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The Official Magazine of the Associated Security
Services and Investigators of the State of Texas

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Special Legislative Issue



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Letter to the Editor: Security Companies Deserve Recognition

Letters to the editor solely represent the opinion of the author(s), and are not intended as an endorsement by ASSIST or its members.

How many times in our life have we heard the old saying “that’s the way it has been done for years” or “that’s the way it has always been done”. With these sayings in mind, when will the scales of justice between licensed security guards/companies and the off-duty police officer be balanced in order to maintain some sort of quality equilibrium?

The Private Security Bureau sets strict standards in order to be licensed in the State of Texas. However, off-duty police officers have free run in the security field. A security company is required to be licensed with the Private Security Bureau, with a licensed manager to oversee the operations of the company. Each security guard must be licensed through the company and the State of Texas. The company is required to maintain insurance in order to operate. The license and insurance must be renewed each year and the cost is not cheap. We continue to operate under these rules in order to stay in business.

On the other hand, the off-duty police officer has free will to operate without any license or insurance and many times working in plain clothes not being recognized as a police officer. The off-duty police officer is allowed to operate in competition with the licensed security company and yet everyone seems to turn a blind eye to the continued operations.

In our area, the local police department and sheriff’s office operate as their own private security companies and many times officers work independently trying to secure off-duty security jobs. We have actually had off-duty police officers reprimand companies for hiring our security company to perform their security needs and not hiring them. The internet is swamped with stories of off-duty police officers being negligent in performing their duties as a security officer.

This will continue to be a problem because off-duty police officers performing off-duty security works are not police officers, they are a security guard with the same laws that govern what they can and cannot do while working off-duty security work. Yet, we still keep hearing the same line “that’s the way it has always been done.”

If the off-duty police officer and police departments are allowed to continue operating as illegal security companies, the requirements for real security companies

should be loosened. Our company works hard to maintain a high level of professionalism, just to be undermined by the state rules and regulations. We even have one local municipality that has an ordinance that states the only security that is allowed to work security within that municipality is off-duty police officers. This municipality even told a potential client of our security company that if the police department came to their venue and we were working security that the venue would be issued a citation and any security guard would be arrested.

Since we are licensed in the State of Texas, we should be allowed to work anywhere in the State of Texas. We even have local police officers that have started their own security company without being required to maintain insurance to cover armed off-duty police officers working for them nor having to register them under their company.

When are security companies going to receive the recognition that they deserve?

Being a certified peace officers in the State of Texas, we fully understand the differences between law enforcement and private security. It is time for the off-duty peace officers working security to be held responsible for the jobs they are performing. The public needs to be educated to the fact that an off-duty police officer hired to perform security services is not a police officer, not licensed or insured to perform these services.

Our company will remain diligent in educating the public as to the differences between off-duty cops and private security. We need the State of Texas to remain diligent in ensuring that there is an even playing ground between off-duty cops and private security.

“That’s the way it has always been done,” needs to be changed as the role of a private security guard has changed as they are professionals providing professional services and should be recognized. Off-duty police officers performing security jobs should have to be licensed and insured.

Sincerely,

Daphne Noble
and Terry Free
daphne@tmsasecurity.com



President's Message



2015 is looking like a busy year for ASSIST and its members. We have the Legislature in session with many bills proposed and I am sure many more to be filed. Keith and Charles are watching and studying to check

their impact on our businesses. On April 7th we will have our Walk the Halls day in Austin, please make plans to attend. Should you not be able to attend please contact them and let them know someone from ASSIST may be dropping by to discuss our views on bills filed at that time. There are many filed regarding open carry and raising the minimum wage, both of which will effect our business.

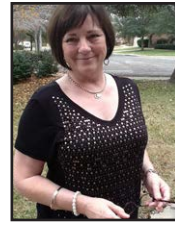
ASSIST is strong and working on your behalf every day. With Keith and Charles handling our concerns at the Legislature, Denise keeping a close eye on the books, Mike McGregor handling the State Secretary duties, Joni Berardino, Executive Director, running our day to day business and our Regional Presidents holding meetings and keeping you informed as to the condition and changes at the local levels we want you to "stay in the loop."

If you are not yet on the email list, get added by sending a note to executivedirector@assisttexas.org. We are putting out regular Constant Contact alerts on anything that may affect your business or the Security Profession.

It's a while off but remember this is an election year, should you have an idea of someone in your chapter who would be a great asset to hold office (or maybe yourself), throw the hat in the ring. This is a great organization with terrific members and I have always been proud to serve and humbled when asked.

Walt Roberts
State President
ASSIST
(469) 533-3311
president@assisttexas.org

Executive Director's Message



Time marches on and it has now been 9 months since I accepted the position of Executive Director of ASSIST. The learning curve has been steep and action packed as I raced to publish this and the October 2014 issues of Managing

Security Today, assisted with the 2014 convention; implemented a weekly communication system using Constant Contact; renewed vendor members and negotiated advertising as well as taking over the day to day mechanics of processing memberships. There is much to be done and never enough time but I always have time to hear from our Members. Call me anytime at 512-619-7280.

The Texas legislature is in session. Keith Oakley, ASSIST Lobbyist, keeps us up to date with a Bill Watch List that we send out regularly to all ASSIST members. Read about the legislative session and some key legislators on pages 8-11. On page 12 I provided you with a synopsis of an article recently published by the National Institute of Justice. I encourage you to take the time to read the entire article on the NIJ website and think strategically about how your own company might collaborate with public security (police) for a profitable partnership that benefits your community. Turn to page 14 for a powerful article about how to change your life and your business, Achieve More with a Success Mindset. Take the author up on his offer and download his free 7 Mindsets Book. This year John Chism, Chairman of the Private Security Board, is retiring after many years of public service. Enjoy the article and photos of Chairman Chism's career on page 7.

Please consider planning now for the 2015 ASSIST convention that will take place September 30-October 3, 2015 at the Austin Omni Southpark. Much work is being done by our Treasurer, Denise Nicholson to make this a very successful convention.

Joni Berardino
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Thank You to John Chism!

John Chism was appointed to the Texas Private Security Board, (PSB), on December 5th, 2003 by then Governor Rick Perry. He was appointed to replace outgoing Chairman, Ben Nix. John was re-appointed in 2009, again by Governor Perry, and named Chairman of the PSB. After 12 years of service, John's term on the PSB will end in the next few weeks.

John is a direct descendant of the famous cattle baron, who is his name sake. Like his ancestor, John has blazed new trails, not on the open plains of the wild-west, but in the history of law enforcement and private security in Texas. But things could have gone very differently for the boy who was raised on a black-land farm in Forney, Texas, just east of Dallas.

Growing up on his dad's farm in a small town John and the other farm boys often had to find creative ways to amuse themselves. In his high school days, John and his buddies thought it would be great fun to disassemble one of the local farmer's wagons, and then re-assemble it on top of the Yandell & Venner General Store in downtown Forney. They did so, in the middle of the night, successfully. Not an easy feat and a great accomplishment in itself, but then they decided the evening would not be complete until they moved a local out house, (privy), into the middle of town square.

No one was ever caught in the roof wagon out-house caper, but many of the local residents suspected that John was somehow involved. He continued life on the farm, driving his dad's Oliver 60 & 70 tractors, as well as the Farmall, which he sometimes drove to town. He baled & hauled hay; chopped cotton, pulled corn and delivered calves. When hog killing time came, he did that too. He drove a Model 'T' Ford and a 1928 Chrysler convertible.

When the time came for John to leave the farm in 1955, he joined the U.S. Army. He was stationed in the U.S. and Germany as Security Platoon Leader. He was in charge of the Security Sector controlled by the Third Armored Division, Combat Command 'B', in Geinhausen, Germany. He left active duty in 1958, but continued to serve in the US Army Reserve's 406th and 503rd Military Intelligence Units.

Upon leaving active duty, John joined the Dallas Police Department, where he spent the next 29 years, most of those as Sergeant in the Criminal Investigations Division. He solved some of the toughest crimes in the Dallas area during his tenure and received many honors from the department. He received the Detective of the Year Award



and was two time winner of the officer of the year award from DPD.

