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The Sierra Searchlight Chapter #164

Chairman's Corner—Dean Hill



I look forward to seeing everyone at the September meeting, and trust everyone enjoyed (or at least survived) the Hot

August Nights "festivities".

Many people are gearing up for the 55th Annual Seminar and Exhibits, which will be held in Anaheim this year. I know that we have a number of Chapter members planning to attend, some of whom were lucky enough to win one of the

free registrations that were offered this year. Special thanks to RVP Ron Sathre and Bob Rowe for coming through for the chapter with so many awards!!

We are on the downhill side of the year, with only two more meetings featuring Guest Speakers before

(Continued on page 2)

Inside this issue:

Chairman's Corner	1
Speak Out	1
CPP Review	2
Personnel Security	2
Training/Development	5
Board members	7
Membership Highlights	8
2009 Student Writing Competition	10
Certifications	12
New Members-2009	12

NEXT Meeting:

- September 2nd @ 11:30 AM
- Atlantis Casino "Emerald A & B" on the 2nd floor
- Guest Speaker: Chris Wadja-Special Agent, IRS
- Subject: IRS Criminal Investigations

Speak Out—The 2009 H1N1 Flu—Are you Prepared?

The recent increase in the number of confirmed cases of H1N1 Influenza A (swine flu) illustrates the necessity and importance of employer preparedness for a potential influenza pandemic. Regardless of whether the H1N1 Influenza A reaches pandemic proportions or instead fizzles out, employers should consider taking action and

implementing policies now, to protect their employees' health and safety, while at the same time minimizing business interruption and potential liability.

Employers should begin by reviewing the websites of the Cen-

(Continued on page 4)

Officer information:

- Chairman—Dean Hill
- Vice Chair—Darrell Clifton, CPP
- Secretary—Jesse Janzen
- Treasurer—Dennis Smith, CPP

Opinions vary, if you disagree with any information provided, please let us know at:

deanmhill@gmail.com

CPP Review Questions-Physical Security



1. Standard barbed wire is twisted double-strand:

- a. 9 gauge wire
- b. 14 gauge wire
- c. 13 gauge wire
- d. 12 gauge wire

With:

- a. 4 point barbs
- b. 3 point barbs
- c. 5 point barbs

d. 6 point barbs

2. Top guard supporting arms should be permanently affixed to the top of fence posts to increase the overall height of the fence at least:

- a. 2 feet
- b. 1 foot
- c. 3 feet
- d. 3-1/2 feet

3. A top guard must consist of:

- a. 3 strands of barbed wire
- b. 2 strands of barbed wire
- c. 4 strands of barbed wire

(Continued on page 4)

Personnel Security— Remedies Available to Undocumented Aliens in the Employment Context

By Jerry Morales 602.382.6362
 jmorales@swlaw.com
 And
 Kate Hackett 602.382.6332
 khackett@swlaw.com

What is an employer to do when it is ordered to reinstate former employees who are not legally authorized to work in the United

States? A recent Ninth Circuit decision announces that the answer is to pay liquidated damages instead. *NLRB v. C&C Roofing Supply, Inc.* (9th Cir. 2009).

In *C&C Roofing Supply*, C&C entered into a formal settlement agreement with the Na-

tional Labor Relations Board (NLRB), embodied in a consent judgment, in which C&C admitted its liability for unlawfully terminating twenty employees for engaging in union activity in violation of the National Labor Relations Act

(Continued on page 6)

Chairman’s Corner—Dean Hill

we hold out annual Law Enforcement Appreciation in November, followed by our annual Chapter Elections in December.

Speaking of Law Enforcement Appreciation, it’s time to start canvassing for donations for

prizes for this year’s award recipients! We plan of honoring eight (8) agencies this year, so we will need everyone’s help to achieve our goal. We plan on doing basically the same as last year; awarding a plaque and a \$250 gift certificate for each recipient. Although we usually

receive support from the same donors time after time, it would be great to add a couple of new donors this year!

