

**PRESENTATION OF THE
BOARD OF PRIVATE DETECTIVES
AND GUARDS**

TO THE HOUSE COMMITTEE ON
CONSUMER PROTECTION AND COMMERCE

TWENTY-SEVENTH LEGISLATURE
Regular Session of 2014

Wednesday, February 12, 2014
2:10 p.m.

TESTIMONY ON HOUSE BILL NO. 2020, RELATING TO PRIVATE GUARDS.

TO THE HONORABLE ANGUS L. K. MCKELVEY, CHAIR,
AND MEMBERS OF THE COMMITTEE:

My name is Kenneth Chang, member of the Board of Private Detectives and Guards ("Board"). Thank you for the opportunity to testify in strong support of House Bill No. 2020, which proposes to: 1) revise the continuing education requirement to four hours every two years instead of four hours every year; 2) delay the continuing education requirement from the June 30, 2014 renewal cycle to the June 30, 2016 renewal cycle; and 3) repeal the sunset date of Act 208, SLH 2010 to make permanent the registration requirements for guards or any other employee acting in a guard capacity.

The Board just completed the initial registration of approximately 9,000 guard employees in 2013. Since initial registration already includes an educational component, all 9,000 newly registered guard employees have recently completed mandatory training. As such, the Board, industry, and registrants are in need of relief from the continuing education requirement scheduled for the June 30, 2014 renewal.

While the Board has established the mandatory continuing education curriculum and has posted it on its website, curriculum providers and employers intending to do in-house training of the continuing education need time to develop their course offerings, receive Board approval, and deliver the training. The Board concurs with the requirement on page 3, lines 15-16 of this measure that a refresher component on professional image and aloha training is necessary and is happy to report that this topic is included in the Board's four-hour continuing education curriculum posted on its website. Delaying the continuing education requirement to June 30, 2016 still preserves the importance of continued training to the registrant, industry, and the public, but provides the necessary time for development, administration, and implementation.

The Board and industry concur that the four-hour requirement should be changed from an annual requirement to a biennial requirement, and believes that four hours every two years is sufficient to ensure that guard employees are kept abreast of current trends in the guard industry and to refresh employees on important training concepts included in their initial eight-hour training curriculum.

Further, the Board and industry thoroughly support making the registration requirements for employees acting in a guard capacity permanent. While the Board completed what seemed a daunting task, the registration of approximately 9,000 guards, there is still work to be done to continue the Legislature's vision.

For these reasons, the Board strongly supports the passage of House Bill No. 2020.

Thank you for the opportunity to testify on House Bill No. 2020.



TESTIMONY IN OPPOSITION TO HB-2020

My name is Jeffrey Owens. I am a State of Hawaii Licensed Principle Guard (GD-794) and owner of Transcend Inc., a licensed Guard Agency (GDA-795) and security guard training provider. I am the developer of a Board approved Initial Security Guard Training program to meet the requirements of Act 208, and a Board approved instructor of the 8-hour Initial Security Guard Training. To date my company has trained over 2000 guard employees to meet Act 208 compliance requirements.

Act 208 has been effective in increasing the competency and professionalism of private security guards through required training; and filtering out persons who are unable to meet minimum requirements. The training mandate of Act 208 has been well received by guard employees even though it is they who bear the burden and cost of the training.

HB-2020 seeks to postpone until 2016 the four hours continuing education required for guards to renew their license; and to reduce the continuing education requirement from four hours annually to four hours biannually. We believe these changes are detrimental to the purpose of Act 208 and will set back progress made in legitimizing security guards.

Additionally, HB-2020 does not address an omission that became apparent after the enactment of Act 208 in that it placed no obligation or liability to the State on employers for hiring and using unregistered guards, allowing employers to assign unlicensed employees to act in a guard capacity without fear of accountability to the State. This needs to be corrected.

Act 208 impacts both guard agencies and non-agency employers such as commercial and residential properties, retail establishments, bars, and others. Many of these non-agency employers do not have personnel to comply with the requirement that the on-the-job training be provided by a qualified person. If the employer fails to provide the on-the-job training it is the employee registrant who suffers the consequence of being non-compliant; accordingly, the registrants and their employers need relief from the requirement.