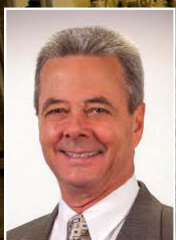
After retiring from DPS, John continued solving crimes as owner of John E. Chism Investigations Company, starting in 1986 and continuing through today. John still conducts investigations for major corporations, attorneys, government entities and political leaders.

He has a Criminal Justice Degree from Sam Houston State University as well as degrees from most major law enforcement academies across the U. S., including certificates in International Criminal Investigations, International Terror and Military Counter Intelligence studies.

John has been an active member and past President of the Texas Association of Licensed Investigators, (TALI). Years before being appointed to the PSB, John led TALI's efforts to improve the regulatory environment for Licensed Private Investigators in Texas. He fought to win state-wide licensing for PI's and has consistently worked to increase standards and educational requirements for his profession.

Pretty good for a wagon roof re-assembling, out-house dragging, corn-shucking farm boy from Forney!

He has worked tirelessly as Chairman of the PSB to fight for a better future for all of private security and has won countless battles on our behalf. The men and women of ASSIST say "Thank You" to our Chairman.... John Chism.



Legislative Report

Keith Oakley, ASSIST Lobbyist

As I write this, state legislators are introducing around 70 bills per day at the state Capitol in Austin. They have currently filed over 3,000 bills and that number will be around 6,000 when the bill filing deadline ends.

They file bills for various reasons, mostly to right some wrong, real or perceived.

They get their ideas for the proposed legislation from many different sources. Some ideas come from the people in their districts, news headlines and trade association representatives. Some ideas come from their barbers, their wives and brother-in-laws.

Each bill filed is well intentioned and each legislator is sincere about the measure. But sometimes there are unintended consequences that may have very different effects than the legislator intended. Often times the original bill ends up so drastically amended that you wouldn't even recognize it when finally passes.

The filing of the bill is only the first step in a very long, and arduous process. It is often said that the system is designed to kill bills not to pass them. I have found that killing bills and passing bills in the Texas Legislature are both equally difficult.

Once the bill passes, and is signed by the Governor, the tough part begins, working with the state agency charged by the Legislature to implement the new law. As they say,

“the devil is in the details,” and the details are developed by the state agency after the legislature goes home.

The ASSIST legislative team is active in both, legislation and regulation of private security companies in Texas. We are currently working with legislators and regulators to reach agreements on what is best for the industry and safety of the citizens of Texas.

We are currently monitoring around 200 separate pieces of legislation that may affect the private security profession.

One of the bills ASSIST is supporting is House Bill 844 by Representative Matt Schaefer, (R-Tyler). The bill will clarify some language in Sec. 46.03 of the Penal Code. If it passes, it will make it clear that commissioned officers are allowed to carry their weapons when protecting schools or educational institutions. We urge ASSIST members to let Rep. Schaefer know that he has your support on this bill.

Unfortunately we also ask that you let Rep. Schaefer know that ASSIST opposes his H.B. 1561, as currently written. The bill would exempt all churches, religious organizations, private schools and charitable organizations, (501C3s) from the private security act for their volunteers.

If passed in its current form, the bill would exempt volunteers for all of the organizations mentioned above from all aspects of the Act. That would mean that individuals could volunteer at those organizations as security guards, private investigators, burglar alarm installers, locksmiths and law enforcement dog trainers, with no criminal background checks, no training and no liability insurance.

If the volunteer has a concealed handgun permit, they could act as armed guards at private primary and secondary schools with no training. They could install camera systems and re-key the locks at the school or charitable organization and also be on the sex offender list.

Another bill ASSIST supports is H.B. 1258 by Rep. Ron Simmons, (R-Carrollton). The bill will allow Professional Protection Officers to carry their weapons in areas where concealed handguns may be prohibited, while they are protecting their client.

We are also working closely with Representatives Craig Goldman, (R-Fort Worth), Helen Giddings, (D-DeSoto), and Chairman Ryan Guillen, (D-Rio Grande City). They each have bills dealing with the sale of vehicles to the public by law enforcement agencies.

Gidding's, H.B.473 and Goldman's, H.B. 72, state that before selling a vehicle, "a law enforcement agency must remove all equipment that could lead a reasonable person to believe that the vehicle is a law enforcement vehicle, including any police light, siren, amber warning light, spotlight, grill light, antenna, emblem, outline of an emblem and emergency vehicle equipment."

We are working with both bill sponsors to allow the law enforcement agency to remove only the insignia identifying the vehicle as a law enforcement vehicle if they sell the vehicle to a licensed security services provider.

Chairman Guillen's bill makes it easier for the Department of Public Safety to sell or transfer their used vehicles and emergency equipment to other law enforcement agencies. We are working with the Chairman to add licensed security companies to the bill so DPS could sell used equipment to us as well.

The session has just started to shift into high gear. I'm sure there will be more bills we will oppose and support. We will be asking for ASSIST members to make calls and send e-mails to your legislators. With your help, we will hopefully enjoy another successful session of the Texas Legislature for the private security profession.

How **YOU** Can Affect the Legislative Process

by **Charles D. Kellis**
ASSIST Executive Vice President



On January 13, 2015 the 84th session of the Texas Legislature began in Austin. As Executive Vice President and Legislative

Liaison of ASSIST, I have the responsibility of working with Lobbyist Keith Oakley, to review the bills that are being filed by legislative members to determine if, and, or how those bills might impact the security industry in Texas. At this time, approximately 3,000 bills have been introduced for consideration with the expectation of that number growing to approximately 6,000 by the end of this session.

How can you help affect the legislative process?

As an owner, manager, shareholder, or employee of a licensed security company in the State of Texas, it is important for you to know if and how bills that are filed for consideration in the legislative process can and will affect the security industry and ultimately you.

You can help protect the security industry and affect the legislative process in the following ways:

- Join ASSIST
- Register to Vote
- Know who your state/local elected officials are and make an appointment to introduce yourself to them and their staff.
- Read the bill watch list when it is sent out by the ASSIST Executive Director and Keith Oakley.
- Contact your elected officials when you are notified of bills that affect the security industry both positively and negatively, and tell them how the bill will help or harm your security profession. Ask them to support good bills and vote against bad bills.
- Be willing to testify during committee hearings on bills that have been filed for consideration.
- Participate in the ASSIST Walk the Hall's Event which is set for **April 7, 2015** in Austin.

If you have questions regarding joining ASSIST or attending the Walk the Halls Event on April 7, 2015 please contact Joni Berardino at executivedirector@assisttexas.org

Please feel free to contact me at evppresident@assisttexas.org regarding the Texas Legislative session or bills that may affect the security industry.

Texas Legislator Profiles

REPRESENTATIVE LARRY PHILLIPS



Representative Larry Phillips, a native Texan, was elected to represent Fannin and Grayson Counties in House District 62 in January 2003. In 2013 he was re-elected to House District 62 which now includes Delta, Fannin and Grayson Counties. He is Chairman of the House Committee on Homeland Security & Public Safety,

and serves on the House Committee on Transportation, and the Texas Legislative Council. He has previously served as Chairman of the House Transportation Committee, Chairman of the House General Investigating and Ethics Committee, and has served on the Culture, Recreation and Tourism Committee, the Investments & Financial Services Committee, and the Redistricting Committee.

Representative Phillips was also appointed in 2003 to the Select Interim Committee on Construction Industry-Related Workers' Compensation Issues. He has also served on the Select Committee on Election Contests (2005); the Joint Select Committee on the Operation and Management of the Texas Youth Commission (2007); the interim Legislative Study Committee on Private Participation in Toll Projects (2009); and he chaired the interim Select Committee on State Schools (2009). He chaired the interim Select Committee on Transportation Funding and served as a member of the Criminal Justice Legislative Oversight Select Committee in 2010. Most recently, the Select Committee on Transportation Funding, Expenditures, and Finance and the Select Committee on Border Wait Times.

He received his undergraduate degree from Baylor University; then attended law school at the University of Houston. Larry is a partner in the Sherman law firm of Siebman, Burg, Phillips, & Smith L.L.P and is active in the Federal Eastern District of Texas Bar Association.

Larry and his wife, Robin, have three children; Sidney, Henry and Meribeth, and attend Fusion Bible Church in Sherman.

He is a member of the Grayson County Salvation Army Advisory Board and the Sherman Kiwanis Club.

