REQUIREMENTS

Barry Bradley, Esq.,  
Bradley, Gmelich LLP, CALSAGA Legal Advisor



**AUTHOR'S CORRECTION AND REVISION:**  
To clarify some questions raised by this article when it originally published, the Incident Report requirements below are more detailed to reflect that submitting the report to BSIS is required when an employee is discharged, suspended, or reprimanded as the result of being in a physical altercation with a member of the public. (See, "The New Rule," below with added language.) Not every employee discharge, suspension or reprimand requires an Incident Report. Sorry for any confusion.

Earlier this year, California Governor Gavin Newsom signed AB 229 into law. Among other things, this new law expands the duty of California Private Patrol Operators (PPOs) to report "incidents" that occur by security officers on duty. Not only does it greatly enlarge the obligation and the circumstances of reporting, but citations for failure to report have just increased from \$1,000 per violation to \$5,000 per violation. Wow! And this requirement took effect immediately.

## The New Rule:

The Private Security Services Act, Business & Professions Code § 7583.2 now requires a written Incident Report to BSIS within 7 business days of the occurrence of any of the following:

[Note that the new expanding language is underlined.]



- Discharge of a Firearm.
- Physical altercation with a member of the public while on duty that results in any of the following:
  - Arrest of a security guard.
  - Filing of a police report by a member of the public.
  - Member of the public requiring any type of first aid or other medical attention.
  - The discharge, suspension, or reprimand of a security guard by their employer.
  - Any physical use of force or violence on any person while on duty.

## Vague Terminology

The use of the new vague term, "any physical use of force," is going to be open to interpretation. It's easy to understand that a fist fight, use of a weapon, etc., is a "physical use of force." But how about the gray areas?

Does this include a simple hand on the back of the arm guiding someone to an exit? How about a firm grip? Does it include moving someone's hand from in front of an officer's face? Does it include putting an arm up as someone approaches an entrance to prevent entry where physical contact is made?

# LOOKING FORWARD: WHAT'S DRIVING THE HARD MARKET INTO 2022

Tory Brownyard, Brownyard Group



The insurance industry is now experiencing a hard market that experts predict will continue well into 2022. In practical terms, this means security firms, among other businesses and industries, will continue to see rising insurance premiums and may have difficulty obtaining coverage.

A range of factors have contributed to the hardening insurance market. For security firms planning for the year ahead, understanding the drivers and knowing the risks that concern insurers may help soften the blow and provide better coverage options in the shifting economy.

## What's driving the hard market

In a hard market, insurance rates rise as insurers become more risk averse. Some insurers institute stricter underwriting parameters, while others may leave certain markets entirely. An example of this can be found in California where, years ago, many insurers reduced the amount of earthquake coverage they wrote while others stopped providing earthquake insurance entirely.

For security firms in the U.S., the pandemic, economic uncertainty, rising crime rates and civil unrest in 2020 and 2021 all contributed to the hardening of the security insurance market.

The security industry saw a respite from active shooter situations throughout 2020 and 2021 due to nationwide lockdowns. However, as lockdowns ended, active shooter concerns began to rise again.

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# STRATEGIES TO REDUCE THE RISK OF WORKPLACE VIOLENCE

Debbie Howlett, TrackTik CALSAGA Network Partner



Since the start of the pandemic in March 2020, many previously low-risk workplaces are now at a higher risk for workplace violence. Many people frustrated by mask mandates, social distancing restrictions, and endless line-ups have resulted in a population with hair-trigger tempers. Some workplaces are recognized to be at significantly greater risk than others, like healthcare facilities. An emergency room in San Leandro, California, recently went into lockdown when a visitor, frustrated by Covid-19 restrictions, threatened to bring a gun into the hospital.

However, workplace violence in healthcare was already on the rise pre-pandemic. The U.S. Department of Labor Statistics reports that in 2019, 47% of emergency department physicians reported being physically assaulted during work, and 71% of nurses reported experiencing sexual harassment at the hands of patients. This year, according to the National Nurses Union (NNU), a recent nationwide survey of more than 5,000 registered nurses, 31% of hospital RNs said that they faced a small or significant increase in workplace violence, up from 22 percent since March 2021.

An unfortunate silver lining to the pandemic has allowed hospitals to review their safety protocols. Across the U.S., hospitals and other facilities have installed more security cameras



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and video surveillance, limited entry points to monitor visitors more closely, and hired additional security officers. They have also provided de-escalating training, equipped staff with Bluetooth-enabled panic buttons, and in some cases, brought in K9 patrols.

## Security Officers at Risk

At present, the California Occupational Safety and Health Administration (Cal/OSHA) only has rules that regulate workplace violence in the healthcare industry. Still, there are no regulations covering workplace violence in other sectors. The Cal/OSHA Guidelines for Workplace Security have been in circulation since March 1995, so workplace violence has been a concern for a long time in California.

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# HIRING INTO 2022: HOW TO GET THE RIGHT OFFICERS IN A TOUGH MARKET

Jeff Davis,  
TEAM Software, Network Partner



**A**s a security contractor, you're well aware the current labor market is pretty crazy. You've got a lot stacked against you, and you're not alone. National applicant trends across industries aren't keeping up with those of hiring. That's a problem for your hiring efforts. So, how do you attract applicants to your open jobs?

