

# *The Californian*

*The Quarterly Newsletter of*



*July 2023*

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## President's Report

David Chandler, CALSAGA President

I am sad to report the passing of industry veteran Roy Rahn. He had a great impact on the association and I was glad to call him a friend. You can read more about Roy on page 12.



Roy Rahn (left) with CALSAGA President David Chandler at the 2017 CALSAGA Annual Conference

It will include a full exhibitor hall of companies that provide goods and services that you need, an agenda packed with new information for 2024 plus reminders to help keep you profitable and in compliance as well as social events to help you network with industry peers. New for 2023, will be the Under the Stars Poolside Reception which will take place on October 18th. That event will have excellent food and live music. I look forward to seeing many of you there.

Make sure to check out the Regulation Corner on page 4 for information about the status of the new training that officers will be required to have.

As always, if the association can do anything to assist or support you, please do not hesitate to reach out to [members@calsaga.org](mailto:members@calsaga.org).

Be Safe,

This is the last edition of The Californian before the **2023 Annual Conference** which will take place October 17th - 19th in Rancho Mirage. If you own a PPO or serve in a management capacity, then you can't afford to miss this event.



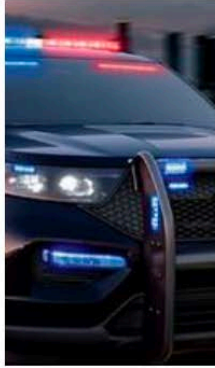
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# Regulation Corner

David Chandler, CALSAGA President

As you know, the new training material requirements mandated by AB 229 were to go into effect on July 1st. During CALSAGA's Coffee Chat on June 14th with BSIS Chief Jensen and Deputy Chief Stodolski, the Chief informed attendees that the new training materials have been completed and are currently being reviewed by an administrative law judge. It could be October or even January before the new materials are released. Until then, the current requirements are still in place. What we do know about the new materials is that the 8 hours of training will be comprised of 3 hours of Powers to Arrest training and 5 hours of Appropriate Use of Force training. Weapons of Mass Destruction will no longer be required training.

At the time of this publication, it is not known what the requirements will be for existing guard card licensees to receive the new training. As more information becomes available, we will keep you informed.

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# Cal/OSHA Employer Reporting Requirements For Work-Related Fatalities & Severe Injuries

Shaun Kelly, Tolman & Wiker, CALSAGA Preferred Broker



**H**ope everyone is doing well and coping with the extreme heat we are experiencing. (Please remember to

educate and train your employees on heat illness and injury prevention).

This article is to inform you about your responsibilities as employers to report Work-Related Fatalities and Severe Injuries to Cal/OSHA. This is a requirement of all employers and must be reported within 8 hours of your knowledge of serious injury or illness. Failure to report within 8 hours of acknowledgement may result in a minimum penalty of \$5,000.

## Who has jurisdiction over California Employers, Cal/OSHA or OSHA (Fed)?

Cal/OSHA has jurisdiction over almost every workplace in California. This means Cal/OSHA is the main government agency authorized to inspect California workplaces for occupational safety and health violations. Cal/OSHA also issues permits, licenses, certifications and registrations to ensure that work is performed safely.

Cal/OSHA lacks jurisdiction in only a few limited areas. Some of these areas are listed below. (DISCLAIMER: This list of areas outside Cal/OSHA jurisdiction is not a definitive, exhaustive list. There are exceptions to the list and other areas not listed. If you have a question about Cal/OSHA jurisdiction, please contact the Cal/OSHA Legal Unit at 510-286-7348.)

Federal Occupational Safety and Health Administration (OSHA) jurisdiction

Federal OSHA has jurisdiction with regard to the following:

- United States Government employees;
- United States Postal Service (USPS) contractors and contractor-operated facilities engaged in USPS mail operations;
- Private sector employers within the borders of all U.S. military installations;
- Private sector employers within the borders of all U.S. national parks, national monuments, national memorials, and national recreation areas;
- Private sector and tribal employers within the borders of all U.S. Government-recognized Native American reservations and trusts lands;
- Maritime employment (except marine construction, which Cal/OSHA covers on bridges and on shore) on the navigable<sup>3</sup> waters of the United States.

Maritime employment includes:

1. Longshore operations on all vessels from the shore side of the means of access to the vessels.
2. Shipbuilding, shipbreaking, and ship repair on vessels afloat; shipbuilding, shipbreaking, and ship repair in graving docks or dry docks; ship repair and shipbreaking done on marine railways or similar conveyances used to haul vessels out of the water. This includes ship repair activities from a scaffold or other equipment adjacent to the ship that allows employees direct access to perform work on the vessel.
3. Floating fuel operations.
4. Diving from vessels afloat on navigable waters.

**CLICK HERE TO CONTINUE READING**

## Deviating from SCOTUS, California Supreme Court Has the Last Word on PAGA

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



On July 17, 2023, the California Supreme Court issued its long-awaited ruling in *Adolph v. Uber Technologies, Inc.* (Supreme Court Case No. S274671), holding that a Private Attorneys General Act (PAGA) plaintiff retains standing to litigate representative PAGA claims in court after the plaintiff's individual PAGA claims have been ordered to arbitration. In so holding, the California Supreme Court ignored guidance from the U.S. Supreme Court in *Viking River Cruises v. Moriana*.