SENATOR BRIAN BIRDWELL



Lieutenant Colonel (Retired) Brian Birdwell is a native Texan, decorated military veteran, survivor of the 9/11 terrorist attack on the Pentagon, husband, father and lifelong conservative Republican proudly representing the citizens of Texas State Senate District 22.

A native of Fort Worth and a graduate of Lamar University, the United States Army Command & General Staff College, and the University of Missouri-Kansas City, Birdwell served in the Army for more than twenty years. He was first elected to the Texas Senate in a June 2010 special election and was subsequently re-elected in November 2010 and again in November of 2012.

Brian serves as Chairman of the Senate Committee on Nominations, Chairman of the Senate Subcommittee on Border Security, and is a member of the Senate Committees on Natural Resources and Economic Development; State Affairs; and Veteran Affairs and Military Installations. He also serves as a member of the Sunset Advisory Commission and is currently the Chairman of U.S. Senator Ted Cruz's 22-member Service Academy Nominations Board.

On September 11, 2001, when American Airlines Flight 77 was crashed just yards away from his second floor Pentagon office, Brian was critically wounded and severely burned. Of the burns that covered more than 60 percent of his body, nearly half were third degree in severity. Today, following 39 operations, months of hospitalization and numerous skin grafts, Brian has made a miraculous recovery.

Despite physical limitations, he testifies not only to his physical healing, but the ultimate miracle of grace through Christ. He was awarded the Purple Heart for wounds received that day. Upon retirement in July 2004, he was awarded the Legion of Merit.

Brian and his wife, Mel, launched Face the Fire Ministries, a non-profit organization that supports critical burn survivors and wounded servicemen and women and their families. The Birdwells have one son, Matt, who is a recent graduate of Texas Tech University.

REPRESENTATIVE ALLEN FLETCHER



Allen Fletcher is the State Representative from Texas House District 130. During the last two sessions, Representative Fletcher served on the House Transportation Committee as well as the Vice-Chair of the Homeland Security & Public Safety Committee.

This session, Speaker Straus has appointed Fletcher to Chair the new Select Committee on Emerging Issues in Texas Law Enforcement. He has also been reappointed to the Transportation Committee as well as appointed for the first time to the Business & Industry Committee.

Chairman Fletcher graduated with honors from both the Houston Police Academy and the East Texas Police Academy. He received his undergraduate and graduate degrees in Criminal Justice Management from Sam Houston State University (SHSU).

Chairman Fletcher went from patrol officer to detective in the Robbery Division, Sergeant Hostage Negotiator for 15 years, and was then appointed by the Chief of Police to supervisor in the Office of the Inspector General where he was responsible for criminal and administrative investigations of city employees and government contractors. Chairman Fletcher retired from the Houston Police Department in 1998. He has been a commissioned Peace Officer for over thirty years and holds a Master Peace Officer Certification.

Upon retirement from Houston Police Department, Chairman Fletcher founded and was President and CEO of a private security company. Chairman Fletcher is currently the only retired peace officer in the Texas House.

Allen and his wife Penny live in Tomball and have two daughters, a son, five granddaughters and a grandson.

ASSIST
President
Walt Roberts
(left) with
Representative
Fletcher at the
2014 ASSIST
Convention.



Legislative Walk the Halls and Luncheon

TUESDAY, APRIL 7, 2015

Join us for an ASSIST Legislative Luncheon at the Austin Club on April 7, then walk the halls of the state capitol with your fellow ASSIST Members.

This is a simple, but very effective way that you can speak up for our industry in Texas and make sure your legislators are aware of the issues that are most important to us. As professionals in the field, it is our role to educate our senators and representatives so that they can make better informed decisions.

Space is limited for the luncheon, so you must RSVP to attend. However, there is no limit on the number of members who can walk the halls, so let's show our strength in numbers. Make plans to be there.



RSVP: Make your reservation for the luncheon through Joni Berardino, Executive Director, 512-619-7280 or email executivedirector@assisttexas.org

HOTEL: Reserve your room at the La Quinta Inn Austin Capitol, 512-476-1166

Executive Session on Policing and Public Safety

Summary by Joni Berardino, ASSIST Executive Director

The National Institute of Justice published the first of several papers that resulted from an Executive Session on policing and public safety at Harvard. While there is not sufficient room to reprint the article in this publication, below is a synopsis of the article that was written by Malcolm K Sparrow, PhD.

Titled “Managing the Boundary between Public and Private Policing,” Dr. Sparrow’s paper hits on three main topics: the history of private security; the growth of private security and the challenges faced when melding private and public security and examples of tough situations where both parties must work together (see full article).

The United States has seen a rapid growth of private security since the 1980’s when private security outnumbered public officers. In other countries private security is equally as pervasive. Private security outnumbered public law enforcement in Australia by 2006 and they outnumbered public law in Israel over 20 years ago. Interestingly, the calculations do not include the ever increasing number of public law officers who work in private duty.

Historically countries around the world have reached an acceptance of private security at different times and for different reasons. Great Britain, Australia and Canada resisted private security based on the British culture of “stateness,” an opinion that only civic institutions can be trusted to judiciously provide security. During the Thatcher era, Thatcherism promoted free markets and pushed for privatization of state functions. Thus began a loosening of attitudes toward all private enterprise, including security.

In the United States where commercial enterprise is appreciated and “stateness” is not an issue, other concerns arose such as “the unnecessary use of force, abuses of power, denial of access to public spaces, dishonest business practices, unequal access to security provision and weak accountability mechanisms for private agents.”

Private security, a profession composed of former military, public law enforcement, federal agents, etc., are trained and experienced by the government but are no longer subject to the oversight and control of government agencies. As private citizens, highly trained former government workers can now legally do things that public police cannot. Another concern is about the untrained and unqualified or unprofessional private security who may use excessive force. Still another concern is that of off duty public police working as private security, “some departments in effect run private businesses out of headquarters.”

A concern raised about private security is the inequality among potential users of the services. The poorest neighborhoods tend to be the most dangerous and the most in need of additional security but private security is most often placed in the wealthiest neighborhood and “serves the interests of wealthy and ruling elites....Privatized enclaves are in a sense an abandonment of the public realm in security. They represent a “secession of the successful from the rest of society.”

The public police must maintain responsibility for the distribution of protection across society. It is the responsibility of public police to monitor the quality of security in different neighborhoods, to find out who is well protected and who is not, and to address the deficits.

Despite misgivings, the need for security, the lack of public funding and the culture of capitalism in the US has led to acceptance and even encouragement and partnerships of private security by local governments. Since 9/11 private security has been regarded as an “essential component of critical national infrastructure protection.” For example surveillance tapes taken by private security companies were used to identify and track suspects in the 2013 Boston Marathon bombings. And, as early as 1976, a report on private policing commissioned by the Law Enforcement Assistance Administration declared, “the sheer magnitude of crime in our society prevents the criminal justice system by itself from adequately controlling and preventing crime.”

The table on the following page was taken directly from Dr. Sparrow’s article and represents the major pros and cons to be derived from a public/private partnership.

The paper concludes that public law enforcement and private security have become “inescapable.” It states that public police can no longer “hang on to their own regrets about these trends, bemoan their loss of market share, or pretend that public/private partnerships cannot be useful.”

However, Dr. Sparrow also states that risks associated with private policing cannot be ignored and represent work on behalf of public police. He asserts that concerns should be treated as policy and operational challenges and not as “grounds for disengagement.” He also asserts that public police will become “less the deliverers of security and more the orchestrators of security provision.”

Last of all Dr. Sparrow notes that “law enforcement has engaged relatively little with identity fraud, financial fraud, health care fraud, other white collar crime and internet based crimes. Security threats, familiar and unfamiliar, will surely demand an expanded repertoire of collaborative arrangements.”

