

The Californian

The Quarterly Newsletter of



August 2022

915 L St. #C251

Sacramento CA 95814

916.930.0552

www.calsaga.org



*Included
in this
edition:*

3 - PRESIDENT'S MESSAGE

4- REGULATION CORNER

5 - NETWORK PARTNER SPOTLIGHT

6 - WHAT IS INCLUDED AND/OR
EXCLUDED FROM PREMIUM IN A
WORKERS COMPENSATION AUDIT?

7 - "SIT DOWN AND BE COUNTED!" COURT
REITERATES DUTY TO PROVIDE SUITABLE
SEATING

9 - THREE TIPS TO REDUCE OVERTIME,
NOW

10 - TIPS FOR CHOOSING A SOFTWARE
PARTNER

11 - IS INFLATION TO BLAME FOR
RISING SECURITY FIRM INSURANCE
PREMIUMS?

11 - BIKE PATROL: A GREAT CHOICE FOR
COMMUNITY RELATIONS

12 - BEST PRACTICES FOR INTAKE AND
ONBOARDING



**October 18 - 20th
Rancho Mirage, CA**

General Sessions | Vendor Hall Networking | Awards Dinner

2021-2022 BOARD OF DIRECTORS

PRESIDENT

David Chandler

VICE PRESIDENT

Gary Bradley

VICE PRESIDENT

Aleda Sebenick

SECRETARY

Mike Smidt

TREASURER

Mark Miller

NORTHERN CALIFORNIA DIRECTOR

Ashlee Cervantes

NORTHERN CALIFORNIA DIRECTOR

Nils Welin

SOUTHERN CALIFORNIA DIRECTOR

Manuel Jimenez

SOUTHERN CALIFORNIA DIRECTOR

Hugo Rodriguez

DIRECTOR AT LARGE

Brett Guest

DIRECTOR AT LARGE

Conrad Levoit III

LEGAL ADVISORS

Barry Bradley and
Jaimee Wellerstein

STAFF

ASSOCIATION MANAGER

Kate Wallace

PROGRAM MANAGER

Kris Smidt

COMMUNICATIONS MANAGER

Aley Moyer

ADMINISTRATION

Andrea Chandler



PRESIDENT'S REPORT

David Chandler, CALSAGA President

Hopefully you are having a great summer. I am encouraged that things are returning to a semblance of normalcy. Believe it or not, this is our last edition of The Californian before the **2022 CALSAGA Annual Conference** and we are very excited. I know that I don't have to remind many of you that this is our first in person conference since 2019. The virtual conferences in 2020 and 2021 were better than nothing, but they were not the same as meeting together. For the many of you that have joined the association since October 2019 and have not had the opportunity to attend an Annual Conference, you will have to trust me that this is an event that you need to attend. The Awards Dinner returns on October 19th as part of the Annual Conference (**additional ticket purchase required**).

Awards to be presented include the Lifesaving Award, Medal of Valor and Security Officer of the Year. Nominations will be accepted for 2020, 2021 and 2022. Security officers work hard; help us recognize and honor them for outstanding service and commitment. Additionally the Al Howenstein Lifetime Achievement Award will be presented. Click here to review award criteria and nomination information. Based on the attendance for our event **Coffee Chat: Changes to Training & Regulation that You Need to Know** earlier this year, I know that many of you are concerned about the changes that AB229 will bring (and have already brought!). At this time the BSIS has not yet provided the syllabus for the new Use of Force Training. As always, we will keep you informed as information is available. I look forward to seeing you in October.

Be Safe,

THE MECHANIC GROUP OFFERS BEST-IN-CLASS WORKERS COMPENSATION AND EMPLOYERS LIABILITY COVERAGE

Security Guard and Investigative Class Codes

Competitive Rates

Guaranteed Cost and Large Deductible Programs Available

Payroll reporting payment options available as well as direct bill monthly installments

Loss Control and Risk Management on larger accounts



CALSAGA NETWORK PARTNER



WE ALSO OFFER THESE BEST-IN-CLASS COVERAGES

Commercial Liability including Errors and Omissions

Commercial Auto

Privacy and Network Liability

Umbrella

Fidelity and Third Party Employee Dishonesty

Employment Related Practices

ASK YOUR BROKER TO CONTACT US

Marc Katz, Principal

800.214.0207, EXT. 105

mkatz@mechanicgroup.com

Mechanic Group, a division of Specialty Program, LLC. Doing business in California as SPG Insurance Solutions License No. 0L09546.