### Background

Plaintiff Erik Adolph worked as a food delivery driver for defendant Uber Technologies, Inc. (Uber). As a condition of his employment, Adolph was bound by the arbitration provision in the company's technology services agreement. The arbitration provision required Adolph to arbitrate almost all work-related claims.

The agreement also stated: "[t]o the extent permitted by law, you and Company agree not to bring a representative action on behalf of others under the [PAGA] in any court or in arbitration. This waiver shall be referred to as the 'PAGA Waiver.'



" The agreement also included a severability clause: "If the PAGA Waiver is found to be referred unenforceable or unlawful for any reason, (1) the unenforceable

provision shall be severed from this Arbitration Provision; (2) severance of the unenforceable provision shall have no impact whatsoever on the Arbitration Provision or the Parties' attempts to arbitrate any remaining claims on an individual basis pursuant to the Arbitration Provision; and (3) any representative actions brought under the PAGA must be litigated in a civil court of competent jurisdiction. . . ."

In 2019, Adolph sued Uber, alleging individual and class claims for relief, claiming that Uber had misclassified him and other employees as independent contractors rather than employees and, as a result, wrongfully failed to reimburse them for necessary business expenses. Adolph later amended his complaint to add a claim for civil penalties under PAGA based on the same theory of misclassification. The trial court granted a motion by Uber to compel arbitration of Adolph's individual claims and dismissed Adolph's class action claims.

Adolph filed a second amended complaint, eliminating his individual and class claims and retaining only his PAGA claim for civil penalties.

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# The Value of Data, Analysis and Exception- Based Reporting

Josh Petro, TEAM Software by  
WorkWave, CALSAGA Network Partner



Security businesses are often faced with this common data challenge: they possess a wealth of information but struggle to extract meaningful insights from it. Without that meaning, data is simply a collection of numbers on a page, leaving decision makers without concrete evidence, trends or patterns to help inform their next steps forward.

It's important to be able to leverage the power of reporting and data analysis to transform raw information into actionable knowledge that provides business value. But doing so is easier said than done – especially when you're already stretched thin by the demands of your business.

To help, I'm sharing key approaches to data management and analysis every security company should consider when striving to become more data-driven.

## **Exception-based reporting: Focusing attention and taking action**

What does it mean to monitor by exception? Simply this: instead of closely monitoring every aspect of a process or operation, you set parameters or rules to identify and flag anomalies, irregularities, or significant deviations from expected outcomes. Instead of always monitoring everything and all at once, exception-based reporting operates in the background of your system, offering insights when issues need to be addressed.



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In the security industry, a key exception you might experience is a missed shift or no-show by a guard. In this example, an exception-based monitoring system can compare scheduled shifts with actual attendance records or clock-in data. That way, if an expected timekeeping activity is not recorded within a specific time frame, the system will trigger an alert or notification, highlighting the exception. Think of it like this: you don't need to see a report or receive a notification every time someone clocks in – that's business as usual. You want to know when something isn't going to plan so you can fix it before it becomes an issue.

This kind of reporting is key in helping security companies proactively manage their workforce, speed up incident response, minimize disruptions and maintain a high level of service delivery.

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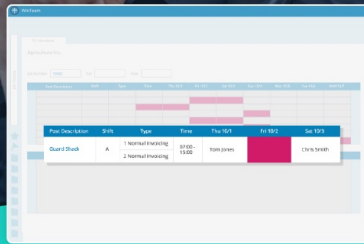


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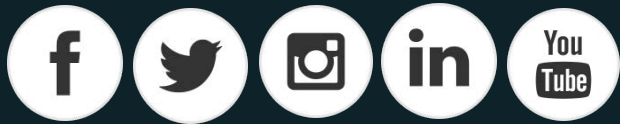


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# How to Effectively Navigate Non-Exempt Employee Meal Break Compliance

Tavon Parris, Trackforce Valiant +  
TrackTik, CALSAGA Network Partner



It's no secret that many states have strict laws related to employee meal breaks. In California, for example, employers must provide employees with an uninterrupted 30-minute meal break for every five hours worked.

But for employers looking to provide unpaid meal breaks to their non-exempt employees, compliance can be complicated. Subsequently, failure to comply can be costly. Why? Because merely scheduling an employee for a 30-minute meal break, without more, is simply not enough to ensure compliance.

It's why employers must take proactive steps to ensure employees:

- Take their full meal breaks
- Are relieved of all duties
- Are not impeded or discouraged from taking their full, uninterrupted meal breaks

But taking these steps is just the start. Additionally, employers should also collect and keep data they can use to prove compliance in case of a legal claim. And with technology transforming compliance

opportunities for employers, a variety of tools can now be used to avoid being swept away in the wave of litigation involving meal break violations.