Potential Benefits and Risks of Public/Private Police Partnerships

Grounds for Support and Engagement (the Benefits)	Grounds for Skepticism and Concern (the Risks)
<p>1. Increased Effectiveness Through Public/Private Partnerships. Collaboration between the public and private sectors enhances performance by sharing complementary skills, knowledge and resources. Partnerships facilitate information exchange and provide access to broader networks. All parties can benefit from properly functioning partnership arrangements.</p>	<p>1. Lack of Accountability. Private police are not subject to the same formal and legal systems of accountability that govern public police agencies. Nevertheless, they may carry weapons, use force, detain suspects and intrude on the privacy and rights of individuals. They may discover crimes and choose not to inform public authorities. The exercise of policing powers without commensurate accountability is inherently dangerous to society.</p>
<p>2. Alignment With the Ideals of Community Policing. Community policing is essentially collaborative and involves sacrificing a purely “professional agenda” in favor of one negotiated with the community. The community, which includes businesses, should be able to participate in setting the crimecontrol agenda and should be encouraged to participate in carrying it out.</p>	<p>2. Threats to Civil Liberties. Many restrictions on the conduct of public police do not apply to private police (unless formally deputized by public agencies). For example, confessions extracted by private police without Miranda warnings and evidence obtained through unlawful searches conducted by private agents are not subject to exclusionary rules.</p>
<p>3. Greater Equality in Protection. The ability of the better off to protect themselves by purchasing private protection at their own expense allows the public police to concentrate their efforts on poorer and more vulnerable segments of the community. The overall effect, therefore, is to raise the floor in terms of levels of protection for the most vulnerable.</p>	<p>3. Loss of “Stateness.” Policing services and security operations require judicious balancing of the multiple and often conflicting rights of different groups or individuals. Therefore, only state (“civic”) institutions can be trusted to reflect the broad societal values required to carry out such functions. The particular interests of private clients and the for-profit motivations of commercial providers will inevitably distort the public agenda to some extent.*</p>
<p>4. Access to Specialized Skills and Technical Resources. The private sector can provide the public police with highly skilled and technical specialists that the public sector could not routinely employ. Collaboration with the private sector thus makes highly skilled and specialist resources available for public purposes.</p>	<p>4. Threats to Public Safety. Private police, who are not as welltrained as public police, may display poor judgment or overreact to situations, thus endangering public safety. Citizens may be confused about the status or rights of uniformed security personnel and may therefore act in ways that create danger for themselves or others.</p>
<p>5. Efficiencies Through Contracting Out. Government operations should seek to exploit the efficiencies of private-sector competitive markets by contracting out any components of their operations that can be clearly specified and carved out, and for which competitive markets exist.</p>	<p>5. Greater Inequality in Protection. The growth of private security exacerbates inequality regarding citizens’ access to protection. Citizens will get the level of protection they can pay for. Those who are better off, and are able to purchase or enhance their own security, will reduce their commitment to public policing. Funding and support for public policing will suffer, which will ultimately result in lower levels of protection for the poorer and more vulnerable segments of society.</p>
	<p>6. Reputational Concerns. Inadequate performance or improper conduct by private security personnel may produce reputational or litigation risk for public police if the public police have formally recognized, qualified, trained, contracted, or in some other way recognized or validated the operations of private operators. Such operators should therefore be kept at arm’s length.</p>
	<p>7. Threats to Police Jobs. Increased availability of lower skilled and lower paid security jobs, coupled with the contracting out of some police tasks to the private sector, may undermine job security and limit career prospects for public police. Competition from the private sector is inherently unfair because of their tolerance for lower training standards and access to cheaper labor.</p>

Sparrow, Malcolm K., Ph.D. Managing the Boundary Between Public and Private Policing. New Perspectives in Policing Bulletin. Washington, DC: U.S. Department of Justice, National Institute of Justice, 2014. NCJ 247182.

Malcolm K. Sparrow is professor of the Practice of Public Management at the John F. Kennedy School of Government at Harvard University. His paper was written for the Executive Session on Policing and Public Safety at the school.

Achieve More with a Success Mindset

All of us want to be happy, have great relationships, achieve a certain level of success, and feel like the work we do in life matters. We're not asking for that much – these are reasonable desires! And yet, the ability to accomplish them often seems to have been reserved for a very small percentage of the population.

According to Forbes magazine, an astounding 92% of people say that they do not achieve the goals they set each year. A recent Gallup Organization study revealed that over 55% of adults aren't happy at work, and more than 70% of employees don't feel they're reaching their potential. It's no wonder that the most-widely used drugs among adults are antidepressants, or that one out of five people report being lonely on a daily basis... even those with significant others to come home to.

What if achieving more success and feeling more happiness and fulfillment with your life didn't rely on changing your job, going back to school, or altering your relationships? What if enjoying a life full of significance, achievement and satisfaction is absolutely possible for all of us, simply by making shifts in the ways we think?

My team and I conducted a three-year, multi-million dollar research project on the world's happiest and most successful achievers to learn what they have in common. What we determined is that their ability to reach their goals and fill their days with passion and meaning isn't based on where they're from, how they grew up, or even what they've learned. Rather, these ultra-successful live amazing lives because of their mindsets; how they think. Unfortunately, our research also indicates that most people are thinking, acting and living according to the exact opposite mindsets... which is why so few individuals seem to reach their potential or experience the lives they hoped for.

What most people need is a subtle mindset shift, and that can make all the difference. However, the majority of success programs, books, seminars, and even personal coaches fail to convey what's really needed. In fact, they often make things worse by putting too much emphasis on the importance of motivation, willpower, and skillset training, while failing to address the underlying issues of peoples' mindsets.

My team and I identified the 7 Mindsets that separate the top 8% of people who consistently and reliably reach their goals from the 92% who don't. That's why I co-authored the book, *The 7 Mindsets to Live Your Ultimate Life*, and why I work with organizations to help their employees and their families enjoy greater happiness at work and in life. Some results of a happier workforce include 86% higher customer ratings, 78% better safety records, 76% improvement in lowering employee turnover, and even a 44% increase in profitability.

The sure-fire way to determine whether you need a mindset tune-up is to answer these questions: Are you regularly accomplishing your goals? Do you feel like you're living to your potential? Are you feeling a deep sense of happiness and fulfillment at work and at home? If you answered yes, read on and you'll probably recognize why. If you said no, then this summary could be a game-changer for you.

The 7 Mindsets of Happy and Successful People

1 Everything is Possible – People who embrace this Mindset believe they are capable of living extraordinary lives. They understand that everything that exists was once an idea, until someone came along who believed it was possible and made it a reality. Embracing this Mindset means that you're willing to let go of limiting thoughts, try new things, meet new people and stretch yourself beyond what you might have felt qualified or ready to do. You can lean into this Mindset by taking the goals you set and then dreaming even bigger.

2 Passion First – It's natural to select careers based on what the marketplace needs and the strengths you have to offer. However, people who live the Passion First Mindset take a different approach – they seek to discover what really matters to them, what they're passionate about, and then organize their life around those things. They choose jobs and start businesses based on their passions. They give themselves permission to let their passions evolve, and when they feel stifled at work, they seek new ways to engage so that their efforts have greater meaning and purpose.

“We can’t solve the problems we face at the same level of thinking that created them.”

- Albert Einstein

3 We Are Connected – Many people cherish their independence and their ability to accomplish goals even if they have to work on them alone. However, the ultra-successful take a different approach: They embrace the We Are Connected Mindset, believing that if they can achieve their dreams alone, they’re not dreaming big enough. They lead by empowering others, helping them achieve their tasks, goals and dreams without seeking reciprocity. Activate this Mindset by exploring synergies in all relationships, and relish competition that allows you to maximize your potential. Recognize that the path to high achievement involves working with, for and through others.

4 100% Accountable – There will always be circumstances outside of your control, and it’s easy to blame others and make excuses for your situation in life. Those who live the 100% Accountable Mindset recognize that, no matter what the situation may be, they have the power to choose how they react. No matter what, their own happiness and success is ultimately in their control. They are not victims of their past, their future is for them to choose, and life is what they make of it. Applying this Mindset helps you accept the idea that, although you can’t go back in time and create a new beginning, you can start today and shape a different ending.

5 Attitude of Gratitude – Thanks to individuals like Oprah, most of us understand the importance of being grateful. Unfortunately, most people also focus much of their attention on what they don’t have, rather than on what they’ve accomplished and are presently experiencing. The world’s happiest people apply the Attitude of Gratitude Mindset, which enables them to recognize the positives in all experiences, and to take time every day to be thankful

for what they have. They also understand that challenging times and disappointments are often opportunities from which to learn and grow, and so they embrace those as well.

