



# SHIELD SECURITY

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## WHAT A SOUTHERN CALIFORNIA USER OF CONTRACT SECURITY GUARD SERVICE MUST KNOW ABOUT LABOR AND BUSINESS CODES.

**1. California Labor Code § 2810.** It is a violation of the Labor Code for an entity (person, company, organization) to enter into a contract for security guard services if the entity knows or should have known that the contract does not provide sufficient funds for the contractor to comply with local, state and federal laws or regulations governing the labor or service provided.

**IMPORTANT!** The purpose of the law is to eliminate or reduce the abuses where clients knowingly hire unscrupulous security providers at such low contract rate that the workers would necessarily have to be under-paid and taxes and insurances would not be in place in order to meet the terms of the agreement. **The law requires that the agreement must be in writing, in a single document, and contain the following provisions:**

- (a) Name, address and telephone number of the contractor with a description of the services to be provided.
- (c) Coverage start and duration dates, and contractor's Employer's Identification Number (EIN) for tax purposes.
- (e) Insurance policy carrier's name, address, contact person, telephone number and policy number.
- (f) Total number of contractor's workers and subcontractor's workers employed for the service.
- (g) Payday schedule for security guards.
- (h) Local, state and/or federal contractor license identification numbers.
- (i) The signatures of all parties and the date the agreement was signed.
- (j) A copy of the agreement must be retained for not less than four years following agreement termination.

**2. Business & Professions Code, Division 3, Chapter 11.5, (Private Security Services).** The B&P Code provides that:

- (a) The Director of the Department of Consumer Affairs administers and enforces the provisions of the Chapter.
- (b) The Chief of the Bureau of Security and Investigative Services administers and enforces the licensing of individuals that own/manage contract security service companies and the licensing of persons employed as security guards.
- (c) A contract security guard may not wear a uniform that can be confused with that of a sworn peace officer.
- (d) A badge, if any, may not show the word "police" in any manner.
- (e) The uniform must bear a Bureau-approved patch that states the name of the contract company and the words "private security".
- (f) A contract security guard may not begin to work as a guard until he or she has received a clearance from the Federal Bureau of Investigation and the California State Department of Justice. Such clearances average about 20 days from the date of application. Any criminal conviction will result in rejection of the license or substantially delay the licensing while awaiting more extensive investigation or the results of an appeal to the rejection.
- (g) A state-mandated pre-assignment and post-assignment training regimen must be followed.

**3. BEWARE! Not all Security Guard Contractors Comply with Applicable Laws.**

There are 2300+ licensed security guard contractors in California; it is known that there are many more that are operating unlicensed. Many licensed contractors may be in violation of the licensing laws by assigning security guards to work without having received their personal State license or State-mandated training.