



Volume 9, Issue 12



Advancing Security Worldwide™

# The Sierra Searchlight Chapter #164

## Chairman's Corner—Dean Hill



It's hard to believe that the year has passed so quickly! It seems only weeks ago we were holding elections for the 2009 Officers, and now we've held the 2010 elec-

tions! In case you missed it, the newly elected Board members include Jesse Janzen as Treasurer; Ross Briggs as Secretary; Darrell Clifton, CPP as Vice Chair; and yours truly as Chairman. We will be holding our first board member meeting on Tuesday, 12/22/09, and I hope we can meet on a quarterly basis.

In addition to that, Douglas Laird, CPP will be the new Regional

Vice President for Region II. It seems our chapter is making an impact on our region, in spite of our relatively small size!

We've had a pretty good year; hosting our first ever Security Seminar, thanks to Darrell Clifton's gargantuan efforts! We also had our largest ever Law Enforcement Appreciation Award Ceremony, with nine different agencies being honored! We hope to increase that number again for 2010.

(Continued on page 2)

### Inside this issue:

|                      |    |
|----------------------|----|
| Chairman's Corner    | 1  |
| Speak Out            | 1  |
| CPP Review           | 2  |
| Personnel Security   | 2  |
| Training/Development | 5  |
| Guest Speaker/Topic  | 5  |
| Board members        | 7  |
| Financial Report     | 10 |
| Meeting Minutes      | 11 |
| Certifications       | 12 |
| New Members-2009     | 12 |

### NEXT Meeting:

- January 6th @ 11:30 AM
- Atlantis Casino "Grand Ballroom 6" on the 2nd floor
- Guest Speaker: Andrea Schultz-DHS Office of Infrastructure Protection, Commercial Facilities Branch
- Subject: DHS Resources for the Private Sector

## Speak Out—Avoiding Holiday Liability

The holidays should be a cheerful, festive and happy time of year. However, the holidays can provide fertile ground for potential legal liability against employers. Seemingly simple scenarios, such as employees taking time off of work for religious observance, and employers giving end-of-year bonuses and hosting holiday

parties, all can have legal consequences. While employers do not need to avoid celebration altogether, preventive planning can go a long way toward avoiding holiday problems.

### Holiday Religious Accommodation

(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-Security Principles and Practices

1. In issuing policy statements regarding the handling of disturbed persons, the primary consideration is:

- a. Legal liability to the disturbed
- b. Reducing the disturbed person to a form of benevolent custody and eliminating the immediate danger
- c. Legal liability to employees and third persons if restraint not



- d. Employee-community public relations
2. Spotting the individual loss events that might take place is the primary step in dealing with security vulnerability. This

process is called:

- a. Loss event probability
- b. Threat assessment process
- c. Loss event profile
- d. Actual threat analysis

3. The likelihood or probability of risks affecting the assets becoming actual loss events is known as:

- a. Loss event probability

(Continued on page 4)

## Personnel Security—EEOC Proposes Changes to ADA Regulations to Better Comply with ADAAA

In an effort to better conform with the Americans with Disabilities Amendments Act of 2008 (ADAAA), the Equal Employment Opportunity Commission (EEOC) is proposing new rules that will modify its Americans with Disabilities Act (ADA) regulations and accompanying Interpretive Guidance. If finalized as proposed, these changes will impact the way employers analyze claims of dis-

ability discrimination or harassment as well as requests for accommodation. Following is a summary of the changes, which are included in the EEOC's Notice of Proposed Rulemaking.

Disability is No Longer the Focus  
Although the ADAAA retains the ADA's basic definition of "disability" (defined as an impair-

ment that substantially limits one or more major life activities, a record of such impairment, or being regarded as having such impairment), the ADAAA changes the way this definition should be interpreted. To comply with ADAAA, the EEOC's proposed rule clarifies that "disability" will

(Continued on page 6)

## Chairman's Corner—Dean Hill

We had a great line-up of Guest Speakers, too. It's always a challenge to keep bringing in speakers who will draw attendance and present topical information of interest to the membership. As always, if you have ideas for topics, or suggestions for speakers, please let us know. Chris Brockway will be the Program Chairman for 2010, and he's already got a run-

ning start on the line-up!