6 Live to Give – We live in a fairly charitable society, and many people volunteer their time and resources to help causes they support. As they earn more, they tend to give more. This is often referred to as giving back and having a sense of social responsibility. I’m not knocking this, but it’s important to point out that the ultra-successful do it differently. Embracing the Live to Give Mindset, they seek ways to give first by integrating their day to day work with causes they believe in. They understand that abundance in life is a cycle, and so to receive love, respect, and financial security, one must first learn to give those things. For them, it’s less about giving back and more about giving forward.

7 The Time is Now – Perhaps you’ve heard the expression, ‘Good things come to those who wait.’ Well, those who embrace The Time is Now Mindset realize that all of their power exists in the moment. They cannot change the past and the future hasn’t happened, so the key is to take purposeful action in the present. Being busy is different than being productive, so they act with focus. Taking action always trumps waiting on the perfect plan, so they give it their best effort and adjust course as often as needed. To live this Mindset means to enjoy the present and to take small, daily, purposeful steps towards your goals and dreams.

Learning the 7 Mindsets is eye-opening, but living them is life-changing. The Mindsets I summarized above may seem like common sense, but they’re not common practice.



About the Author - Scott Shickler

In my book and through our workshops, we teach people and organizations the specific steps to begin activating these Mindsets immediately. If you would like a FREE 7 Mindsets Book to help you discover how to live your best life, please go to www.7Mindsets.com/Security. I’m also happy to answer any questions you have, so please contact me if I can be of any service to you or your organization at Scott@7Mindsets.com or connect with me on LinkedIn.

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- Recruitment and Retention of Good Security Employees
- Special Session for Women in Security

Have something to share with your peers? Want to be a speaker? Have ideas for the 2015 convention?

Please contact Denise Nicholson or Joni Berardino: denise@prosecuritygroup.com, joniberardino@gmail.com or executivedirector@assisttexas.org or call Joni Berardino at 512-619-7280.



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If you have any questions, please contact **Norma Foley**, Member Service Director / ASSIST at 832-274-1079 or
via email: memberservices@assisttexas.org



EL PASO

ROBERTO AZAR, JR.

President
El Paso
Region
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2595

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On behalf of the El Paso Region I want to thank all our members, non-members, and vendors that attend our monthly meetings. Our goal is to enable interaction with our local law enforcement agencies and security professionals from our region and to extend our professional relationships with area trade associations and businesses.

At our monthly meetings we provide continuing education for our attendees that can be used for their license renewal. We also provide critical information that relates to our profession at the regional and state level. Our monthly meetings are attended by representatives of the Security, Investigations, Armored Car, Alarms, and Locksmith fields. Our monthly meetings are held at the El Paso Municipal Police Officer's Association Hall located at 3601 Rutherglen. Meetings are held on Wednesdays on the following dates: March 25, April 29, May 27, June 24, July 22nd or 29th (TBD), August meeting will be held during the ASSIST Appreciation Day for El Paso Region, September 25, and October 25.



SOUTH TEXAS ALAMO

JIM PROCK

President
South Texas
Alamo Region

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alamopresident@assisttexas.org

We hold our meetings quarterly and our next meeting will be scheduled in May 2015. Please watch the ASSIST website for specific dates and times.

I would urge all of our members to become aware of the issues concerning this year's legislation as we have a new crop of representatives, Senators and new governor.

Numerous bills will be presented which may impact on our industry and there is no better source of input and concern than to voice them to your local representative. ASSIST will be walking the halls this year on April 7th to meet with our representatives and I would like to see as many of our local members join us this year.

Our association has accomplished a great deal with the transition to a more centralized system of registration with DPS, albeit with some reservations. As we all go forward in this profession the future challenge is to get involved with our legislators and our DPS departments to help shape our future.

Getting involved, as many are, and following up with them on a consistent basis is a key factor in having our concerns addressed and resolved. Most often we just have a complaint or two concerning issues within our own companies or area of the profession. We should

also attempt to provide ideas and assistance where we can as we are all in this together whether we agree or not. For local professionals in the Alamo Region I ask that you come to our meetings and join in the discussion, provide your input and ideas. There is strength in numbers and our association truly needs to grow and have a much more profound impact on our profession with Texas and our local area.

We in the South Texas Alamo Region of ASSIST extend an invitation to any interested security professionals to come and join in our meetings. If you have any questions or concerns regarding ASSIST please contact me either by email or phone.



CENTRAL TEXAS

DANNY HINKLE

President
Central Texas
Region
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Central Texas meetings are held on the 4th Tuesday of the month at 11:30 a.m. at Mangia Pizza: 8012 Mesa Drive Austin, TX 78731

This year, Central Texas Region will be hosting the 2015 ASSIST state convention. Mark your calendars now for September 30-October 3 in Austin, Texas at the Austin Omni Southpark hotel. Watch your email and future issues of this magazine for updates on convention plans. I hope we will see you all there.



NORTH TEXAS

JACK W. GRIFFIN

President
North Texas
Region

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Our meetings are held the third Wednesday of the month at 11:30 a.m., at Texas Land and Cattle on Technology: 10250 Technology West, Dallas, Texas 75220.

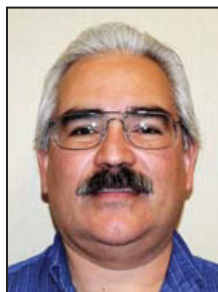
We would like to extend an open invitation for anyone to join us for our monthly meetings. We are excited about what is happening in the North Texas Region and encourage everyone to see the changes being made.

In our February meeting we had a guest speaker with the US Department of Labor explaining some of the labor laws we had questions about.

Our intent is to have guest speakers on a regular basis to make us aware of changes, and have a positive exchange of information.

We are looking forward to our annual COTSO fund raising plans as well as meeting all the new members.

As the newly elected President of the North Texas Region, and newly elected Vice President Robert Reed we look forward to introducing ourselves to you. Please feel free to call me if you have any questions.



RIO GRANDE VALLEY

JAIME S. OCHOA

President
Rio Grande Valley
Region
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We welcome Rio Grande Valley region members to join us at our monthly meetings. Contact Jaime Ochoa for details on the next meeting.



GULF COAST

MIKE HUDSON

President
Gulf Coast
Region
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gulfcoastpresident@assisttexas.org

The ASSIST Gulf Coast Region hosts monthly meetings every second Tuesday of each Month. The luncheon meetings are held from 11:30am to 1:00pm at Lupe Tortillas, 1511 Shepherd Houston, TX 77007.

State and Regional elections will be held this year. Please consider running for a position.

The Gulf Coast Region hosted the 2014 ASSIST State Convention in October 2014. Much appreciation goes out to all those involved in planning and working the event. We would also like to thank all the Sponsors and Vendors. They are a vital part of our conventions and need to be recognized again.

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Keeping Texas Security Safe:

THE BENEFITS OF BODY ARMOR

Businesses, families, and individuals put great faith in security personnel. As a member of a security firm, you need to ensure that this faith is rewarded – the right amount of training and focus is essential to offer the highest level of protection, for people and their property.

However, to perform at your best, you need to feel protected yourself. Along with defensive weapons, you'll also need to wear the right clothing and armor. But how do you know which type of protection to wear for a particular assignment? How much security does each offer?

ASSIST (Associated Security Services and Investigators of the State of Texas) is dedicated to providing news and support for security specialists across Texas, and aims to help members stay safe in the field. This guide will take a look at the variety of body armor available, and the benefits each offers.

BLADES & BULLETS: FINDING THE RIGHT ARMOR

Texas had more than 106,000 violent crimes last year, and more than 875,000 property-related incidents. Clearly, security is a proven necessity, and you should be prepared for all eventualities, whatever your assignment. Whether you're guarding an individual, a building, an entire site, or investigating a suspicious person, your own personal protection is vital. Guns and knives may be used against you in extreme situations, and the right armor may well save your life.

BALLISTIC VESTS

Bullet proof vests provide different levels of protection against numerous ammunition types. The National Institute of Justice (NIJ) puts each vest through stringent tests, and rates it according to the amount of protection it offers, placing it in one of three levels: II, IIIa, and IV. Rounds flatten and slow upon striking a bulletproof vest, and can no longer pass through.