As usual, I still encourage everyone to bring a guest to

(Continued on page 4)

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Chairman's Corner— Dean Hill

the meetings, as we are always striving to increase our membership. I also encourage you to start thinking about volunteering for one of the Board positions for next year, as the vote is only a few short months away!

Dean



CPP Review Questions-Physical Security

(Continued from page 2)

- d. 6 strands of barbed wire
4. Strands of barbed wire or tape used as a top guard on a fence should be spaced:
- 2 inches apart
 - 3 inches apart
 - 4 inches apart
 - 6 inches apart
5. Which of the following characteristic of protective lighting is incorrect?
- Lighting is expensive to maintain
 - It usually requires less intensity than working light
 - It may also provide per-

(Continued on page 9)

Speak Out—The 2009 H1N1 Flu—Are you Prepared?

ters for Disease Control (CDC) and the Occupational Safety and Health Administration (OSHA) daily for updates on the steps to take during an outbreak. Employers should communicate to their employees that they are cognizant of the situation, are monitoring it closely, and will take all necessary steps to insure employee safety and health.

Employees should be reminded of the importance of maintaining good workplace hygiene (e.g., washing hands frequently, avoiding touching one's eyes, nose, and mouth, and coughing or sneezing into a tissue). Employers should also consider making antibacterial hand sanitizer and/or paper masks available to employees.

Leave policies should be modified, where appropriate, so

that sick employees are not coming to work out of fear that they will be terminated. For example, employers may want to consider implementing telecommuting policies or expanding upon paid time off (PTO) policies in the event of an outbreak. Employees should be encouraged to report any flu-like symptoms to human resources, and to stay at home if they experience flu-like symptoms.

Employers should insure that they continue to comply with applicable law. Employers with more than 50 employees, for example, are obligated to provide up to 12 weeks of unpaid leave under the Family and Medical Leave Act (FMLA), because of an employee's (or employee's child, parents or spouse's) "serious health condition." Although FMLA does not

apply to an employee who takes off work to care for a healthy child (whose school or daycare has been closed because of an outbreak, for example), employers should consider modifying their leave policies to provide increased flexibility to employees and their families in these scenarios.

Employers should also be careful that they do not discriminate against protected groups, such as individuals with ties to Mexico (where the H1N1 Influenza A is alleged to have originated) or those with a disability. Although the flu is generally not considered a disability under the Americans with Disabilities Act (ADA), with the recent lowered thresholds for disability under the ADA Amendments Act, employers

(Continued on page 11)

Training and Development Opportunities!!!

ASIS Training opportunities are available in a variety of forums and locations. For more information, and a complete list, visit www.asisonline.org, call 703-519-6200, or write to education@asisonline.org

August Events

19 Lightning Strikes: Surviving an Active Shooter-Hostage Event in the Workplace or Academic Environment
Webinar

26 Exploring Options: Considerations for an Integrated Physical Security Systems Certificate
Webinar

September Events:

18-19 Pre-Seminar:
Curso de Repaso para el examen de Certificación para Profesionales de la Protección
Anaheim, California

18-19 Pre-Seminar:
Certified Protection Professional (CPP) Review
Anaheim, California

18-19 Pre-Seminar:
Physical Security Professional (PSP) Review
Anaheim, California

18-19 Pre-Seminar:
Professional Certified Investigator (PCI) Review
Anaheim, California

19-20 Successful Security Consulting
Anaheim, California

20 Maritime Security: Challenges and Responses to Piracy on the High Seas
Anaheim, California

20 Managing in a Crisis
Anaheim, California

20 Facility Security Assessment and Initial Conceptual Design
Anaheim, California

20 Critical Infrastructure Protection: An Educational Forum
Anaheim, California

20 Security Houses of Worship
Anaheim, California

20 Hotel Crisis Response and Tabletop Exercise
Anaheim, California

20 Safely Putting Your Security Systems onto the Corporate Network
Anaheim, California

20 Port of Long Beach Boat Tour
Anaheim, California

20 Norwalk Fusion Center
Anaheim, California

21-24 ASIS International 55th Annual Seminar and Exhibits



Personnel Security— Remedies Available to Undocumented Aliens in the Employment Context

(Continued from page 2)

(NLRA), 29 U.S.C. §158 et seq. The settlement provided for reinstatement of the illegally fired workers and payment of a certain amount of back pay for each employee. C&C later refused to reinstate the employees because many of the individuals were unauthorized aliens and rehiring them would violate the Immigration Reform and Control Act of 1986 (IRCA), 8 U.S.C. § 1324a(a)(1), and the Legal Arizona Workers Act, A.R.S. § 23-212. Both of these statutes ex-

PLICITLY prohibit the hiring of unauthorized aliens.