HB-2020 seeks, in part, to provide relief to the Board and the “industry” from the requirement that guard employees comply with the mandate of four hours of continuing education prior to renewal.

The Information You Need



The “industry”, insofar as guard employers, receives no relief by postponing the continuing education requirement as the cost of compliance and investment of time is the responsibility of the registrants, and the registrants have not made any request for relief.

The current registrants, as part of their initial training were made aware of, and thus prepared, to meet the 4-hour annual continuing education requirement; which is beneficial to the guards themselves, their employers, and those to whom they provide service.

Since at least mid-2012 the DCCA authorized the hire of two clerical staff to assist in processing of guard employee applications and has still not filled those positions. The Board, by hiring the authorized staff, is able to provide for its own relief.

Because training is the foundation of Act 208’s success; it is essential that advancing competency through annual training be continued. Four hours on an annual basis is a minimal investment of time that will have a positive effect of keeping guard employees current with industry standards and refreshed in the areas of professionalism and aloha training. Four hours over two years is simply inadequate.

Additionally, changing the four hours continuing education from annual to biannual would allow a registrant to effectively go four years without relevant training. For example:

A person could renew their registration on June 30, 2014, and complete their continuing education requirement on July 1, 2014, allowing them to renew their registration June 30, 2016; then complete their next continuing education requirement on June 29, 2018 and renew again on June 30, 2018; effectively going four years without any competency, professionalism, or aloha training. Clearly this would not meet the legislature’s intent for guards to continually advance their knowledge and competency to the benefit of all.

For these reasons we oppose HB-2020 as written and seek introduction of legislation, as per the proposed Bill for an Act that accompanies this testimony, that seeks to ensure that employers are obligated to hire only registered guard personnel, that employees and employers are provided relief from on-the-job training, that standards of training and competency are maintained; and to make permanent the registration and licensure requirements of Act 208 by repealing the sunset date.

Mahalo

The Information You Need

A BILL FOR AN ACT

Relating to Private Guards

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The purpose of Act 208, Session Laws of
2 Hawaii, 2010, was to ensure the competency and professionalism
3 of private security guards and persons acting in a guard
4 capacity by requiring them to meet new registration,
5 instruction and training requirements and register as a guard
6 employee with the board of private detectives and guards
7 ("board") prior to acting as a guard.

8 Act 208 places the full burden and cost of compliance on
9 the individual guard employee. While some do, employers are
10 not obligated to provide the mandated training or pay for the
11 cost of their employee's compliance. Guard employees commonly
12 attend training and pay the cost of compliance on their own;
13 relieving the employer, whether regulated security guard
14 agencies or non-regulated proprietary guard employers, from
15 the cost and burden of compliance.

16 Act 208 placed no obligation or liability to the State on
17 employers for hiring and using unregistered guards and persons
18 who act in a guard capacity.

1 In addition to regulated employers, Act 208 impacts non-
2 regulated employers of security guards such as retail
3 establishments, property managers, bars, restaurants, parking
4 attendants and others. These non-regulated employers may not
5 have personnel qualified to comply with the requirement that
6 the four hours on-the-job training be provided by a person who
7 has already met the requirements of the section. If the
8 employer fails to provide the on-the-job training it is the
9 employee registrant who suffers the consequence of being non-
10 compliant; accordingly the registrants and their employers
11 need relief from this requirement.

12 Higher levels of guard employee competency through
13 training, and disqualifying persons from the industry who are
14 unable to meet the minimum training requirements has a
15 resulting benefit to the guard employees, their employers and
16 the general public.

17 Because of this it is important that all guards and those
18 who act in a guard capacity continue to advance their
19 knowledge and capabilities through annual continuing
20 education.

21 A requirement of four-hour continuing education on an
22 annual basis is a minimal investment of time that will have a
23 positive effect of keeping guard employees current with

1 industry standards and refreshed in the areas of
2 professionalism and aloha training. Annual training will
3 promote guard competency in both regulated and non-regulated
4 employment to the benefit of the guard employees, guard
5 employers, and the public.