The projected meeting calendar is posted on the Chapter website, at [www.asisnn.org](http://www.asisnn.org). Please check it out, and be sure to provide feedback on the content. Dennis Smith has been working very diligently on the website but we have not had very many hits so far. Try to make this a part of your weekly or

monthly activities, so you can stay abreast of developing information, training, etc. posted there. Of course, suggestions for content are always welcome!

I'd really like to see everyone make a commitment to attend the meetings this year, and to try

(Continued on page 3)

## Chairman’s Corner—Dean Hill

to increase our membership! Remember, we meet on the first Wednesday of every month, and that schedule/calendar is posted on the website. If you would commit to bringing a guest as a potential new member, or bringing an existing member who has not been active in a while, we could

really impact both our membership and our meeting attendance. Don’t forget the great door prizes!

In closing, I would like to thank everyone who worked to make our efforts a success over the past year. I would

also encourage those who haven’t done so previously to GET INVOLVED! You’d be surprised how even a small amount of effort can be very rewarding.

Happy Holidays!  
Dean



<http://www.lmsdefense.com/asis>  
email: [asis@lmsdefense.com](mailto:asis@lmsdefense.com)  
775-200-0962

### Security Professional Development

PROGRAM MANAGEMENT

ADVANCED FORCE OPTIONS

VIOLENT INCIDENT RESPONSE

DIGNITARY PROTECTION

PROTECTION DRIVING

PERISHABLE SKILLS UPDATE

ADVANCED FIREARMS SKILLS

ROBBERY SUPPRESSION

SECURITY SUPERVISOR COURSE

MASS CASUALTY FIRST AID



<http://www.rfi.com>  
e-mail: [info@rfi.com](mailto:info@rfi.com)



- Access Control Systems
- Digital Video Recording
- IP Based Video Systems
- Fire & Life Safety Systems
- Central Station Monitoring



(775) 852-3555

**Leaders in Multi-System Integration**

### Our People Make the Difference

San Jose, CA ■ Beaverton, OR ■ Eugene, OR ■ Sacramento, CA ■ Seattle, WA ■ Reno, NV

## CPP Review Questions-Security Principles and Practices

- b. Loss event profile
  - c. Threat analysis control
  - d. Threat target control
4. The impact or effect on the enterprise if the loss occurs is known as:
- a. Loss event profile
  - b. Loss event probability
  - c. Loss event criticality
  - d. Security survey analysis
5. Which of the following is considered to be one of the 3 basic functions of risk management?
- a. Lock control
  - b. Barrier control
  - c. Disaster management
  - d. Loss control
  - e.
6. Oscar Neuman published a classic in which he presented ideas and applied strategies from the New York public housing project to aid in reducing the risk of being victimized and reducing fear of crime when on the streets. What is the name of this book?
- a. Crime Prevention
  - b. Crime Reduction
  - c. Defensible Space

(Continued on page 9)

## Speak Out—Avoiding Holiday Liability

Title VII of the Civil Rights Act requires an employer to “reasonably accommodate” an employee’s religious observances, practices and beliefs, as long as it can do so without “undue hardship” on the employers’ legitimate business interests. An employer can show undue hardship if accommodating an employee’s religious practices requires more than ordinary administrative costs, diminishes efficiency in other jobs, infringes on other employees’ job rights or benefits, impairs workplace safety, causes co-workers to carry the accommodated employee’s share of potentially hazardous or burdensome work, or if the proposed accommodation conflicts with other laws or regulations.

Thus, a request by a Jewish employee for a single day off on Hanukkah because his religious beliefs forbid working that day, or a request by a Christian employee for the last shift off on Christmas Eve because his beliefs require attendance at a Christmas Eve service are usually reasonable, and the employer should attempt to accommodate these types of requests.

It is important to note that an employee’s religious beliefs do not have to be part of a widely recognized faith in order to qualify for legal protection. If you are in doubt as to whether your employee’s professed religious beliefs are subject protection, it may be wise to consult and attorney.