The C&C Roofing Supply Court first noted that the NLRB is not free to ignore federal statutes or policies outside of the NLRA, citing *Hoffman Plastic Compounds, Inc. v. NLRB*, 535 U.S. 137 (2002). In *Hoffman Plastic*, the U.S. Supreme Court held that the NLRB may not award back pay to an unauthorized alien who was terminated in violation of federal labor law, because doing so would violate IRCA. The *Hoffman Plastic* Court explained that an alien who is not lawfully enti-

tled to be present and employed in the United States cannot claim back pay because he/she would be “unavailable” for work during the back pay period.

In *C&C Roofing Supply*, however, the Ninth Circuit sidestepped this holding in *Hoffman Plastic* by ruling that agreed-upon liquidated damages, which are part of a settlement, do not pose an irreconcilable conflict with IRCA, because they are not predicated on an employee’s availability

(Continued on page 7)



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Personnel Security– Remedies Available to Undocumented Aliens in the Employment Context

(Continued from page 6)

for work. The C&C Roofing Supply Court held that, unlike reinstatement and back pay, liquidated damages are based on the company's assessment that paying these sums was preferable to further litigation. The Court therefore ordered C&C to pay the agreed-upon liquidated damages, but did not order the company to reinstate any unauthorized aliens. The Court noted that the NLRB must relieve C&C of its obligation to reinstate the undocumented immigrants, once the company presents the NLRB with satisfactory proof that the employees are not entitled to work legally in the United States.

The Ninth Circuit's decision in C&C Roofing Supply therefore carves out an exception from Hoffman Plastic. In cases where back pay is awarded to undocumented aliens pursu-

ant to a settlement agreement, rather than ordered by the NLRB in an adjudicatory proceeding, such back pay may be paid as liquidated



damages that are not subject to an employee being "available" for work.

Companies often make the mistake of presuming that employees who are not lawfully entitled to work in the United States are not entitled to remedies under labor and employment laws. C&C Roofing Supply shows that it is not that simple. It is likely that courts will apply the ruling in

C&C Roofing Supply to cases brought under other types of employment statutes, such as claims brought by or on behalf of undocumented workers under federal and state discrimination laws, wage and hour statutes, and/or other employment laws.

In conclusion, even in a case where a plaintiff-employee is an undocumented alien, a court may ultimately determine that liquidated damages are a proper substitute for back pay damages provided for in a settlement agreement. The

lesson is clear. Employees who are unauthorized to work in the United States may be entitled to damages for violation of employment laws.

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Membership Highlights—Al Zajic



My work experience started at a young age working at Harrah's Tahoe as a busboy and various other entry level jobs all throughout high school. I could not afford college and went right into the work force. After graduating from South Tahoe High I got my first security job watching a construction site on the graveyard shift. I found that I enjoyed security and looked for other jobs I could do under the age of 21. I found my next short job as a combination desk clerk/security at an employee housing complex for Harrah's Tahoe. This job taught me patience and how people act much differently at home verses work. I took on many various jobs in hospitality to include night auditor, construction and others.

I then landed a job traveling as a construction superintendent for a company that remodeled large apartment complexes and other business ventures all over the country where I learned that things do not come on a silver platter without a price. I was

paid very well for a 20 year old kid but started to become cocky and demanding. One day I just quit and decided that money and lots of travel was not as exciting as I thought it would be.