6 The purpose of this Act is to accomplish the following:

- 7 1. Include a requirement that employers of guards
8 and those who act in a guard capacity hire only
9 those persons who have registered with the board.
- 10 2. Eliminate the requirement of four hours on-the-
11 job training.
- 12 3. Ensure the requirement of four hours continuing
13 education on an annual basis.
- 14 4. Making permanent the registration and licensure
15 requirements for private guards and individuals
16 acting in a guard capacity by repealing the sunset
17 date of Act 208, Session Laws of Hawaii 2010.

18 SECTION 2. Section 463-10.5, Hawaii Revised Statutes,
19 is amended as follows:

20 1. By amending subsection (a) to read:

21 "(a) No guard agency, private business entity,
22 association, or government agency shall employ any person as a
23 guard or to act in a guard capacity who has not completed the

1 requirements of this section and has been registered by the
2 board.

3 ~~—(a)~~ Effective July 1, 2013, all guards, and all agents,
4 operatives, and assistants employed by a guard agency, private
5 business entity, or government agency who act in a guard
6 capacity shall apply to register with the board, and meet the
7 following registration, instruction, and training requirements
8 prior to acting as a guard:

9 (1) Be not less than eighteen years of age;

10 (2) Posses a high school education or its equivalent;

11 (3) Not be presently suffering from any psychiatric or
12 psychological disorder which is directly relate and

13 detrimental to a person's performance in the profession; and

14 (4) Not have been convicted in any jurisdiction of a crime
15 which reflects unfavorably on the fitness of the individual to
16 act as a guard, unless the conviction has been annulled or
17 expunged by court order; provided that the individual shall
18 submit to a national criminal history record check as

19 authorized by federal law, including but not limited to the

20 Private Security Officer Employment Authorization Act of 2004,
21 and specified in the rules of the board. The board shall

22 determine whether an individual qualifies for registration
23 pursuant to this subsection."

1 2. By amending subsection (c) to read:

2 “(c) Guards and individuals acting in a guard capacity
3 shall successfully complete the classroom instruction
4 specified by this section, and pass a written test~~[, and~~
5 ~~undergo four hours of on-the-job training supervised by an~~
6 ~~individual who has successfully completed all of the~~
7 ~~requirements of this section or who has otherwise been~~
8 ~~approved by the board for on-the-job training]~~. Guards and
9 individuals acting in a guard capacity shall successfully
10 complete:

11 (1) Eight hours of classroom instruction before the
12 first day of service; and

13 (2) Four hours of classroom instruction annually
14 thereafter~~[,]~~; provided that in addition to relevant guard
15 industry material, the required classroom instruction shall
16 include a refresher component on professionalism and aloha
17 training.”

18 3. By amending subsection (g) to read:

19 “(g) Prior to the June 30, 2014 renewal of the guard
20 registration and every registration renewal hereafter, the
21 applicant shall pay all required fees, and have had at least
22 four hours annually of continuing education as specified in
23 the rules of the board.

1 The board may conduct a random audit, pursuant to rules
2 adopted pursuant to chapter 91, of registrants applying for
3 renewal of a registration to determine whether the continuing
4 education requirements of this subsection have been met.

5 The failure, neglect, or refusal of any registered guard to
6 pay the renewal fee or meet the continuing education
7 requirements shall constitute a forfeiture of the guard's
8 registration. A forfeited registration may be restored upon
9 written application within one year from the date of
10 forfeiture, payment of the required renewal fee plus penalty
11 fees, and meeting the continuing education requirements in
12 effect at the time of restoration."

