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Spring 2013

Dear Karen,

The February membership and training meeting was well attended. Our speaker for the event was Gary Kuty of Kuty and Associates, LLC from Dayton, Ohio. Mr. Kuty spoke about threat assessments, workplace violence, security officer training, marketing and sales strategies to security companies and discussion about management of your company. The program was entertaining and educational. As a result of the membership drive, MCSA gained two new members. Please watch upcoming seminar, meeting and training dates to attend as your participation is encouraged. Tell your friends and colleagues in the Security Business that it is time to become a member of MCSA.

Senator Booher is awaiting formal language from bill drafters on the re-write of Public Act 330. Once the bills are introduced, Senator Jones, Chairman of the Judiciary Committee will schedule testimony on the bill. Many thanks go to Don Grant, Legislative Chair, for his dedication to the re-write of the bill.

Licensing and Regulation through the Regulatory and Reinvention Committee still has Contract Security and Security Guards on its target list for repealing our licensing requirements. We monitor daily the activity of the committee and committee hearing notices and will notify and organize our membership to oppose this, should they move legislation to repeal our licensing. Removal of licensing and regulation of Security Agencies in Michigan will create a free for all and jeopardize the security industry and the clients we serve.

Now is the time to become a member of Michigan Contract Security Association. The key to working on legislation both that we support and that we oppose is in our numbers. It is imperative that we get involved at the State level and meet, get to know our lawmakers and ask for their support on behalf of our industry. Our industry and companies rely on us.

[Kevin Whaley - Board](#)

[Al Cavasin- Ex-Officio](#)

[Don Grant - Past
President](#)

Join Our List

Join Our Mailing List!

Welcome New
Members!

Peter Johnson -
Huffmaster Crisis
Response, Troy, MI

John Clark - The
Whitestone Group,
Columbus, OH

Please go on line: <http://www.mcsa-online.org/> and check out membership and insurance benefits for your agency. It is time and effort well spent. We must work together to maintain and improve our industry.

Regards,

Dale White
MCSA President

Legislative Report - Julian Vail, LLC

State

The discussion for Sales Tax on Services, including Contract Security and Security Guards is again on the table in Lansing. The legislature must raise money to fix the failing roads and bridges in Michigan. Increase sales tax, gasoline tax, vehicle tax, expand sales tax to services, etc. all remains in discussion. If you or your company can contact any statewide elected official, please pass along your opinion on these issues so they are informed.

The re-write of PA 330 continues to be worked on with Senator Booher in the Senate. Once the bill is introduced, we will be working with the Senator's office to schedule a committee meeting. Senator Jones Judiciary Committee will probably get the bill assigned to his committee and he has advised us that he will schedule a hearing for testimony. Dale White and Don Grant have been instrumental in the drafting of the proper language in the bill.

We are monitoring the licensing requirements for Contract Security and Guards through LARA. There is no move yet to do away with licensing requirements; however the Office of Regulatory Re-invention is examining all licenses in Michigan to see if they could be repealed. MCSA will be opposing any changes to our licensing requirements.

Federal

S. 639 and HR 1312- Bipartisan GPS Act reintroduced-----
In order to provide uniformity and clarity for the use of GPS data by law-enforcement and to protect American civil liberties in the digital age, a bipartisan coalition led by Senator Ron Wyden (D-Ore.), Rep. Jason Chaffetz (R-Utah) and Senator Mark Kirk (R-Ill.) have reintroduced the Geo location Privacy and Surveillance Act (GPS Act) in the House and Senate which will require law-enforcement to obtain a warrant before acquiring geo location information of an American. The law makes exceptions for cases of emergencies or national security, but will extend warrant requirements to acquisition from commercial service providers and covert government tracking devices.

Recent reports indicate that by the end of 2013 smart phones could

account for 70 percent of all mobile phones in the U.S. Each of these cutting-edge devices includes built-in GPS technology collecting more personal geo location data than ever before. However, the rules governing how law-enforcement can acquire and use this data to track individuals are unclear.

To add to the confusion, courts in different jurisdictions have applied the law inconsistently with some courts allowing law-enforcement wide latitude for the tracking of Americans through their cell phones and GPS-enabled devices. The Supreme Courts ruling in the US vs. Jones tracking case in 2012 was consistent with the GPS Act, but several of the Justices noted that a number of questions remain unresolved by the courts, and suggested that it is up to Congress to establish clear rules.