REGULATION CORNER

David Chandler, CALSAGA President

BACK TO BASICS

If you employ armed officers, make sure that you are not committing this violation!

Section 7583.2 (f) of the California Business and Professions Code states:

No person licensed as a private patrol operator shall do any of the following:

(f) Permit any employee to carry a firearm or other deadly weapon without first ascertaining that the employee is proficient in the use of each weapon to be carried. With respect to firearms, evidence of proficiency shall include a certificate from a firearm training facility approved by the director certifying that the employee is proficient in the use of that specified caliber of firearm and a current and valid firearm qualification permit issued by the department. With respect to other deadly weapons, evidence of proficiency shall include a certificate from a training facility approved by the director certifying that the employee is proficient in the use of that particular deadly weapon.

The key word is **proficient**. The Firearm Training Facility providing the training is responsible to include that word on the certificate however the PPO employing the officer is responsible to ensure that the certificate is correct before putting the officer on post.

Each infraction is subject to a fine of \$1750. Please be mindful that if you are involved in a civil lawsuit and you do not have the correct documentation of proficiency with a firearm then you are in violation of a public law. No insurance company will indemnify you for a violation of a public law. Please audit your training records to ensure that you are in compliance.

TRACKTICK

Mitigate Risk of Non-compliant Breaks with TrackTik's Enhanced Break Management

With the latest enhancements to TrackTik's Break Management, you can view break times that are precise and to the second. You can also record interrupted breaks, eliminate the need for paper waivers, obtain detailed analytics, and optimize your resources. In return, you can mitigate legal risk, all while protecting the rights of your employees.



Find out more at www.tracktik.com

Thank you to our CALSAGA Network Partners!



Bradley
Gmelich+
Wellerstein LLP



A Member of the Tokio Marine Group

Silvertrac



TRACK TIK

TSiB

CLICK HERE TO LEARN MORE
ABOUT NETWORK PARTNERSHIPS



Coverage for the Security Services industry

THE GUARDIAN

Philadelphia Insurance Companies specializes in the Security Services industry. We understand how to provide a flexible and comprehensive insurance program for risks all across the United States. Coverage is provided on an admitted basis in most states. PHLY's program offers coverages for: General Liability, Property, Automobile, and Crime and Fidelity.

To learn more, please contact our local
Marketing Representative: **Tim Johns**
Timothy.johns@phly.com or 916.724.2297



A Member of the Tokio Marine Group



October 18th - 20th
Rancho Mirage, CA

General Sessions | Vendor Hall
Networking | Awards Dinner

REGISTER NOW



WHAT IS INCLUDED AND/OR EXCLUDED FROM PREMIUM IN A WORKERS COMPENSATION AUDIT?

Shaun Kelly, Tolman & Wiker, CALSAGA Preferred Broker



Hope all is well with everyone.

In my last article, we discussed why Workers Compensation auditors are requesting more information than they have in previous years. This is due to the passing of Assembly Bill 5 (AB-5), which redefines the guidelines of whether a worker is an independent contractor or not (The ABC test). Auditors are requesting additional financial information to determine if employers are using independent contractors.

In this article, we are providing information on what is included and/or excluded in determining your premium in a Workers Compensation audit. This will include information regarding some of the following:

- Sick pay
- Vacation Pay
- Bonuses
- Attendance at conferences
- Automobile allowance
- Employee benefits
- Commuter compensation
- Meals
- On Call/Stand By pay
- Uniform allowance
- More

Please see the **Payroll/Remuneration Table** from the California Workers Compensation Uniform Statistical Rating Plan (Also known as the USRP).

The USRP is updated and approved by the California Insurance Commissioner periodically. You can find the complete USRP on the Workers Compensation Insurance Rating Bureau (WCIRB) website at wcirb.com under Filings and Plans.

If you have any questions, please feel free to contact me.

Take care and see you all at the CALSAGA Annual Conference.

CLICK HERE TO CONTINUE READING

The nomination period is now open
for the

**Medal of Valor
Lifesaving Award
Security Officer of the
Year**

**Al Howenstein Lifetime
Achievement Award**

Nominations will be accepted for
2020, 2021 and 2022.