Vests rated at level II protect against handgun rounds, ranging from 9mm to .357 Magnum bullets. Level IIIa defend against rounds with a higher velocity, such as



9mm sub-machine gun and .44 Magnum bullets. Vests at both these levels typically feature Kevlar in their design, a tough material used around the world for its high protective capabilities.

Level IV vests are slightly different: rather than Kevlar, these require plates (of ceramics, steel, or titanium) to be inserted into panels on the front and back. These can stop armor-piercing and rifle rounds, but plates must be replaced afterward to ensure maximum protection.

EDGED BLADE VESTS

Stab vests feature multiple layers, which create friction against blades and stop them before they reach flesh and bone. These are widely used by security officers and the police, and prove essential in volatile close-combat situations. As with bulletproof vests, these are rated by the NIJ according to the levels of protection they offer: levels II and III. Though there is no massive difference between them in their aesthetic or structure, level III vests are tougher to protect against more ferocious attacks launched with a higher number of joules.

These might be required if working security on the doors of a club with a bad reputation, or while patrolling a public event – if aggressive people become aggressive drunks, they may pull a knife without giving it the same degree of thought they normally would. However, a stab vest will protect you if they get close enough to strike.

continued >

SPIKED WEAPON VESTS

Improvised weapons can prove just as fatal as guns or knives. Icepicks, needles, sharp-heeled shoes – all of these, and more, can be wielded to cause injury. Spiked weapon vests feature a much tighter weave than stab vests, to stop pointed tips passing through as they otherwise would. If an attacker pulls a hypodermic needle, this too can prove dangerous beyond a physical injury, as it may carry contaminated DNA or poisonous fluids.

All of these vests offer solid, reliable protection against the threats they're designed to fend off – but never assume one will protect you against all dangers. For example, a level IIIa ballistic vest will not stop a knife passing through, nor will a stab vest stop a handgun round. Be sure to have a wide range of vests to suit any assignments yourself or your team may face.

HIDDEN ARMOR: COVERT OR OVERT VESTS?

Depending on a specific assignment, you might be required to wear civilian clothing to maintain a low-key profile. In this scenario, wearing a protective vest over your outfit is out of the question – but that doesn't mean you need to sacrifice your safety.

Body armor is available in three key styles: covert, overt, and covert / overt.



COVERT

Covert armor is worn underneath clothing to help you remain incognito. As a result, these are thinner and more lightweight than standard overt vests, and most feature moisture-wicking fabrics to absorb and redistribute sweat – this helps you stay cool during extended periods of wear. If providing close protection to an individual or patrolling a public event, these vests will help you stay safe and hidden.



OVERT

Overt armor is the standard style we see police officers or military personnel wearing: thick, worn over clothing, in various colors to suit various uniforms and applications. These may be worn when looking to maintain a high-profile presence as a deterrent to potential trespassers or troublemakers.

COVERT / OVERT

These offer great versatility for security personnel, across most assignments – whether you need to stay in uniform or wear civvies, these vests suit both outfits. You can carry these with you in your car or van, and use as and when needed. Covert / overt vests are thicker than standard covert vests, and thinner than standard overt vests, to accommodate for this versatility.

continued >

FIT AND FUNCTION: MAKING THE RIGHT CHOICE IS KEY

The importance of the right size can never be underestimated when wearing body armor. A vest is designed to protect the vital organs, and should reach no lower than the navel area – if the bottom covers your crotch, the vest is too big. Likewise, if the vest is uncomfortably tight and restrictive, this may cause problems too.

If your vest is too big or too small, your range of motion may be compromised, leaving you unable to perform your duties as you should – giving chase, running from danger, and taking cover will all be harder, if not impossible. How can you be sure you have the right size?

- Measure your height and chest before ordering
- Practice moving in it: stretch, run, jump, crawl – be sure you can do all comfortably

Once you feel reassured you have the best size, follow these safety tips to get the most out of your vest:

- Always check a vest before you wear it – any damage from previous wear could negate its protective capabilities
- Only clean with a sponge and warm soapy water: never immerse a vest fully in water, as this can damage the fibers

We hope this guide helps you get to grips with body armor and understand its importance a little better. Be sure to seek expert advice if you have any further questions, or want more advice.

This educational guide has been produced by body armor experts, SafeGuard. SafeGuard Clothing provides a wide range of protective clothing for security companies and individuals.

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SECURITY GUARD

RISKS AND LIABILITY: Driving Your Car Around Town

Many very successful private security business owners and managers think they have done a great job of structuring risk. They follow the advice of their lawyers and accountants; they file all the federal and state and local forms and returns. They even think they have great business insurance. So what more is there to do?

In your authors' opinion, having worked with many successful independent business owners, some of whom have a significant labor force driving their cars around, possibly the most overlooked in all of independent business ownership risk management is the simple fact that employees of a business entity typically use the motor vehicles they personally own, in the scope and course of their employer's mission. When your mission is security, routine missions present a higher risk. But because the typical employee of a Texas private security company is a licensed professional, the risk and rating of that individual is actually lower. That's code language for less costly to insure!

SO WHAT SHOULD YOU DO?

The same business owner who would never fail to insure his or her building or warehouse or its contents, often does not realize that in the daily comings and goings of employees, driving within the work day to perform the tasks delegated to them by their employer, there is tremendous uninsured risk. If a serious accident occurs, the employer will be sued, as will be the driver, regardless of who owns the car. Who owned the car is irrelevant to liability. In Texas, vicarious motor vehicle liability, that being the business owner being held liable for another person operating a motor vehicle, is determined solely by whether the person, in this case the employee, was performing the employer's duties while driving the car.

It is criminal misconduct for a driver to operate a motor vehicle in Texas without obtaining the minimum required



automobile liability insurance. Most drivers do carry the lawful minimum. However, in Texas that lawful minimum is simply not enough to defend and indemnify a major accident.

Ask yourself the following: "If one of my employees causes an accident in which there is serious or multiple bodily injury or death, do I think a total of \$60,000.00 is sufficient to both defend my business and cover all the cost of all the injuries in one accident?" And yet, that is the current required minimum and the amount which many drivers obtain, and no more.

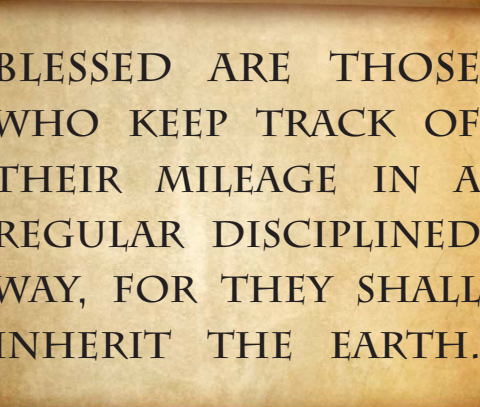
DO NOT DESPAIR!

Although your basic business owner automobile liability insurance probably does not cover the liability of your employees driving their own cars to perform the purposes of your business, you easily can obtain a special coverage feature. This special feature typically is an inexpensive add-on to your standard business policies. You typically won't have this coverage unless you request it. **Request it!**

Unless you are a very unusual employer, if you have employees, when you least expect it, one or more of them will use their personally owned automobile to perform the duties of your business, to take an unexpected receipt of cash to the bank, to buy the cake for the Friday afternoon employee birthday party, to perform duties on a day the office vehicle is taken to the shop and on and on. Obtaining this coverage feature can avoid expensive uninsured surprises.

TIP FOR TAX SAVINGS

While everyone reading this knows perfectly well that business mileage you document can be deducted (currently in 2015 at the rate of 57.5 cents per vehicle mile), in our opinion this remains the most missed and unclaimed of all defensible business expense deductions. With recent decreases in the cost of fuel, mileage deductions are among the most beneficial of any in business operations.

A scroll with the text: BLESSED ARE THOSE WHO KEEP TRACK OF THEIR MILEAGE IN A REGULAR DISCIPLINED WAY, FOR THEY SHALL INHERIT THE EARTH.

For more information, ask for our printed report, "Tax Guide for Vehicle Expenses." This is not in an electronic format, so please include your name and postal mailing address when you request it.