## First things first.

Promote your jobs. Due to the lack of job seekers, employers have sponsored more job listings on job boards, leading to an all-out bidding war. With placements coming at a premium, companies have had to aggressively increase their job board spending budget to remain visible. Before you start throwing money around, though, consider your options.

Diversify your applicant search. One source of job postings may garner lots of applicant volume, but with low quality. This means you may end up with candidates in your hiring funnel who have little interest in being there or who aren't qualified. Or, the opposite may be true. A job board could only generate a sliver of

applicant volume, but with applicants who are highly qualified with long-term retention potential at your company. Evaluate what your KPIs are in the hiring process and parcel out your advertising process accordingly. Then make postings on job boards based on those KPI goals.

## Next up, marketing.

One of the best ways to improve your candidate quality is by improving your job listing. If the listing is unclear, people won't apply. If it is misrepresentative of work tasks, you could have officers apply, begin work, then decide the job isn't right for them and turn over quickly. Speak to what's unique about your company, what might make it a good fit for the right candidates, and why people should be excited to join your team.

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## 3 WAYS TO IMPROVE YOUR SECURITY SERVICES AND MAINTAIN YOUR COMPETITIVE EDGE

Tony Unfried, CSA 360



Seeing as the majority of your competitors undoubtedly offer most, if not all of these services, the most pressing question you need to answer is: What are you doing to improve and make sure your security guard services are keeping pace in a competitive industry?

Here are three can't fail suggestions:

### 1. Maintain Top of Mind Security Offerings by Focusing on Delivery and Quality of Services Provided

A big mistake many security companies make is trying to be all things to all customers. Casting such a wide net not only makes it hard to stand out, but you may find that you're not focusing attention on your core security strengths.

It's important to maintain top of mind security offerings to ensure longevity with your current and future clients. To do this, we recommend the following actions...

- **Ensure your security services meet the needs of your clients.**

Confirming there's a perfect match between the services you offer and the needs of your clients sounds like an obvious exercise, but it's worth a closer inspection.

To ensure that you are offering the right services to meet client needs, ask yourself the following questions:

- What industry are your current clients part of?

**CLICK HERE TO CONTINUE READING 11**

# 2021 ANNUAL CONFERENCE RECAP

Kate Wallace, CALSAGA Association Manager



Out of an abundance of caution the 2021 CALSAGA Annual Conference was held in a virtual format. The conference platform included message boards and chat functions which allowed attendees, speakers, staff, sponsors and vendors to engage with each other although physically separated. For the first time the association offered a Virtual Happy Hour and Jeopardy game which was hosted by the CALSAGA Ambassador Committee. That event was such a success that our staff is working to produce a similar event in a physical format during the opening day of the 2022 Annual Conference. Our speakers worked hard to provide great content and important information that attendees need in order to operate their businesses as efficiently as possible and to stay in compliance. Many presenters offered Live Q&A sessions and several of our subject matter experts gathered together to close the conference by answering any last minute questions.

Thank you for everyone who made the 2021 Virtual Annual Conference a success!

**Save the Date for the 2022 CALSAGA Annual Conference**

**October 18 - 20, 2022**

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# SOLVING THE PROFITABILITY PROBLEM WITH JOB COSTING

Brandy Tomasek,  
TEAM Software, Network Partner



There's no doubt you've heard something described as the "meat and potatoes" before. The saying refers to the most basic or fundamental aspects of something. For your security company, the meat and potatoes of your business are your jobs. But keeping your security jobs profitable is a challenge. Especially, when labor and overhead costs are on the rise due to added costs of the pandemic.

**The challenge: staying profitable when you're up against tight margins.**

In an industry where profit margins are already thin, you don't have a lot of wiggle room to dip into your profits to offset new and increased costs. So, it's especially important to maintain a clear and accurate picture of your profitability at all times. It's likely you're managing your business to some degree with technology. But, have you factored in job costing? If you're not actively allocating costs down the job level, you're missing the "meat and potatoes" of your profitability opportunities.

It should be a given that if a particular revenue or expense exists in accordance with a contract, then it should be included in your job costing. But the real challenge is getting accurate numbers and recording them down to the job level. Typically, costs you should

be allocating per job include labor costs, payroll taxes, workers compensation, general liability insurance, umbrella insurance, supplies, materials, fuel, vehicles and more.

**The solution: gaining visibility into profits at the job level.**

Job costing strategies aren't one-size-fits all. To maximize your competitive advantage, security companies should be leveraging job costing opportunities that look at costs in detail at the job level. Oftentimes, it can look like a job is profitable when seen from the 1,000-foot view. But when you dig into some of the expenses coded to overhead jobs, you find some of those larger, true cost overhead expenses are what make up a good chunk of costs at the job level, too.

For example, worker's compensation typically isn't expensed down to the job level because it's hard to manage. Depending on the specific services you provide, worker's compensation could be more costly than specific payroll taxes.

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