Dive deeper by getting your copy of Trackforce Valiant + TrackTik's latest white paper. You'll learn more about:

- What employers can do to help ensure compliance
  - Appointing a meal break for at least 30 minutes for non-exempt employees
  - Adopting a down-to-the-minute timekeeping system
  - Ensuring no duties are performed during the meal period

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# 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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## Taking Control of the Situation: Use Case for Body-Worn Cameras and Video Management

Jojo Tran, Telepath Corporation,  
CALSAGA Associate Member



Safety and accountability are critical elements of an effective workplace environment. Whether teaching in a classroom or managing security at a healthcare, every employee wants to feel safe and prepared in an emergency situation.

The body-worn camera makes this desire a reality. With devices now with full HD shift recording in 1080p, pre/post recording capabilities, and multiple ways to connect via Bluetooth and Wi-Fi, these devices provide footage of events as they occur.

### AN ESSENTIAL TECHNOLOGY FOR SAFE SCHOOLS

Every day, school safety professionals face challenges and threats daily as they keep their communities safe.

Providing a real-time perspective during critical incidents when any action is required to protect students, teachers, or themselves is more important than ever. Body-worn cameras capture video and audio, providing accurate and disputable proof of incidents that occur on the grounds while strengthening the trust of the student body and the surrounding community.

**Security process and share evidence with school administrators and local law enforcement.**

Complying with policies and procedures on how footage should be stored, accessed, and viewed is a key to protecting students, right to privacy.

**[CLICK HERE TO CONTINUE READING](#)**

# Unlocking a Competitive Advantage

Jordan Wallach, Belfry Software,  
CALSAGA Associate Member



Standing out in the security guard industry requires strategy and follow-through. Here are areas we've found that companies often prioritize, but then fall short:

When operational fires arise, client relationships are the first to fall by the wayside. Our recent survey found that despite being part of their initial job description, Operations Managers spend less than 10% of their time in front of clients. They're simply spending too much time tracking down personnel or managing a patchwork of tools.

Here, the power of modern technology solutions becomes evident. First, this could halve the time spent that Operations Managers spend scheduling and managing reports – creating space to focus on strategic work and client relationships. But an intelligent system also quantifies the value of your services – locking in renewals and assisting in difficult contract negotiations.

It's also critical to empower your team. While companies invest heavily in training hours, time & money is wasted when officers are equipped with outdated tools. Providing user-friendly technology that feels just like the tech they use at home means happier employees and less time spent troubleshooting.

This is where Belfry fits in. Our industry-leading software is designed only for security guard services businesses – allowing your team to focus on what makes your company unique: strong client relationships and strategic thinking.

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# Remembering Roy Rahn

Kate Wallace, Association Manager

Longtime CALSAGA supporter Roy Rahn passed away in May. During his time with the association Roy served as Board Member, President and finally as Executive Director. Roy retired from the United States Naval Reserve as Commander and served eleven years in law enforcement. Roy was a recipient of CALSAGA's highest honor, the Al Howenstein Lifetime Achievement Award. ASIS International awarded Roy with the Vincent L. Ruffolo Legislative Advocate Memorial Award in 2017 for his efforts to improve the private security profession. Roy is survived by his wife of many years Laurie, five children and grandchildren. He will be missed by many.

“We appreciate Roy's many years of service to CALSAGA and to the industry,” said CALSAGA President David Chandler. “He was a friend to a lot of people, and he was a gentleman to everyone.”



From left: CALSAGA President David Chandler, Roy Rahn, Legal Advisor Barry Bradley and Treasurer Mark Miller in 2017

# The Secure 2.0 Act of 2022

Nina De Forge, TEAM Software by WorkWave, CALSAGA Network Partner



In a move that could have a huge impact on employee morale, retention and recruitment, President Joseph R. Biden signed the Secure 2.0 Act of 2022 into law to change the tax rules that apply to employer-provided retirement.

This new legislation is designed to encourage workers to save more for their future retirement and improve retirement savings opportunities. Some of the provisions already took effect on Jan. 1, 2023, while others take effect at the beginning of next year and into 2025. In total, there are 92 retirement-saving provisions, which include the following key benefits:

- Automatic enrollment, automatic escalation
- Catch-up contribution increases
- Optional Roth treatment of employer contributions
- Expanded eligibility for long-term, part-time employees
- Treatment of student loan payments for matching contributions
- Emergency savings accounts linked to retirement plans
- Saver's match, immediate incentives for participation
- Expanded credit for retirement plan administrative costs

The Secure Act 2.0 also requires that employers make significant adjustments for their workers, which may need extensive IRS and DOL guidance.

Additional IRS guidance is expected in late August or early September, based on findings from the open comment period.

Ensuring that staffers are informed of all the changes and know what actions are required of them will most likely require assistance from third-party administrators, pre-approved sponsor plan documents and updates to policies and administrative systems.

## Increasing Administrative Responsibilities

Because of the retirement plan reform, business owners may have to take on heavier administrative burdens that could require more time and energy in terms of human resource departments.

## Consult With Plan Administrators

Even though a significant number of the SECURE 2.0 Act provisions will take some time before they're actually effective, as a business owner, there's a few steps that you can take to make sure you're prepared.

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