### Holiday Bonuses

While end-of-year holiday bonuses are popular, they can also present opportunities for violations of the federal Fair Labor Standards Act (FLSA). Generally, the FLSA requires employers to pay “non-exempt” employees (typically, though not always, employees paid on an hourly basis) at least the minimum wage and “time and a half” for overtime work.

Holiday bonuses given to “non-exempt” employees can be tricky, as they may need to be included in overtime calculations, depending on the nature of the bonus. If the bonus is purely discretionary (both in terms of whether it will be paid

(Continued on page 8)

## 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](http://www.asisonline.org), call 703-519-6200, or write to [education@asisonline.org](mailto:education@asisonline.org)



### December Events

6-8 ASIS, International 1st Middle East Security Conference  
Dubai, United Arab Emirates

7-8 Executive Protection  
Washington, D.C.

7-9 TRANSPORTATION SECURITY: Is your cargo REALLY secure?

Lake Buena Vista, FL

7-9 Security Force Management.

Orlando, FL

### January 2010 Events:

25-26 Information Assets Protection Conference

London, UK

27 Understanding the Violent Mind in the Workplace

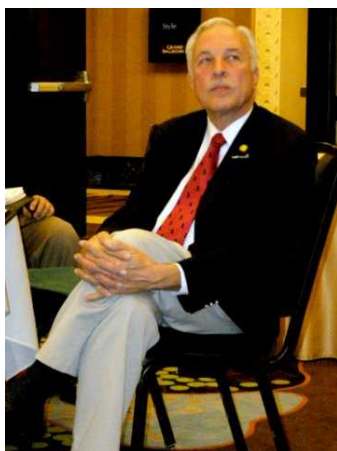
Webinar

## Guest Speaker-December 2009, Ron Sathre, CPP



RVP Ron Sathre, CPP swearing in new Officers for 2010.

Left to Right: RVP Ron Sathre, CPP; Chairman Dean Hill; Vice Chair Darrell Clifton, CPP; Treasurer Jesse Janzen; and Secretary Ross Briggs.



RVP Ron Sathre, CPP, who joined ASIS in 1977, provided closing comments regarding ASIS donations, membership recruitment, the 2010 Annual

convention in Dallas, and the ASIS National elections. Sathre also spoke about chapter monthly activity reports, officer reports, annual audits, and officer training.



Finally, Mr. Sathre presented Chairman Dean Hill with the "VP Award" for Hill's outstanding work on behalf of the chapter in 2009. Congratulations, Dean!

## Personnel Security—EEOC Proposes Changes to ADA Regulations to Better Comply with ADAAA

be construed in favor of broad coverage. Therefore, in most situations involving a claim of disability discrimination or harassment, employers will no longer need to conduct an extensive analysis to determine whether a particular employee is “disabled” under the ADA definition. Rather, the focus will be on whether discrimination occurred and/or whether reasonable accommodations were provided.

### “Major life Activities” Expanded

The EEOC’s proposed changes also expand the definition of “major life activities” by including two non-exhaustive lists:

(1) activities; and (2) major bodily

functions. It does not matter if the major life activity being limited is from the first list of activities or the second list of major bodily functions. In fact, an individual will often be substantially limited (or have a record of such limitation) in more than one major life activity from one or both lists.

While the major life activities included in the EEOC’s proposed regulations include many that the EEOC had previously recognized (e.g., caring for oneself, seeing, hearing, eating, sleeping, and walking), they now include three new actions that were not specifically included in the ADAAA’s non-exhaustive list: (1) sitting; (2) reaching; and (3) interacting with others.

The EEOC’s proposed regulations also expand the list of major bodily functions, by including several that were not explicitly included in the ADAAA list: hemic, lymphatic, musculoskeletal, special sense organs and skin, genitourinary and cardiovascular.

### “Substantially Limits” Broadened

The EEOC’s proposed regulations clarify that the phrase “substantially limits” does not mean that impairment must “significantly” or “severely” restrict an individual from performing a major life activity. Rather, the determination of impairment should be a common-sense assessment, based upon the

(Continued on page 7)



## Tools – Training – Talent

Securitas Security Services USA is a knowledgeable leader in security offering innovative and strategic solutions for your business. We know our clients and their markets, so choose Securitas USA for specialization and customized security solutions.