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Miguel 'Mike' Lopez - mlopez@thefowlerlawfirm.com
R. Will Cabler III - wcabler@thefowlerlawfirm.com

A laptop screen is shown against a solid orange background. The screen is black and displays white text. The text reads: "Stay up to date with the latest ASSIST News at www.assisttexas.org". The word "ASSIST" is in all caps and a larger font size than the other words. The website address is at the bottom of the screen.

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KEEP YOUR EMPLOYEES ON SOLID GROUND

Your employees' job is to keep your customers and their patrons safe. But who's looking out for your employees?

Every employer should have a written safety program that addresses the unique hazards their employees face on the job. In the security industry, workplace violence is the most prominent of those hazards. In developing your safety program, however, don't forget about another common hazard: slips, trips and falls.

Slips, trips and falls are the most frequent and severe injuries reported by members of the Associated Security Services Investigators of Texas workers' compensation safety group. Wet floors, uneven or damaged walking surfaces, cluttered walkways, unguarded platforms, inappropriate footwear, lack of concentration and poor lighting are just a few causes of slips, trips and falls in the security industry.

Texas Mutual Insurance Company, the group's workers' compensation insurance provider, recommends these tips for keeping employees well-grounded.

PROVIDE PERSONAL PROTECTIVE EQUIPMENT

Footwear with slip-resistant soles can go a long way toward preventing slips, trips and falls. Footwear should be comfortable and provide support. Avoid rough, flat soles. Instead, choose broad-based soles with low heels. Polyurethane or microcellular urethane soles provide the best slip resistance.

Remember that personal protective equipment alone is not enough to protect workers. Much of your employees' safety rests on their shoulders.

PROMOTE SAFE BEHAVIORS

Safe behaviors are key to preventing on-the-job injuries. Slips, trips and falls are no exception. Promote these safe behaviors among your employees:

- When carrying a load, make sure you can see where you are walking.
- Watch for uneven surfaces.
- Do not use chairs, tables or surfaces on wheels as substitutes for ladders.

- Stay alert, especially on thresholds and elevators.
- Take stairs one at a time, and use the handrail.
- Avoid horseplay that could result in injuries.
- Do not wear sunglasses in dimly lit areas.
- Report unsafe conditions immediately.



REPORT POOR HOUSEKEEPING

You can prevent many slips, trips and falls by simply keeping a clean, orderly workplace. Encourage your employees to report these conditions on customers' premises:

- Wet floors that do not have warning signs
- Wet or cluttered stairs and walkways
- Poor lighting
- Damaged stairs and walkways, as well as leaky faucets
- Worn rugs, especially at the edges
- Unguarded platforms

FREE RESOURCES

Texas Mutual policyholders have access to 2,000 free training materials in the safety resource center at texasmutual.com. The materials include streaming videos, DVDs, downloadable safety programs and interactive tools.

The Occupational Safety and Health Administration also offers various free materials in English and Spanish at www.osha.gov/Publications



Woody Hill is vice president of safety services at Texas Mutual Insurance Company. Eligible ASSIST members can earn workers' compensation discounts by enrolling in the Texas Mutual/ASSIST safety group. For more information, ask your agent or visit texasmutual.com.

SELLING YOUR BUSINESS TODAY

Something has occurred and you must sell your business today. While having to sell under forced circumstances is not the best scenario, it can be done.

Once the decision to sell is made it is important to move ASAP. The value of the business will decline if you are not in a position or do not have the mental attitude to keep it running at peak efficiency. You need a team to get the business to market and sold.

Engage a seasoned business broker. This person will be the “Quarterback” and coordinate all the team members. Preferably the business broker should be credentialed as a Certified Business Intermediary (CBI) by the International Business Brokers Association (IBBA) or a Board Certified Broker (BCB) by the Texas Association of Business Brokers (TABB). The intermediary will help put together a complete team.

The business broker will know what the Buyers and Bankers are looking for and where to market your business to bring the most Buyers to the table as quickly as possible. Confidentiality is important to you. Using a business broker helps keep the sale confidential by requiring “Confidentiality Agreements” and “Buyer Profiles” from all prospective buyers.

CPA/Tax Expert: Buyers and Bankers are going to want to see “clean” books and tax returns. The first thing needed for a marketing package are the business tax returns for the last three years. This is where your CPA comes to the rescue. You need a CPA assisting you in a Chief Financial Officer (CFO) capacity. Just preparing your tax return once per year is not sufficient. You need someone who can advise you on getting accurate financial information together and the tax consequences of selling your business.

Transaction Attorney: Yes, the lawyer that did your “Will” may be a good friend, but you need a skilled transaction attorney who handles the sale of businesses every day. There are multitude of details that need to be addressed in the Letter of Intent (LOI), the Purchase Agreement Contract and other closing documents.



Financial Consultant: What are you going to do with the money you get at closing? What is it going to be used for? Is it enough to live on? Facilitate a new venture? Pay all debts associated with the business. A good financial consultant can assist you in answering these and many other questions you may have.

Selling a business is not an easy task. You are still running your business and need to keep it on course while the selling process is underway. Yes, you will be required to assist in the process, but let your team members carry on the many functions needed to complete a business transaction.



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Clarence has been helping people buy and sell businesses since 1996 and has

represented owners through the myriad details of selling their business. Clarence’s first-hand business transaction experience and depth of knowledge about the profession enable him to serve his clients and help them attain their goals in the business transfer process. Taking the time to listen to the goals of his clients and focus on a successful outcomes are what Clarence does best.

PAY OR PLAY PENALTY

Hours of Service Rules Clarified



The Affordable Care Act (ACA) requires large employers to offer affordable, minimum value health coverage to their full-time employees or pay a penalty. This penalty is known as the shared responsibility or pay or play penalty.

On Feb. 12, 2014, the IRS published final regulations on the ACA's employer shared responsibility rules. The final regulations clarify the definition of "hours of service" for purposes of the pay or play rules.

DEFINITION OF HOURS OF SERVICE

In general, an "hour of service" means:

- Each hour for which an employee is paid, or entitled to payment, for the performance of duties for the employer; and
- Each hour for which an employee is paid, or entitled to payment by the employer for a period of time during which no duties are performed due to vacation, holiday, illness, incapacity (including disability), layoff, jury duty, military duty or leave of absence.

Under the final regulations, all periods of paid leave must be taken into account; there is no limit on the hours of service that must be credited. Also, all hours of service performed for all entities treated as a single employer under the Code's controlled group and affiliated service group rules must be taken into account.

However, if compensation for hours of service is foreign source income, those hours of service should not be included in an employee's hours of service.

HOURLY EMPLOYEES

For employees paid on an hourly basis, an employer must calculate hours of service from records of hours worked and hours for which payment is made or due for vacation, holiday, illness, incapacity (including disability), layoff, jury duty, military duty or leave of absence.

NON-HOURLY EMPLOYEES

For employees not paid on an hourly basis, employers must calculate hours of service using one of the following three methods:

- Counting actual hours of service from records of hours worked and hours for which payment is made or due;
- Using a days-worked equivalency method under which an employee is credited with eight hours of service for each day with at least one hour of service; or
- Using a weeks-worked equivalency method under which an employee is credited with 40 hours of service per week for each week with at least one hour of service.

Employers may use different methods for non-hourly employees based on different categories of employees if the categories are reasonable and consistently applied. Employers may change methods each calendar year.

However, employers may not use the days-worked or weeks-worked equivalency methods if those methods would substantially understate the hours of service of a single employee or a substantial number of employees. The number of hours of service calculated using the days-worked or weeks-worked equivalency must reflect generally the hours actually worked and the hours for which payment is made or due.

EXCLUDED HOURS

Under the final regulations, service performed in certain capacities will not be counted as an hour of service. The Treasury and the IRS continue to consider additional rules for determining hours of service for certain categories of employees whose hours are particularly challenging to identify or track or for whom the final regulations' general rules may present special difficulties.

BONA FIDE VOLUNTEERS

An hour of service is generally defined as an hour for which an employee is paid or entitled to payment. Accordingly, hours worked by a volunteer who does not receive (and is not entitled to receive) compensation in exchange for the performance of services are not treated as hours of service for purposes of the employer mandate.