ISPLA has participated in assisting several state professional associations in states that have been addressing GPS tracking by private investigators. This federal legislation, if enacted, will affect states and has negative implications for a segment of our colleagues. (Bruce Hulme)

MCSA Legislative Reception/Members Meeting

Tuesday, June 11, 2013

Michigan Restaurant Association

225 W. Washtenaw, Lansing, MI 48933-1506

Hors D'oeuvres, Program and Meeting - \$40.00

5:00 p.m. - 6:30 p.m. - Legislative Reception - Member Meeting
Join us for an opportunity to speak to your legislators regarding the deregulation of the security industry, P.A.330, the proposed sales tax on services and any other concern you may have.

6:30 p.m. - 7:00 p.m. - Entertainment: Dwayne Gill, The World's Funniest Cop - A native of Detroit, Dwayne Gill has been a United States Marine, State Trooper, comedian and motivational speaker. As a professional stand-up comedian known for his engaging personality and stage presence, he can be depended on to serve up laughter wherever he appears. And when it comes to protecting, it's not your funny bone he's worried about - it's the citizens of Michigan, since he's also a police officer.

7:00 p.m. - MCSA Annual Meeting

Election of board of directors

Kevin Whaley, The Campbell Group - Dividend Check

Presentations

Plan now to attend this event! If you know someone that would benefit

from this meeting or think it might be of interest to a colleague, please invite them.

MCSA meetings are open to everyone.

PLEASE RSVP BY June 3, 2013 TO THE MCSA OFFICE

Website <http://mcsa-online.org>

Phone 517.482.0729

Email: karen@julianvail.com

MCSA Member Insurance Program



Member Insurance Program

10 YEARS OF DIVIDENDS PAID TO MEMBERS!

How Does your Insurer Compare?

	Your Carrier	MCSA Program
• "A" rating by A.M. Best Company	?	Yes
• Same low rate applies to both armed as well as unarmed work?	?	Yes
• Are you protected by Michigan Guaranteed fund in case of insurer insolvency?	?	Yes
• Substantial discount available based on your own claim history?	?	Yes
• One insurance company for your professional and general liability, Workers' Compensation, Property and Crime, Auto and Umbrella coverages?	?	Yes
• Are claim settlements handled by personnel seasoned in your industry?	?	Yes
• Non-interest bearing and flexible payment plans?	?	Yes
• Support MCSA membership agendas?	?	Yes

If you answered "NO" to any of the above questions, contact us now for a proposal specifically built for your industry!



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Weapons Detection System Use in Schools

The dramatic increase in shootings at schools following the Columbine incident brought the use of weapons detection systems to the forefront. Their acceptance and use varied significantly. Each school district was forced to make decisions on its use without the benefit of previous studies or recommendations from governmental or professional groups. Blake and Associates conducted a limited study to identify how and when weapons detection systems were used and the results achieved. Twenty-nine school districts in 18 states west of the Mississippi River were queried concerning the use of weapons detection systems within their schools. The population ranged from 9,102 to 159,908 students; a total of 1,181,948 students. The average number of students was 40,757, with a mean of 31,013 students. Ten school districts had dedicated security departments and nine had a school law enforcement unit.

Eleven of the school districts did not use any form of weapons detection system. One district used a fixed system only; 11 districts used hand held detectors only, and six districts used a combination of fixed and hand held detectors.

- Only in the larger student population schools was there a dedicated safety and security organization. Smaller population schools rely on administrative staff to administer the program as a secondary responsibility.
- The majority of school districts with weapons detection equipment utilize hand held units on an "as needed" basis, primarily in middle and high schools and at school events.
- When used on a continuous basis, fixed units subjecting the students, staff and general public to search, combined with mandatory wearing of photographic identification cards, appears to produce the best results.
- There does not appear to be a practice of statistically justifying the continuing use of the equipment and quantifying the results. Nine districts believed there was "some" or "significant" impact on school problems.

The individuals operating the systems were from different elements of the school environment-seven districts used law enforcement and security officers only; three districts used administrative staff members only; four districts used a combination of law enforcement and administrative staff members; three used security and administrative staff members only; and one used law enforcement officers only.

The usage of the equipment varied significantly. Two districts used it in any school; six in middle and high schools only; one only in high schools; three in middle, high, and alternative schools; two in alternative schools only; and four only at athletic events. The search criterion was students only in five districts; students, staff and the general public in three districts; and only

as needed in ten districts.

The primary reasons for initiating the use of weapons detection equipment were predicated on an increase in gang and criminal activity, including one murder, and the introduction of weapons and contraband into the schools.

Students, staff and the public generally accept the use of weapons detection equipment, although there were some districts in which the staff and general public believed that it should be used less often. A very small minority believed that it was an invasion of their privacy. Others believed that anything to enhance safety and security was acceptable. Many students believed that ALL persons entering the school building should be screened, as students were not the only potential threat to school safety.