### For more information, contact:

Bob Nolan  
Branch Manager  
775-828-1590  
FLB License # 1100



## Personnel Security—EEOC Proposes Changes to ADA Regulations to Better Comply with ADAAA

individual's ability to perform a specific major life activity (or major bodily function) as compared to most people in the general population.

Further, instead of having to show the inability to perform a "class" or "broad range" of jobs, the EEOC's proposed changes provide that the individual is substantially limited if an impairment "substantially limits an individual's ability to perform, or to meet the qualifications for, a "type of work." "Type of work" may include a class of jobs such as commercial truck driving or assembly line work, or may refer to "job-related requirements," such as frequent lifting or prolonged standing or sitting.

### Conditions That Do Not Qualify As Disabilities

Temporary, non-chronic impairments of short duration with little or no residual effects will ordinarily not be considered disabilities. Examples include:

- Common cold
- Ordinary pregnancy
- Seasonal or common influenza
- Sprained joints
- Minor and non-chronic gastrointestinal disorders
- Broken bone that is expected to heal completely
- Appendicitis and seasonal allergies that do to substantially limit a person's major life activities even when active, are not

disabilities even if permanent or of long duration or chronic in nature

### Conditions That Qualify As Disabilities

Impairments that "will consistently meet the definition of disability" include, but are not limited to:

- Deafness
- Blindness
- Intellectual disability (formerly known as mental retardation)
- Partially or completely missing limbs
- Mobility impairments requiring use of a wheelchair
- Cancer
- Autism
- Cerebral palsy
- Diabetes
- Epilepsy
- HIV/AIDS
- Multiple sclerosis
- Muscular dystrophy
- Certain mental diseases

An impairment that is episodic or in remission is still considered a disability if it would substantially limit a major life activity when active.

Impairments that may be substantially limiting for some individuals, but not for others, include asthma, back and leg impairment and learning disabilities.

### Mitigating Measures

The helpful effects of mitigating measures, other than "ordinary eyeglasses or contact lenses", should not be considered when deciding whether impairment substantially limits a major life activity. The negative effects that result from using a mitigating measure however, may be considered when determining if a disability exists. For example, a prescription drug's negative side effect may be considered in determining whether an individual is substantially limited in a major life activity. Mitigating measures may also be considered when determining whether an individual requires a reasonable accommodation.

### New Analysis for "Regarded As"

The EEOC's proposed rules change the definition for "regarded as" disabled claims. Rather than showing that the employer perceived the employee to be substantially limited in a major life activity, the employee may prove a "regarded as" disable claim if the employee is subject to an action prohibited by the ADA (e.g., terminated, not promoted, not hired) based upon an impairment the employer believes the individual has, unless the impairment is transitory (i.e., expected to last six months or less) and minor.

The EEOC rule also explicitly confirms that individuals covered only under the "regarded as" disabled

## Speak Out—Avoiding Holiday Liability

and how much will be paid), it typically does not need to be included in an employee's regular rate for purposes of overtime calculations. However, where the bonus is expected by the employee due to a prior contract, agreement, or promise, it may need to be included in overtime calculations. Employers should take note that even an advanced announcement that bonuses will be provided may cause such amounts to be included in the overtime calculations, as those amounts may now be "expected" by the employees. Employers also should be careful where the bonuses provided are calculated, even in part, based upon hours worked, production, or efficiency, as those amount likely need to be included in overtime calculations.

Any employer considering giving a bonus to its "non-exempt" employees should first consult the advice or counsel to determine the potential impact on overtime calculations. In this instance, an ounce of advice certainly is worth a pound of holiday cheer!