In addition, the final regulations provide that the term "hour of service" does not include any hour for services performed as a bona fide volunteer. For this purpose, bona fide volunteers are not limited to volunteer firefighters and emergency medical providers. Rather, a bona fide volunteer is an employee of a government entity or a tax-exempt organization whose only compensation from that entity or organization is in the form of:

- Reimbursement for (or reasonable allowance for) reasonable expenses incurred in the performance of services by volunteers; or
- Reasonable benefits (including length of service awards), and nominal fees, customarily paid by similar entities in connection with the performance of services by volunteers.

WORK-STUDY PROGRAM PARTICIPANTS

Under the final regulations, the term hour of service does not include any hour for services to the extent those services are performed as part of a federal work-study program or a substantially similar program of a state or political subdivision thereof. The Federal Work-Study Program, as a federally subsidized financial aid program, is distinct from traditional employment in that its primary purpose is to advance education. This exclusion is intended to avoid having the employer mandate interfere with that goal.

However, the final regulations do not include a general exception for student employees or paid interns or externs. All hours of service for which a student employee of an educational organization (or of an outside employer)

is paid or entitled to payment in a capacity other than through the federal work study program (or a state or local government's equivalent) are required to be counted as hours of service for purposes of the employer mandate.

To the extent that the student does not receive, and is not entitled to, payment in connection with those hours, services by an intern or extern would not count as hours of service under the general definition of hours of service contained in the regulations.

MEMBERS OF RELIGIOUS ORDERS

Until further guidance is issued, a religious order is permitted to not count as an hour of service any work performed by an individual who is subject to a vow of poverty as a member of that order when the work is in the performance of tasks usually required (and to the extent usually required) of an active member of the order.

SECTION 3508 EMPLOYEES—REAL ESTATE AGENTS AND DIRECT SELLERS

Under the final regulations, the categories of workers identified in section 3508 (that is, real estate agents and direct sellers) are not treated as employees for purposes of the employer mandate. Therefore, the hours of service worked by these employees are not taken into account.

APPLICATION OF HOURS OF SERVICE TO CERTAIN EMPLOYEES—EXAMPLES

Until further guidance is issued, employers of other employees whose hours of service are particularly challenging to identify or track or for whom the final regulations' general rules for determining hours of service may present special difficulties (such as adjunct faculty, employees with layover hours (including the airline industry), employees with on-call hours, commissioned salespeople, etc.) are required to use a reasonable method of crediting hours of service that is consistent with the employer mandate.

A method of crediting hours is not reasonable if it takes into account only a portion of an employee's hours of service with the effect of characterizing, as a non-full-time employee, an employee in a position that traditionally involves at least 30 hours of service per week.

The following examples provided by the IRS describe methods of crediting hours of service that are (or are not) reasonable to use with respect to adjunct faculty, layover hours (including for airline industry employees) and on-

call hours. These examples are not intended to constitute the only reasonable methods of crediting hours of service. Whether another method of crediting hours of service in these situations is reasonable is based on the relevant facts and circumstances.

ADJUNCT FACULTY

With respect to adjunct faculty members of an educational organization who are compensated on the basis of the number of courses or credit hours assigned, the Treasury and the IRS have determined that, until further guidance is issued, one (but not the only) method that is reasonable for this purpose would credit an adjunct faculty member of an institution of higher education with:

- Two and one-quarter hours of service (representing a combination of teaching or classroom time and time performing related tasks, such as class preparation and grading of examinations or papers) per week for each hour of teaching or classroom time (in other words, in addition to crediting an hour of service for each hour teaching in the classroom, this method would credit an additional 1 1/4 hours for activities such as class preparation and grading); and, separately,
- An hour of service per week for each additional hour outside of the classroom the faculty member spends performing duties he or she is required to perform (such as required office hours or required attendance at faculty meetings).

Although further guidance may be issued, this method may be relied upon at least through the end of 2015. If future guidance modifies an employer's ability to rely on this method, the period of reliance will not end earlier than Jan. 1 of the calendar year beginning at least six months after the date the guidance was issued (but in no event earlier than Jan. 1, 2016).

LAYOVER HOURS FOR AIRLINE INDUSTRY

With respect to layover hours, it is not reasonable for an employer to not credit a layover hour as an hour of service if:

- The employee receives compensation for the layover hour beyond any compensation that the employee would have received without regard to the layover hour; or
- The employer counts the layover hour towards the required hours of service for the employee to earn his or her regular compensation.

For example, if an employer requires that an employee perform services for 40 hours per week to earn full salary, and credits "layover hours" towards the 40 hours, then it would not be reasonable for the employer to fail to credit the layover hours as hours of service.

For layover hours for which an employee does not receive additional compensation and that the employer does not count towards required hours of service, it would be reasonable for an employer to credit an employee with eight hours of service for each day on which an employee is required to stay away from home overnight for business purposes (that is, eight hours each day, or 16 hours total, for the two days encompassing the overnight stay).

The employee must be credited with his or her actual hours of service for a day if crediting eight hours of service substantially understates the employee's actual hours of service for the day (including layover hours for which an employee receives compensation or that the employer counts towards required hours of service). Other methods of counting hours of service may also be reasonable, depending on the relevant facts and circumstances.

ON-CALL HOURS

The preamble to the final rules describe "on-call" hours as hours for which an employee has been directed by the employer to remain available to work. They note that a variety of compensation structures may apply to on-call hours—in some cases, employees are paid a reduced hourly wage, whereas in other cases, employees are not paid additional compensation for on-call hours, but are required to remain on call periodically as a condition of employment.

For purposes of calculating on-call hours, it is not reasonable for an employer to fail to credit an employee with an hour of service for any on-call hour for which:

- Payment is made or due by the employer;
- The employee is required to remain on-call on the employer's premises; or
- The employee's activities while remaining on-call are subject to substantial restrictions that prevent the employee from using the time effectively for the employee's own purposes.

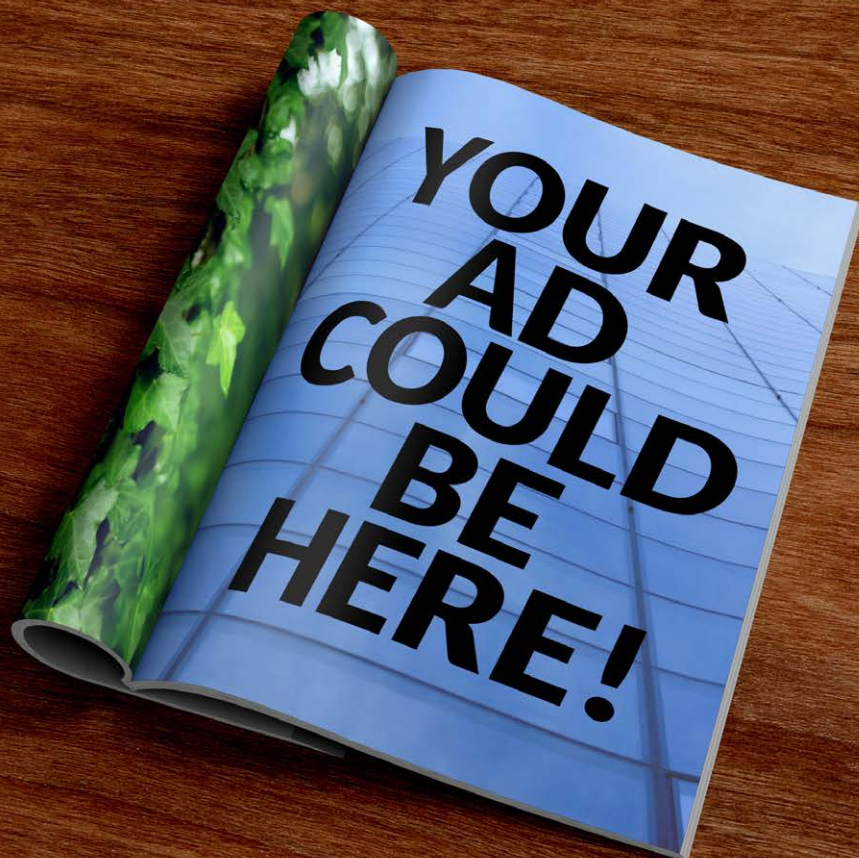


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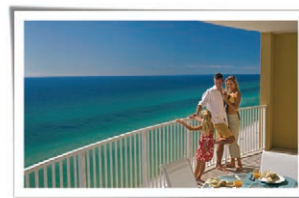
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