There appeared to be no real effort to identify the impact of this equipment on a reduction in school problems. One district felt it was not a great deterrent; five believed there was "some" impact; four districts believed there had been a significant impact; and eight districts could not identify the degree of impact.

Various comments were made concerning the use of weapons detection systems:

- One district had been under Federal Court jurisdiction for a number of years because of allegations of discrimination in previous use of the equipment.
- The equipment had been determined to be too expensive during a previous pilot program but was now being reevaluated.
- One district determined required resources were not justified by the anticipated results.
- Weapons detection systems were considered too extreme for public acceptance and there were continuing objections to fencing school property. The district is being criticized for using CCTV on the building exteriors that the ACLU believed was an invasion of privacy.
- One district using a fixed system had a policy of required random unannounced use at all middle and high schools 2-3 times weekly to reduce overall manpower costs.
- Two districts did not use the equipment based on administrative decisions by the school board and superintendent.
- Some districts do not use weapons detection systems because of problems caused by an open campus policy, multiple buildings at the same school, and inability to control access to school buildings because of the number of entrances and the size of the parking lots.
- One large school district switchboard operator did not know if they had a school safety and security program and could not locate this information. This could be a very serious problem if a bomb threat or other safety and security problem was reported to the school district office.

Numerous issues affect the use of weapons detection systems. Primary

decision factors are equipment and related staffing costs, public relations and potential litigation, and complexity of building and campus design features. Innovative administrators have found alternatives to satisfy the concerns-unannounced use on a varied daily schedule, restricting use to high-risk schools, and random selection of students to be screened. Let's hope that deferring to public pressure to reduce spending and avoid litigation does not result in devastating consequences.

[Reprint from Blake & Associates](#)



Unemployment Claims: Fighting to Winning

From the HR Pros of the HR Support Center

"You're fired!" If you have ever said that to an employee (unless you are Donald Trump and filming the reality show "The Apprentice"), you should be prepared to pay for your now former employee's unemployment claim. If an employee walks out and therefore terminates employment voluntarily, you may still be required to pay for unemployment. Confusing? You bet.

Terminations are part of the employment life-cycle. A voluntary termination results when an employee chooses to resign. An involuntary termination results when an employer fires, discharges, or lays off (due to budget, workforce reduction, or business closure issues) an employee.

If employers do involuntarily terminate, they should determine if unemployment benefit claims may apply and prepare to defend accordingly if the benefits are granted. Eligibility criteria impacts how unemployment benefits may be awarded. Some of the criteria for eligibility for unemployment benefits includes whether the terminated employee:

- Became unemployed through no fault of his or her own (e.g. job elimination or reduction in force)
- Earned sufficient wages with the company or during the claimant's base year
- Is available for new work
- Is actively seeking work

- An individual may become disqualified for unemployment benefits if he or she:
- Was fired for misconduct or a clear violation of company policy
- Quit without good cause (e.g. walking off the job because of a disagreement with a colleague)
- Returned back to the same job to work
- Turned down a suitable job offer during the unemployment period
- Participated in a strike or work stoppage caused by a labor dispute
- Received Social Security benefits, severance pay, workers' compensation payments, state disability benefits, or a private pension
- Made false claims or omitted information on his or her unemployment claim

In addition, the weekly benefit amount is generally determined by the total wages paid to the employee by his or her employer(s) during the "base" period. The base period typically consists of a minimum amount of work completed within the last five quarters of a calendar year prior to the initial filing for benefits and the amount of earnings during the base period.

Sometimes, employers futilely try to avoid addressing unemployment insurance claims. Now, if you know the employee was discharged through no fault of his or her own, save some time and do not appeal the claim. In other situations, it may be worthwhile to appeal a claim when the employee was terminated for issues such as misconduct, policy violations, or a general unwillingness to perform work. The benefit to employers in defending the claim may result in the employer tax rate being lowered or not increased. Your employer unemployment tax rate is directly impacted by the number of successful claims charged to your account. If you do opt to dispute an unemployment claim, ensure you have gathered all records that may influence the denial or awarding of an unemployment claim, such as performance management evaluations, disciplinary notices/letters, individual complaints, investigation information (if theft, harassment, or workplace violence was an issue), witness statements if applicable, etc. Ensure all paperwork is also ready for the state unemployment agency in a timely manner. If paperwork is delayed, there is a chance the former employee may end up winning the battle by default or forfeiture.

Want more helpful answers to your HR questions?
<http://www.paycor.com/products/hr-benefits/hr-support-center>

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