

The Californian

The Quarterly Newsletter of



May 2023

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PRESIDENT'S REPORT

David Chandler, CALSAGA President

Welcome to the second quarter edition of *The Californian: The Quarterly Newsletter of CALSAGA*. As always, we have a great edition for you.

In March we held a sold out session of Security University, CALSAGA's two-day management training program. Another session of the program will take place in Sacramento this month. At the time of publication, there were less than twenty tickets remaining. If you would like to attend, make sure to register soon. If you're thinking that this event is mainly for those new to the industry, I want to assure you that it is also valuable for industry veterans! You will get a solid refresher course as well as be updated on new laws and regulations with which you are required to be in compliance.

I had hoped to have an update for you regarding the new use of force training

materials required by AB 229. As we know, the implementation deadline of July 1, 2023 is right around the corner. I will be meeting with Chief Lynne Jensen and Deputy Chief Sam Stodolski next week to get an updated timeline. Once we have updated information, our team will provide it to you.

Registration for the 2023 CALSAGA Annual Conference will be opening soon. We're planning new sessions and a new poolside reception for this year. You won't want to miss it.

Be Safe,



CALSAGA Association Manager
Kate Wallace, President David
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Manager Aley Moyer at the
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REGULATION CORNER

By David Chandler

Did you know?

If you are currently operating your PPO as a Corporation, remember that you **MUST** notify the Bureau of a change of your corporate officers within 30 days. 7582.19 (a)

All new corporate officers, or new partners in a partnership, must submit a Personal Identification Form as well as a Live Scan (to CA DOJ) prior to any involvement in any operation related to security. The Bureau must approve before you can begin working with the corporation or partnership. 19 (b)

In a General Partnership, if one of the partners leaves (disassociation for any reason) a **NEW** application must be submitted (due to the change in the general partnership). A new PPO number will be issued pending approval by the Bureau. 7582.23

Please periodically check with the Secretary of State to confirm the information for your organization is the same as the Bureau has on file, including the address of record. Corporations must submit the names of the CEO, CFO and Secretary as well as any other corporate officer who will be active in the business to be licensed. 7582.7 (i)



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HEAT ILLNESS PREVENTION PLAN

Shaun Kelly, Tolman & Wiker,
CALSAGA Preferred Broker



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 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 Plan (HIPP) implemented. The investigation will include verification that you have provided training to your supervisors and employees and it is documented.

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 and employees, so that they can make the fullest use of their power to control safety on the job.

Currently, the requirement for a HIPP is required primarily for outdoor exposures. However, in the future, Cal/OSHA may require modifications to your HIPP to include not only outdoor exposures, but also indoor exposures. Buildings, in hot weather conditions, may not have proper ventilation or may have mechanical breakdowns to the air conditional units causing heat exposures to employees. Be on the lookout for changes to the HIPP requirements.

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.

CLICK HERE TO CONTINUE READING 5

CONFIDENTIALITY OF SETTLEMENT AGREEMENTS OBLITERATED BY THE NLRB

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



For decades, employers have comfortably included confidentiality provisions in settlement and severance agreements. This allowed employers to keep the terms of the agreement and the sum paid to a former employee confidential. Employers were even allowed to require the employee to keep information regarding their employment with the Company confidential. Recently, however, this has begun to change.

Effective January 1, 2022, Senate Bill 331 placed significant restrictions on confidentiality and non-disparagement provisions in settlement agreements related to sexual harassment and assault cases. More recently, the National Labor Relations Board (“NLRB”) imposed further restrictions on confidentiality provisions in severance and settlement agreements. In short, the NLRB opined in *McLaren Macomb* (07-CA-263041; 372 NLRB No. 58) that if a confidentiality provision is too overboard, it restricts the employee from exercising their rights under Section 8(a)(1) of the National Labor Relations Act. Surprise: that’s most confidentiality provisions!

McLaren Macomb, a teaching hospital was forced to lay-off a portion of its staff during COVID-19. The staff were offered a severance agreement that included both a non-disparagement provision disallowing the staff to speak negatively about *McLaren Macomb* and a confidentiality provision that disallowed the staff from disclosing the terms of the severance agreement.

The staff challenged the provisions (even though these are ordinarily included in severance agreements). *McLaren Macomb* contended that the provisions were lawful because *McLaren Macomb* did not separately violate any other portion of the NLRA and were unrelated to any union or protected activity. The NLRB disagreed.

The NLRB decided that the non-disparagement and confidentiality provisions had a chilling effect on workers and interfered with their Section 7 rights under the NLRA to organize even though these workers were no longer going to be employed by *McLaren Macomb*.

Though this case dealt with union employees, the implications of this opinion are far reaching as even non-union employees have rights to organize under Section 7. As a result of this opinion, Employers should carefully review and revise any severance or settlement agreement that they offer to employees. Otherwise, depending on the language of the severance agreement the entire agreement or the confidentiality and/or non-disparagement agreement could be deemed invalid. The attorneys at Bradley, Gmelich & Wellerstein LLP are here to help!