“SIT DOWN AND BE COUNTED!” COURT REITERATES DUTY TO PROVIDE SUITABLE SEATING

Barry Bradley, Esq.

Bradley, Gmelich & Wellerstein, LLP
CALSAGA Legal Advisor



In California, an employee is entitled to use a seat while working if the nature of the work reasonably permits the use of a seat. An employer is required, in that circumstance, to provide the employee with a suitable seat.

In the recently decided case of **Meda vs. AutoZone, Inc., et. al.** (7/19/2022), the California Court of Appeal reversed summary judgment in favor of the employer and sent the case back to the trial court level for trial on the issue of whether the employer “provided” suitable seating. Although this case takes place in a retail store setting, the same rules apply to the security industry.

Facts:

Plaintiff and appellant Monica Meda (plaintiff) worked as a sales associate for about six months at an AutoZone auto parts store (store) operated by defendant and respondent AutoZoners, a Limited Liability Company (AutoZoners). After she resigned from her position, plaintiff filed a lawsuit alleging one claim under the California Labor Code Private Attorneys General Act of 2004 (Lab. Code, § 2699 et seq.) (PAGA). She asserted that AutoZoners failed to provide



suitable seating to employees at the cashier and parts counter workstations, and that some or all of the required work could be performed while sitting.

About 40% of plaintiff's duties were performed at the cashier's station, another 40% at the parts counter, and the remainder around the floor. Plaintiff asserted that her time at the cashier's station could have been performed while seated on a stool, and about half of her work at the parts counter could, likewise, have been performed while seated.

California Wage Orders:

As a refresher, the court stated that “wage and hour claims are today governed by two complementary and occasionally overlapping sources of authority: the provisions of the Labor Code, enacted by the Legislature, and a series of 18 wage orders, adopted by the [Industrial Welfare Commission (IWC)].” [Citation.] The IWC, a state agency, was empowered to issue wage orders, which are legislative regulations specifying minimum requirements with respect to wages, hours, and working conditions.’ ” [citations omitted.]

Although this case addresses wage order No. 7, the identical requirement is listed in Wage Order No. 4, applicable to security guards. Specifically, it states:

“14. SEATS

(A) All working employees shall be provided with suitable seats when the nature of the work reasonably permits the use of seats.

CLICK HERE TO CONTINUE READING 7

Discover What You've Been Missing



Having trouble finding profitability and growth?

Uncover hidden data and solve challenges around hiring and retention, customer satisfaction, guard scheduling, and more — all with an integrated technology partner.



teamssoftware.com/californian

INSURANCE & RISK MANAGEMENT SOLUTIONS FOR THE PRIVATE SECURITY INDUSTRY



Workers' Compensation | General Liability | Errors & Omissions | Crime
Commercial Auto | Employment Practices | Property | Surety Bonds



Nick Langer
Senior Risk Advisor
nlanger@tsibinc.com
(661) 645-4947



NETWORK
PARTNER



Mike Langer
Risk Advisor
mlanger@tsibinc.com
(661) 403-0117



Bradley
Gmelich+
Wellerstein^{LLP}

Our unique program is available at an
additional discount to CALSAGA members



Managing Your Legal Needs

BG+W Business & Employment Counsel Program™

Our BG+W Business & Employment Counsel Program™ is a monthly subscription program that provides the essential business, employment and regulatory documents you need to run your business in California, customized for your company, plus access to experienced legal counsel.

Our Program Includes...

- Access to Experienced legal counsel
- Extensive knowledge of the security industry in CA
- Custom solutions for your company
- Predictability for your legal budget
- An extraordinary value...

**OVER \$10,000 IN POTENTIAL SAVINGS
IN JUST THE FIRST YEAR!**

Interested In Learning More?



Visit our website to download a full list of essential documents and our special discounted pricing.

bgwlawyers.com/business-employment-program/

THREE TIPS TO REDUCE OVERTIME, NOW

Plus: Things to keep in mind when dealing with overtime during a labor shortage.

Gail Tutt, Team Software, CALSAGA
Network Partner



We've said it before and we'll say it again: the best way to reduce overtime is to stop it before it starts. It's a little cliché, especially when overtime (and, unfortunately, non-billable overtime) is an inherent part of the security industry. Still, there are several tactics you can use to get a handle on overtime and manage labor costs.