Coming home to Lake Tahoe I ran into my friend who owned a security company and asked me to work for him which I accepted. I liked working security. I did patrol, standing guard jobs, movie production location, rock concerts at ski resorts in the summer and the occasional executive protection and investigation. All throughout those years I served papers for fill in work. I was a workaholic.

I got married in 1977 and had a son in 1978 and a daughter in 1979. Life was good but I found out that raising a family cost a lot of money and had to work many side jobs to stay ahead and save at the same time. Fortunately I had flexible jobs that allowed for the T-ball games, dance recitals and the many other things I would enjoy about my family. With a son on the way I quickly had to get health insurance and applied for a job at the Sahara Tahoe as a security officer. After filling out my application I was immediately sent to the Chief who hired me on the spot. You see I could write, spell, talk semi-intelligently and believe it or not was big, muscular, buff, in shape, etc.

I liked casino security.

There was always something going on. I was quickly promoted through the ranks to include lead, supervisor, entertainer security, assistant chief and then chief of security at the old age of 27. I worked as chief, and then was given other duties like risk management (yuk) safety and all the other jobs security is charged with. I continued working side jobs and part time for that security company to include site surveys, investigations, paper service and anything else I could fit into my schedule. I had to feed the growing family of 4. I liked security a lot now.

In 1992 I was offered a promotion to Executive Director of Operations. It was more money and I took it. I thought that a GM job would be good for my career and this was a good start towards that. After 6 years I found that I did not like that as much as security and resigned in 1998 to start my own consulting practice. I had been doing consulting on the side and that included the occasional job as an expert witness. I was fortunate that my bosses would allow me to do these extra things.

I got my licenses with the state of Nevada and have never looked back. I have been fortunate to have a good practice that grows annually. It is also nice to work one job instead of three and make more in the process.

(Continued on page 11)

BOARD MEMBERS' CONTACT INFORMATION ALL VOLUNTEERS!!!

- Chairman-Dean Hill: deanmhill@gmail.com
- Vice-Chair-Darrell Clifton, CPP: dclifton@circusreno.com
- Secretary-Jesse Janzen: jjanzen@sienareno.net
- Treasurer-Dennis Smith, CPP: ds6470@charter.net
- Membership Chairperson-Dennis Zarubi: dennis.zarubi@securitasinc.com
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- Chapter Newsletter Editor-Dean Hill: deanmhill@gmail.com
- Law Enforcement Liaison-Al Zajic/Dean Hill: AlanWZajic@aol.com / deanmhill@gmail.com
- Legislative Representative-Hyong Cho: hcho@rfi.com
- Chapter Webmaster-Dennis Smith, CPP: ds6470@charter.net
- ASIS Foundation Representative-Doug Laird, CPP: Douglas.R.Laird@LairdAssoc.com
- Certification Representative-Dennis Smith, CPP: ds6470@charter.net
- Chapter Photographer-Ken Braunstein: kb@unr.edu

CPP Review Questions-Physical Security

(Continued from page 4)

- sonal protection by reducing advantages of concealment
- d. It should not be used as a psychological deterrent only

6. Lighting units of 4 general types are used for protective lighting systems. Which of the following is not used?
- a. Continuous
 - b. Intermittent
 - c. Standby
 - d. Moveable

Answers:

- 1) d, with a 2) b 3) a
4) d 5) a 6) b

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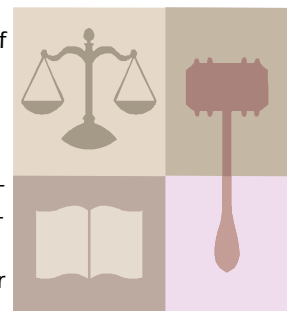
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2009 Student Writing Competition

The ASIS International Student Writing Competition rewards students who conduct research, engage in thoughtful deliberation, and write an academic paper between 3,000 and 6,000 words on an issue relevant to the security and assets protection profession.



[Application form](#)

[Promotional flyer](#)

Entrants will select from the following topics:

The Most Promising Technologies to Meet Tomorrow's Security Challenges

Repairing Security's Image

Protecting Information and Intangible Assets in the 21st Century

The Challenge of Securing Cyberspace: Man or Machine?