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NATIONWIDE COMMUNICATION IS TRENDING WITH LAW ENFORCEMENT, SECURITY, & SPECIALIZED UNITS

JoJo Tran, Telepath Corporation

We live in a data-driven world where agencies and private security increasingly expect data to flood through their networks at optimum speeds to do their jobs better, smarter, and faster. Today, 75% of the workplace is said to be the millennial generation (1), and many believe that millennial workers are addicted to the "instant gratification" phenomenon. This is a generation that grew up with texting, instant messaging, social media, and more, all at their service to deliver information in an instant. As the speed of our data-driven world continues to increase, so are the expectations of workers whose jobs rely on instant data-driven communications.

While the idea of instant push-to-talk communications has been around since 1933 when a New Jersey police department operated the first Land Mobile Radio (LMR) system, this new data-hungry workforce continues to push the reliability and speed of their communication system. **But the need for speed simply isn't enough in an increasingly mobile world ...**

According to a recent Gallup study, 43% of employees reported working offsite at least at some point during their careers compared to 30% just 4 years earlier (2). With this increasingly mobile workforce that can now work anywhere beyond the office, an instant communication solution to support these requirements is simply non-negotiable.

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BALANCING OPS AND BACK-OFFICE RESOURCES FOR PROFITABLE GROWTH

Lindsay Uleman,
TEAM Software, Network Partner



The security industry is one of the most critical, essential and rapidly evolving sectors in the world. With a market size already over \$54 billion and expected growth in the years to come, security companies should be positioning their businesses to best win new business and scale services to match growth projections.

To do this, you must first have a clear understanding of potential roadblocks in your management of field operations and the correlating resources built into your back office. Once you overcome these barriers, you can move towards more nuanced elements of winning more business and scaling revenue-driven business growth.

Managing your field officers better

The fact of the matter is that a growing business needs technologies and processes to keep pace with their growth. That means having a system that can accurately:

- Record and track timekeeping including nuanced needs like meal and rest breaks
- Ensure the right officer is assigned to the right contract based on compliance needs and qualifications


- Keep up with scheduling changes, including no-shows, tardiness and supervisors standing post
- Provide a system for clear incident management and resolution
- Improve proof of service tracking and reporting on work being completed in the field

The truth is, many security companies are still trying to achieve these standards using spreadsheets or hard-copy documentation. Others may have implemented a specific software solution for each bullet point, resulting in manual data manipulation and inaccurate data reference points.


The technologies you use to support your business can just as easily stall growth than support it.

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DISCOVER HOW TO REDUCE TURNOVER, INCREASE ENGAGEMENT, AND RETAIN YOUR SECURITY OFFICERS

Tavon Parris, Trackforce Valiant +
TrackTik, CALSAGA Network Partner



Around \$11 billion is lost annually due to overall employee turnover, according to the Bureau of National Affairs. This isn't only representative of the physical security industry, and that number considers more than just lost hours. It factors in the cost associated with finding, training, and equipping replacement workers as well as reduced productivity.

But nowhere is the issue of turnover more acute than in the physical security industry. High turnover rates, low retention, and low employee engagement have always been a challenge for security firms and corporate security departments alike. Today, the high turnover rate in the security guard industry is a key challenge almost all face.

Security officer and security guard turnover rates are thought to be over 100% annually. That means that the average private security firm has a completely new workforce every 12 months. And that high turnover has potentially immense consequences.

When short on personnel, the exposure to risk increases. This may lead to people getting hurt, businesses experiencing increased incidents of theft and vandalism, and an



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increase in stressful situations that quickly get out of hand, like a lost child, crowd control, or medical emergency.

It's why it's so necessary for security companies to do things like offer competitive wages. This is one of many ways to help reduce churn in a role that can ask employees to risk their lives, as outlined in our guide.

In addition to speaking about wages, we go over common reasons for employee turnover and offer 10 ideas that can effectively help reduce your turnover rates, increase employee engagement, and retain your best physical security personnel.

Want to learn more? [Grab your copy today.](#)

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WEEKLY PAY REMINDER

Jaimee K. Wellerstein, Esq.,
Bradley, Gmelich + Wellerstein,
CALSAGA Legal Advisor

Attention Private Patrol Operators! According to Labor Code Section 201.3, you are a “temporary services employer” if you contract with clients/customers to supply workers to perform services for the clients/customers, and:

1. Negotiate with clients/customers for matters such as the time and place where the services are to be provided, the type of work, the working conditions, and the quality and price of the services; and
2. Determine assignments or reassignments of workers, even if workers retain the right to refuse specific assignments; and
3. Retain the authority to assign or reassign a worker to another client or customer when the worker is determined unacceptable by a specific client or customer; and
4. Assign or reassign workers to perform services for clients or customers; and
5. Set the rate of pay of workers, whether or not through negotiation; and
6. Pay workers from your own account or accounts; and
7. Retain the right to hire and terminate workers.