### Holiday Parties

Holiday parties often present situations for unwanted sexual overtures that could also lead to Title VII complaints. Employ-

ers have a legal duty to prevent harassment at holiday parties, just like they have a legal duty to prevent harassment in the office. Thus, employers should consider the following:

- Publish or re-publish the company's sexual harassment policy before holiday parties take place. Remind employees that holiday festivities do not offer an excuse for violating a sexual harassment policy. If a company does not have a written policy, this would be a good time to implement one.
- If alcohol is served, keep consumption in check. Limiting access to alcohol by placing restrictions on the type served, the time available, or the number of drinks served (such as through drink tickets) may reduce the possibility that employees will imbibe to excess. Providing food is also a good idea, as it typically slows the absorption of alcohol into the bloodstream. Providing plenty of non-alcoholic beverages is also a wise choice.
- Hire professional bartenders, and require ID from guests who do not appear to be 21 years of age.
- Arrange designated drivers

or cabs to ensure that all persons have a safe way to get home.

- Invite spouses, significant others, families, and important clients. Inviting workers' families and the company's important clients and others with whom the company does business can change the atmosphere of a company party and discourage inappropriate behavior.

Most importantly, if there is a problem—deal with it promptly! Every act of sexual harassment—whether by a co-worker, client, or supervisor should be taken seriously. Prompt action designed to stop any further harassment not only demonstrates that the employer does not condone such behavior, but may prevent certain behavior from being imputed to the employer. Also, a record of dealing with such matters is considered when evaluating liability.

### Conclusion

When getting ready for the holidays, don't forget the potential for liability, as compliance with the law takes no holiday. Have a safe, enjoyable and problem-free holiday season!

Published by Snell & Wilmer L.L.P. as the *Workplace Word*, and re-printed with permission, [www.swlaw.com](http://www.swlaw.com)



## BOARD MEMBERS' CONTACT INFORMATION ALL VOLUNTEERS!!!

- Chairman-Dean Hill: deanhill@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
- Program Chairperson-Mark Crosby: mcrosby@sppc.com
- Scholarship Chairperson-Doug Laird, CPP: Douglas.R.Laird@LairdAssoc.com
- Chapter Newsletter Editor-Dean Hill: deanhill@gmail.com
- Law Enforcement Liaison-Al Zajic/Dean Hill: AlanWZajic@aol.com / deanhill@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

d. Crime in Architectural Planning

Answers:

- 1) b 2) c 3) a
- 4) c 5) d 6) c

### Personnel Security—EEOC Proposes

prong are not entitled to reasonable accommodation.

The ADAAA is Not Retroactive

The EEOC regulations clarify that the ADAAA does not apply retroactively. Therefore, the ADAAA would not apply to a claim of discrimination that took place before January 1, 2009. The ADAAA would apply, however, to denials of reasonable accom-

modation if a request was made, or an earlier request was renewed, on or after January 1, 2009.

If you have any questions regarding the content of this article, contact Snell & Wilmer at [www.swlaw.com](http://www.swlaw.com)

Originally published as the December 2009 Workplace Word, and re-printed with permission.

### Legal Disclaimer

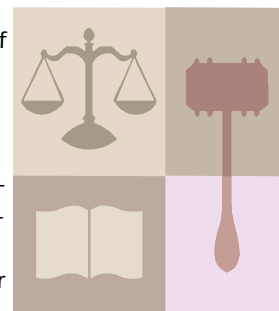
This newsletter and the website are maintained by Northern Nevada Chapter of ASIS. Both are protected by copyright laws of the United States. Information presented in either forum does not necessarily represent the opinions of the National Chapter of ASIS, the local chapter, or chapter board members.

Disclaimer of Liability

The chapter does not warrant or assume legal liability or responsibility for the accuracy, completeness, or usefulness of any information, apparatus, product, or process disclosed in any form written or oral.

Disclaimer of Endorsement

The chapter does not endorse or recommend any commercial products, process, or services.