1. Know your service-level agreements. This doesn't just mean at the executive level. Because SLAs dictate the service standards and pricing obligations you're required to deliver to your customers, it's imperative that any employee who is involved in managing your company's scheduling is well versed in bill and pay rates by contract. By ensuring understanding in all scheduling roles, you can prevent costly mistakes (like wage creep, which can occur in a variety of scenarios, but especially when officers are scheduled for overtime shifts outside of the scope of what's budgeted per job.)

By knowing your SLAs inside and out, your company is also setting up the foundation for best practices in job costing. With industry-specific software solutions to assist in the heavy

lifting of tracking and analyzing job costing. With industry-specific software solutions to assist in the heavy lifting of tracking and analyzing job performance, you can see at a glance which jobs are lending themselves to your profit margins, and which are under performing.

2. Don't forget about compliance. In some cases, there's no way around scheduling overtime without compromising your compliance with state and federal labor law regulations and overtime rules. In our industry, there are compliance risks posed from misclassification, recordkeeping and other hour and wage-related activities that can turn your timekeeping and overtime tracking into a headache. Earlier this year, even, this entity reported a wage settlement (with waiting time penalties) due to an upheld ruling alleging an employer failed to include meal period premiums on wage statements.

CLICK HERE TO CONTINUE READING



PREFERRED BROKER OF



SHAUN KELLY

SR. VP, RISK ADVISOR

SKELLY@TOLMANANDWIKER.COM

(661) 616-4712

- Workers' Compensation
- General Liability/ Errors and Omissions
- Commercial Property
- Employment Practices Liability
- Crime
- Commercial Auto
- Excess Liability
- Cyber Liability

**For a FREE consultation, call
or email me today!**

TIPS FOR CHOOSING A SOFTWARE PARTNER

Tony Unfried, CSA360, CALSAGA Network Partner



As companies grow or become acquired, they tend to change; whether it's an increase in price, a decrease in customer service, or both. It's important to be aware of these changes because it affects the quality of service you receive. As you navigate your relationships with trusted partners, we've found some best practices that can help you assess whether your needs are being met:

The company you choose provides consistent outstanding client services. This is the most important asset a partner can provide. Do your users have access to knowledge base articles? Do their support tickets get fast and efficient responses? Your team should be able to ask



760-773-5555

Monday - Friday 9AM-4PM

TFF 1143 | TIF 1770

77682 Country Club Dr, Suite
A-2 Palm Desert, CA 92211

Guard Card Classes | Firearms
Training Baton Training | Taser
Training | Chemical Agent CCW
Classes (Riverside County)

questions and be provided with high-quality answers.

Does the company know your business goals? Is your trusted partner checking in quarterly to connect with stakeholders to learn how they can support your growth? Do they know exactly what tools you will need further down the pipeline? Maintaining clear communication is key so your partner can launch new services the moment your team is ready.

They supply hands-on training. Being able to work through real time scenarios with a highly trained implementation specialist can make all the difference in your onboarding experience. Being able to learn the software by doing is the best way to retain training. In addition, it's important to have a key team member to hold that knowledge to train new staff and manage any turnover that may occur.

Along with training through real time scenarios, having homework scenarios prior to the next training can be equally as helpful. It provides a challenge to learning the software and allows the trainers to see what needs more focus and if trainees are truly retaining the information.

Leadership in innovation. In this competitive market, companies grow by staying innovative. Introducing new features and benefits can help improve the status quo. Receiving these communications via newsletter or email can give you access to new features, often without any additional cost.

Company transparency is everything. Is your partner following through with promises made to their client base, to the employees, and to their product?

[CLICK HERE TO CONTINUE READING](#) 10

IS INFLATION TO BLAME FOR RISING SECURITY FIRM INSURANCE PREMIUMS?

Tory Brownyard, Brownyard Group



In California gas prices have risen above five dollars a gallon. Food banks are experiencing extraordinary demand. Mortgage rates, housing prices, residential rent and even home repair and replacement costs are soaring. For many Americans, this historic rate of inflation has become real, unprecedented and problematic. As consumers feel the brunt of inflation, its impact also spans various industries throughout the U.S. For the private security insurance industry, the market continues to harden, due to both inflation and other factors.