In almost every instance, Private Patrol Operators are “temporary service employers.” To make matters Labor Code Section 201.3 was amended specifically singling out this industry. It requires that security guards who are working for Private Patrol Operators be paid weekly, regardless of when their assignment ends. Failure to pay security guards accordingly could expose the PPO to serious damages including Private Attorneys General Act (PAGA) civil penalties. (This can result in penalties of approximately \$10,300 per employee, per year!)

LESSON LEARNED: If you are not paying your California PPO employees on a weekly payroll system, you are exposing your company to unnecessary liability.

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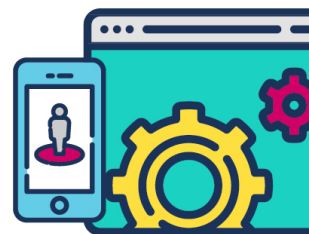


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Coffee Chat: Recruitment Roundtable - Best Practices in 2023



Review your company information!

Log in to the **CALSAGA Member Portal**, click on the Membership Profile tab and confirm that your company information on the bottom left is correct.

While you're there, check that your Services Provided and Service Area(s) are correct. This information populates to the **Find a Member Directory** which is visible to the public – including potential clients.

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ALLIED UNIVERSAL AND CALSAGA FOUNDATION RECOGNIZE ONE OF OUR OWN FOR BRAVERY, DEDICATION AND COMMITMENT

Mike Smidt, CALSAGA Secretary and Allied Universal COO

In January 2023 while Fredrick Aryee, a valued Allied Universal security professional, was on patrol in the loading dock area of a Commercial High-Rise Building in Downtown San Diego, when he came across an individual who did not belong in the area. While maintaining his distance, Fred requested that the individual leave the premises. However instead of following Fred's directive, the individual attacked Fred stabbing him multiple times, placing him in critical condition. The individual went on a mass knife attack around the block and stabbed three other individuals before being arrested by the San Diego Police Department.

Fred was immediately rushed to a local hospital and underwent multiple surgeries for his injuries. He spent several weeks in ICU before being released from the hospital on Feb. 6, 2023. Fred continues his weekly physical therapy sessions and is determined to return to his post with his colleagues and continue his duties for our client.

On March 15, 2023, David Chandler, president of CALSAGA, along with Mike Smidt, chief operating officer, and Steve Claton, regional president, from Allied Universal traveled to San Diego to meet Fred and present him with an award for his bravery, as well as recognition for



Left to right: Jack Renshaw, Regional Vice President; David Garver, Site Supervisor; David Chandler, President CALSAGA; Gina Marie Lawrence, Project Manager; Edward Ronquillo, Operation Manager; Myra Pedro, Director of Operations; Thomas Crocker, Client Manager; Frederick Aryee, Security Professional; Antonisha Pinckney, Operation Leader; Jake Simpson, General Manager; Mike Smidt, Chief Operating Officer, West; Steve Claton, Regional President.

his many years of service to the security industry.

“We are forever grateful to Fred’s dedication and commitment, as well as to the thousands of security professionals like him, who take pride in the work they do every day for Allied Universal,” Smidt said.

Fred has a long history of being an international tennis coach as well as time served in the Merchant Marines before setting roots in San Diego, CA.



Did you know that the CALSAGA Charitable Foundation has funds available in the event of officer injury or loss of life as well as educational grants?

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TOP 3 AREAS TO IMPROVE YOUR HIRING FUNNEL

Maddie Anders, TEAM Software by WorkWave,
CALSAGA Network Partner



Consider the two different versions of the labor market.

First, there's a candidate-driven market, where applicants have more power in determining where and what conditions they'll accept working amongst. There are often more attempts at negotiations, especially with wages and benefits, and it can be harder to position yourself as an employer of choice as many markets are competing for the same pool of workers.

Second, there's an employer's market, where there is less flexibility for negotiations from the stance of an employer because the rate of unemployed persons per job opening is high.

Although economic factors may suggest the labor market is changing, the fact is we're still operating in a candidate-driven market. To position yourself as an employer of choice and attract more quality candidates to your open roles, you have to do what you can to improve efficiency, enhance the customer experience and deliver measurable KPIs to your company's bottom line.

Improved efficiency

In today's highly competitive job market, organizations need to ensure that they have a streamlined recruitment process that can attract, hire and onboard top talent efficiently.

But what does efficiency really look like? In your hiring funnel, it should mean you're able to get the right people in the right jobs at the right time and for the least amount of resources.

The first step in achieving this is to integrate applicant tracking, hiring and onboarding systems. With an integrated system, recruiters and hiring managers can manage the entire hiring funnel from a single platform. This includes posting job openings, reviewing resumes, scheduling interviews, checking references and onboarding new hires. It means removing paper-based documentation and filing systems for compliant and secure data storage and sharing. And, it means doing it all in a way that is repeatable.

Despite hiring significantly more than the national average, the net sum of workers in the security industry isn't substantially increasing due to the amount of turnover.

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