ASIS CHAPTER #164 MONTHLY TREASURER REPORT  
DECEMBER 2009  
 Treasurer: Dennis Smith, CPP



|                   |    |                  |    |
|-------------------|----|------------------|----|
| Members Attending | 16 | Total Attendance | 18 |
| Guests            | 2  |                  |    |
| No Pay (Comp)     | 1  |                  |    |

Beginning Balance \$9017.01

General Fund Collections

|                          |    |  |
|--------------------------|----|--|
| Collected Chapter Dues   | \$ | <u>00.00</u>                                   |
| Collected Newsletter Ads | \$ | <u>00.00</u>                                   |
| Collected Luncheons      | \$ | <u>380.00</u>                                  |
| Miscellaneous Collected  | \$ | <u>115.00 (\$15 Scholarship+\$100 for LEA)</u> |

Total Collected General Fund \$ 495.00

General Fund Sub Total \$ 9512.01

DEBITS

| Check #         | To                 | Amount/Purpose              |
|-----------------|--------------------|-----------------------------|
| <u>1766</u>     | <u>Atlantis</u>    | <u>\$ 375.10 (Luncheon)</u> |
| <u>Transfer</u> | <u>Scholarship</u> | <u>\$ 15.00</u>             |

Total Debits \$ 390.10

Ending Balance \$ 9121.91

Luncheon net or loss \$ +4.90

---

|                                   |                            |                   |
|-----------------------------------|----------------------------|-------------------|
| Scholarship Fund Previous Balance |                            | <u>\$ 4475.02</u> |
| Deposits this Month               | \$ <u>15.00</u>            |                   |
| Interest Payments                 | \$ <u>.11</u> for November |                   |
|                                   | Sub Total Scholarship Fund | <u>\$ 4490.13</u> |
| Debits (reason, amount)           |                            |                   |
| National Scholarship Fund \$      |                            |                   |
| Total Debits                      | \$                         |                   |
|                                   | Ending Scholarship Balance | <u>\$ 4490.13</u> |



Chapter Chairman Dean Hill called the meeting to order at about 12: 25PM.

Motions were offered to accept the budget report and meeting minutes for the October and November Meetings. Both motions passed unopposed.

The committee discussed means to avoid budget irregularities. Ken Braunstein reported prior malfeasance in the chapter and in other chapters. RVP Ron Sathre recommended independent audits to insure budgetary transparency. In the wake of the discussion, a motion to audit budgets quarterly was passed without opposition.

Darrel Clifton, CPP extended gratitude to Regional Vice President (RVP) Ron Sathre for making the long journey to attend the meeting and for Sathre's continuing support of the Chapter.

The committee entertained nominations and then elected the following Officers:

- Ross Brings was elected Secretary
- Jesse Janzen was elected Treasurer
- Darrel Clifton was re-elected Vice Chairman.
- Dean Hill was re-elected Chairman

Chapter Membership Representatives were elected or appointed through acclamation as follows:

- Dennis Smith assumed the CPP Certification section for the newsletter
- Dennis Smith retained the post of chapter web master.
- Chris Brockway assumed the post of Program Director
- Chris Brockway and Dean Hill assumed joint duties as Law Enforcement Liaisons
- Ken Braunstein assumed Legislative liaison duties.
- Ken Braunstein retained the post of chapter photographer
- Doug Laird was elected in absentia to continue as Foundation Liaison

Hyong Cho spoke briefly about flu provider resources and also reported the adoption of assembly bill #266, which prohibits the sale of novelty cigarette lighters. Detailed information appears separately.

Following final comments and door prizes, Hill adjourned the meeting.

Jesse Janzen

Secretary

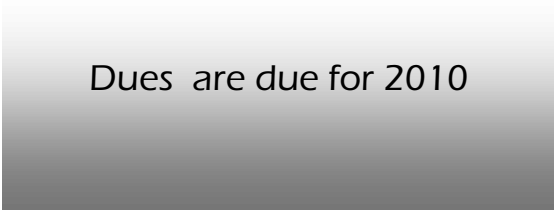
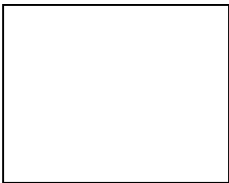
ASIS Chapter #164

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



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

For news:  
Fax: 775-689-7406  
Email: [deanmhill@gmail.com](mailto:deanmhill@gmail.com)



## New Members

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



## ASIS, International Certifications

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