While a major contributor, however, inflation is just one factor making it more challenging for security firms to secure the insurance they need to mitigate their risk exposure, and of course, meet required insurance obligations featured in every service contract.

Extreme Loss and a Rise in Crime

Inflation aside, many insurance carriers assess the risk and associated cost of premiums based on the history of loss in the industry as well as the individual organization's claims history and operational practices.

One tragic example of an operational impact includes the May 2022 Securitas Security Services \$517.5 million settlement paid to the victims of the June 24, 2021 partial collapse of Champlain Towers in Miami. Among the determining factors for Securitas paying nearly half of the more than \$1 billion settlement included the failure of the security guard on duty in activating the building's alarm system to signal an emergency evacuation.

[CLICK HERE TO CONTINUE READING](#)

BIKE PATROL: A GREAT CHOICE FOR COMMUNITY RELATIONS

Ellen LeMasters, American Bike Patrol

From the benefits bike patrol has had on law enforcement, all the way down to the positive environmental values bike patrol puts forth, one may instead ask why not bike patrol? Bike patrol was first invented in the mid-to-late 1800s, starting with a very heavy iron and wood pedal bicycle. The bike patrol industry has continued to grow ever since it developed into the modern diamond frame safety bicycle. Because of the ease that comes along with integrating bike patrol into a community, bike patrol offers a better way to protect and serve a community in the most cost-friendly manner.

Did you know that bike patrols result in more than twice as many contacts with the public than vehicle patrols? The novelty of a police officer on a bike creates an atmosphere where members of a culturally diverse community can start overcoming any negative perceptions that may have been placed upon law enforcement from prior encounters with patrol cars. A bicycle patrol officer has been proven to be more easily approachable than a car patrol officer.

Even more than just their role in community relations, bike patrol units also generate faster response times than patrol cars due to the mobility and stealth bicycles have to offer, especially with the introduction of Patrol eBikes. Bike patrol units can fit and maneuver into areas that patrol cars cannot, such as squeezing into small alleyways, riding right up to the doors of buildings, and even going down stairwells. They are also way less obvious and easy to point out than patrol cars, making it harder for criminals to notice them approaching.

[CLICK HERE TO CONTINUE READING](#) 11

BEST PRACTICES FOR INTAKE AND ONBOARDING

Simplifying paperwork, avoiding liability, and more best practices for today's hiring climate.

Nina "Nine" De Forge, Team Software,
CALSAGA Network Partner



Between employment contracts, payroll and benefits forms, handbooks and standard operating procedure information, and emergency contact forms (to name a few), the onboarding process of a newly hired officer can be time consuming. Add into the mix the ongoing challenges of hidden turnover, where new hires leave during or soon after onboarding (or, never report for their first day of training), and your HR teams are bound to feel like they're climbing an uphill battle.

The good news is there are some best practices your team can put in place to ease the process.

1. Simplify paperwork. Much like asking too many unnecessary questions during the hiring process can deter job candidates in a tight labor market, the sheer volume of onboarding paperwork can overwhelm your new hires. If you're still collecting onboarding documentation manually, with managers collecting physical copies of documents in the field or via unsecured email processes, you're well aware of just how hard it can be to finalize an employee's paperwork prior to importing into their employee master file.

Automating onboarding processes speeds up the process, and reduces the number of errors

that can occur during otherwise manual documentation and processing. (Plus, it gives you the option to securely store documentation digitally, so you don't have to maintain countless filing cabinets.)

2. Use the most updated, necessary intake forms. Reducing the amount of paperwork your team needs to collect isn't always an option, as certain documents are required by the government or corporate policies.

For example, the Equal Employment Opportunity Commission (EEOC) recently modified several standard forms to fully implement a nonbinary 'X' gender marker in addition to male and female indicators and an 'Mx' in the selection of prefixes. This change was made to help support nonbinary employees in the workplace. These forms are typically required of businesses with 100 or more employees (or federal contractors with at least 50 employees). Look for updates in your software solution to help support this change and decrease your company's risk of liability.

CLICK HERE TO CONTINUE READING

 **The
Company**

EXECUTIVE AND DIGNITARY PROTECTION SPECIALISTS



DAVID CHANDLER
President / CEO
david@thecompany.global

Los Angeles: 310-273-3500
Las Vegas: 702-302-4875
Reno: 775-335-0091
Washington DC: 571-969-4106