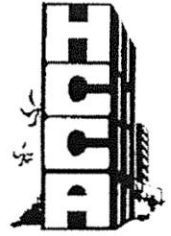
13 SECTION 3. Act 208, Session Laws of Hawaii, 2010, is
14 amended by amending section 8 to read as follows:

15 "SECTION 8. This Act shall take effect upon its
16 approval [~~; provided that this Act shall be repealed on July~~
17 ~~1, 2016, and provided further that sections 463-1, 463-8, 463-~~
18 ~~9, and 463-13, Hawaii Revised Statutes, shall be reenacted in~~
19 ~~the form in which they existed on the day before the effective~~
20 ~~date of this Act]."~~

21 SECTION 4. Statutory material to be repealed is bracketed
22 and stricken. New statutory material is underscored.



**Hawaii Council of Associations
of Apartment Owners**
DBA: Hawaii Council of Community Associations
1050 Bishop Street, #366, Honolulu, Hawaii 96813



LATE

February 11, 2014

Rep. Angus McKelvey , Chair
Rep. Derek K.S. Kawakami, Vice-Chair
House Committee on Consumer Protection and Commerce

Re: HB2020 RELATING TO PRIVATE GUARDS
Hearing: Wed., Feb. 12, 2014, 2:10 p.m., Conf. Rm. #325

Chair McKelvey, Vice-Chair Kawakami and Members of the Committee:

I am Jane Sugimura, President of the Hawaii Council of Associations of Apartment Owners (HCAAO dba HCCA).

HCAAO was a member of the task force appointed pursuant to Act 208 to assist the Board of Private Detectives and Guards (the "Board") implement the provisions of that law. Accordingly, we are familiar with the issues being addressed by this bill and HCAAO is in agreement with the testimony of the Board in support of this bill. Therefore, we ask that you pass it out of this Committee.

Thank you for the opportunity to testify on this matter.

A handwritten signature in black ink that reads "Jane Sugimura".

Jane Sugimura
President

LATE

TESTIMONY OF ALBERT B. "SPIKE" DENIS, CPP

TO THE HOUSE COMMITTEE ON
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TO THE HONORABLE ANGUS L. K. MCKELVEY, CHAIR,
AND MEMBERS OF THE COMMITTEE:

My name is Albert B. Denis. Since 2010 I have served on the Ad Hoc Committee of the Board of Private Detectives and Guards ("Board"). I along with other committee members have assisted the Board with implementation of Act 208, now codified as Section 10.5 of HRS 463.

Additionally, I am the Subordinate Guard Licensee and consultant employed by Securitas Security Services USA, Inc. I am testifying in strong support of House Bill No. 2020. The bill proposes to 1) revise the continuing education requirement to four hours every two years instead four hours every year; 2) delay the continuing education requirement from June 30, 2014 renewal cycle to the June 30, 2016 renewal cycle; and 3) repeal the sunset date of Act 208, SLH 2010 to make permanent the registration requirements for guards or any employee acting in a guard capacity.

Securitas Security Services completed the initial training and registering of approximately 2,700 employees by July 1, 2013 and we continue to train and assist all new hires with registration. Initial training already includes a minimum of eight hours of

training in board-approved subjects by board-approved instructors, and an additional four hours of on-the-job training.

All new hires are provided with training at no cost and assisted with their registration costs and fees and the registration process. We beg relief from the continuing education requirement scheduled for the June 30, 2014 and concur with the Board's position it be moved to the 2016 renewal cycle.

I agree that the CEU requirement is necessary and have assisted the Board with the formulation of the four hour continuing education curriculum now posted on the website. Delaying the continuing education requirement until June 30, 2016 still preserves the legal requirement and continued training of employee registrants, which serves industry and the public. The delay proposed in the bill will provide the necessary time for further CEU development by employers, approval of the CEU curricula by the Board and implementation into training lesson plans.

As an industry member, I concur with the Board's position that the four hour requirement should be changed from annual to biennial and believe that four hours every two years is sufficient. Also, security guards are trained on site specific procedures anywhere from eight to sixty hours prior to being currently assigned, in addition to the training required by Act 208.

I strongly support the Board's position of making the registration requirements for employees *acting in a guard capacity* permanent and for these reasons I strongly support the passage of House Bill No. 2020.

Thank you for the opportunity to testify on House Bill No. 2020.