Realistic Approaches to Merging Security and Risk Management to Protect Assets in Today's Global Environment

Leveraging Low-cost/low-tech Solutions for Contemporary Security Challenges

Papers are due November 13, 2009. Winners will be notified on January 15, 2010. The undergraduate winner will receive \$1,000, and the graduate winner \$1,500. Each winner also receives a complimentary registration to the [ASIS International Annual Seminar and Exhibits](#). Two students will win Honorable Mention awards of \$500 each.

Eligibility

The competition is open to any student, both full or part-time, pursuing an associate, bachelor, or masters degree studying at an accredited institution. 2009 graduates may participate in the competition.

Application Process

Each student's application must include the application form, official transcript, and a letter of recommendation. These documents must be received by COB on November 13, 2009. No late or incomplete applications will be accepted. [Download the application form](#) (pdf).

Selection Process

A three-person review committee affiliated with academic institutions, including a member of the ASIS Council on Academic Programs in Colleges and Universities, will judge the submissions. Papers must:

Be between 3,000 and 6,000 words, not including appendices or attachments

Employ a recognized citation style, such as Chicago, Modern Language Association, or American Psychological Association

Be written in English, using one-and-a-half or double spacing in Times New Roman, Book Antiqua, or Arial 12-point font Please note: While papers may include illustrations, charts, tables, and graphs, these will not apply against word count requirements.



The review committee will consider:

Whether administrative specifications were met

Relevance of the content and specific subject matter to the topic

Creativity in addressing the issue at hand

Organization and overall quality of the written product

Applicability of analysis and the conclusions presented

Contact Information

If you have questions, contact Barbara Buzzell, Research and Development project manager, at 703-518-1441 or e-mail: Barbara.Buzzell@asisonline.org.

http://www.asisonline.org/foundation/noframe/scholarships-awards/student_writing_competition.html

http://www.asisonline.org/foundation/noframe/PDFs/promo_swk.pdf

Speak Out—2009 Flu

should consider accommodating employees whose flu symptoms may be longer term and/or chronic.

Finally, employers should also be mindful that they do not violate the National Labor Relations Act (NLRA). A decision by a group of employees not to go to work, out of concern that they could risk becoming infected, might be deemed concerted activity protected under the NLRA.

More information on pandemic preparations in general, as well as the H1N1 Flu specifically, may be found at the CDC's website at

www.pandemicflu.gov

and the OSHA website at

www.osha.gov

Membership Highlights—Al Zajic

My practice includes security consulting and forensic security consulting throughout Nevada and across the country. I currently am part time faculty at UNR and UNLV in their Gaming Management Programs which also is challenging and rewarding.

I joined the Northern Nevada ASIS Chapter and have held various positions in the chapter to include Chair for two years. I was recruited to be in the Gaming and Wagering Council and became Chairman of that Council for an additional 2 years. In 2008 I was asked to be the Chairman of the Lodging Security Council which we renamed the Hospitality, Entertainment and Tourism Council which takes most of my volunteer time. I still enjoy my job as the emcee of our annual LEA event in November.

I have worked around many talented individuals in the chapter over the years and learn something new every meeting or event I attend in Reno and Las Vegas. I am proud to be associated with an experienced and diverse group of security professionals.

**Northern Nevada ASIS,
International, Chapter #164**



Dues are past due for 2009

ASIS Chapter #164
PO Box 21093
Reno, NV 89515-1093

For news:
Fax: 775-689-7406
Email: deanmhill@gmail.com



New Members

- Sheila Thompson
- Michael Donahe
- Jerry Higginson, CPP, PCI
- David Pennington
- Ricardo Gonzales
- Joe Trimarchi
- David Bennett
- Nicholas Curry

ASIS, International Certifications

- Philip Bennett—CPP
- Chris Brockway—CPP
- Russell Brooks—CPP
- Cheri Bryant-CPP
- Darrell Clifton-CPP
- Douglas Laird—CPP
- Dennis Smith—CPP
- Jerry Higginson-CPP, PCI

