

## FROM THE PRESIDENT

*By Jim Quirin*  
*NYELSA President*



It does not seem possible, but we are at the mid-point of the year. Someone was right when they said, “time flies”. Let me take a moment of your time to update you on a few important Association issues.

**Our Annual Conference** After much discussion and work, we have to report that our 2021 Annual Conference will be a **virtual** event. The committee wanted an in-person conference but after discussion with our vendors, the conference committee has recommended that an in-person event still has too many roadblocks to overcome. The virtual conference will take place on **September 23<sup>rd</sup>**. Please reserve time on your calendars. We encourage you to participate. More information will be forthcoming.

**Association Structure** I mentioned in my last column that our Membership Committee is reviewing options concerning the future structure of our association. At this time, the option under consideration is a state only association. This option would see the regional chapters eventually eliminated. There are many reasons supporting this possible change. They all revolve around the concept that the Association can be more valuable to all members with one set of officers and one set of directors as opposed to nine sets. Again, no decisions have been made. No changes will happen unless the membership is fully behind the recommendations. You can contact me at the email below if you wish to discuss or express your thoughts.

**State Legislation** On the legislation front, we are making progress.

- **First**, our effort to create legislation at the State level preventing local municipalities from creating false alarm ordinances that would assess fines to the installing company rather than the subscriber is moving forward.

The proposed legislation (Senate Bill number S06633) is drafted, and Senator James Skoufis has agreed to sponsor the legislation. The NYELSA Lobbyist is still seeking an Assembly sponsor and is hopeful that will occur shortly.

- **Second**, we are continuing our effort with legislation that would allow for a simpler process for renewing a contract with a subscriber.

**Membership** The following companies/individuals have joined or renewed their membership since the last Security Signal.

- APEX Fire Protection Corp, Eric Greenwald, New York
- Gremlin Control LLC, Richard Glendenning, W. Seneca
- Jeffrey Trinkwalder, Clarence
- Martec Systems Solutions, Dennis Martin, Brooklyn
- Picom Technologies, Trevor McIntyre, Plattsburgh
- TEKsystems, Kyle Norelli, Latham
- United Alarm Systems, John Barnes, Owego

# New York Security Signal

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- Yeh Hui Liu, Sunnyside
- All State Fire & Security, Jeff Morinaga, Buffalo
- All Time Detection, Michael Baker, Port Chester
- B C Lock and Security Co. Inc., Angelo Rinaldi, Yonkers
- Bullet Security, Inc., Gary Wollman, New City
- Empire Technology System Inc, Dawn LeGere, Queensbury
- F.D. Security Systems Inc, Don Fait, Katonah
- Fail - Safe Technical Associates, Inc., William Copeland, Pleasant Valley
- Fire Alarm Service Technology, Inc., Timothy Wood, Elmira
- Lowitt Alarms, Andy Lowitt, Hicksville
- NYConn Security Systems, Inc., George Selivonchik, Bedford Hills
- Proactive Data Storage & Monitoring, Joe Maggio, Farmingdale
- S E M Security Systems, Inc., Stephen Mocarisky, Warwick
- Stratagem Security, Basil Morales, Elmsford
- Suffolk Security Systems, Inc., Paul Romanelli, Southold
- SW Telecom, Bob Pozzi, Mahopac
- Vast Metro Communications, Britt Bischoff, Port Jefferson Station

We thank them and ask all of our members to encourage our friends in the industry who are not yet members, to join.

It is summer and New York State is opening up. Get out and enjoy the great weather. Stay safe and continue to follow the remaining guidelines. Get vaccinated.

As usual, send questions and suggestions to me at [jim.quirin@godoyle.com](mailto:jim.quirin@godoyle.com)

Thanks...

*Jim Quirin*

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# Legal Column

By: Ken Kirschenbaum, NYSESA Legal Counsel

## DOES CONTRACT GO MONTH TO MONTH IF NO AUTOMATIC RENEWAL

**QUESTION:** We have a subscriber whose contract, the Commercial All in One, has the entire Term paragraph crossed out; that includes the automatic renewal clause. The contract has expired and the customer is giving us a hard time signing a new contract. Should I consider the contract renewable month to month, or what should I do?

\*\*\*\*\*

**RESPONSE:**

\*\*\*\*\*

Most alarm contracts, and certainly the Standard Form Agreements, have a "term" specifying a number of years the agreement is to run, and then contains an automatic renewal provision. Generally the renewal term is month to month and can be canceled on 30 day notice prior to a renewal. Some renewal notices have longer terms, at times equal to the original term. Statutes that prohibit or condition automatic renewal generally exclude a month to month renewal, which is why the Standard Form Agreements have month to month renewal.

***The "term" provision raises a few issues.***

- Can you change the term? The answer is yes. The length of the contract is a business decision. If you're making an investment in the subscriber you may need a longer term to recoup your investment. Consider also the Service Plan term. A new account or a take-over account may have more repair service at the beginning of the relationship and you'll need a longer term to recoup all the service calls you make at the beginning of the relationship. Also, be careful because the will come a tipping point where the older system will require more repair service. It's your job to figure out the right term.
- How can you change the term? Easy enough; you cross out the printed term, say 5 years or 10 years, and handwrite the new agreed upon term. If you have electronic contracts your form

will have to accommodate that change if you permit it.

- Do you even need a contract, or one with a "term" and if you cross out the entire term paragraph will the contract simply renew month to month?

A proper contract with your subscriber is essential. It's your contract that defines your duty owed to your subscriber; the contract eliminates, reduces or shifts exposure and liability. The contract enables you to find a central station willing to monitor your accounts and an insurance company willing to offer you E&O coverage. It's the contract that creates value and equity in your business. "What's your RMR under contract, and what contract do you have and

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# NYELSA MEETING & EVENT NEWS

*News from NYELSA and the Regional Chapters*

## NYELSA Regional Chapters

- CENTRAL NY ALARM ASSOCIATION

President: vacant

- HUDSON MOHAWK ELECTRONIC SECURITY ASSOCIATION

President: Steve Peterson @ 518-469-8772

- LONG ISLAND ALARM ASSOCIATION

President: vacant

- MID HUDSON ALARM ASSOCIATION

President: David Akins @ 845-471-3441

- NY ELECTRONIC SECURITY ASSOCIATION

President: vacant

- REGIONAL ALARM & SECURITY INTEGRATORS ASSOCIATION

President: Dan Taylor @ 845-227-0487

- UPSTATE NY ELECTRONIC SECURITY ASSOCIATION

President: Gary Puckhaber @ 585-232-1410

- WESTERN NY ELECTRONIC SECURITY ASSOCIATION

President: Pamela Noll @ 716-665-6700

## NYELSA MEETINGS & EVENTS

### 2021 State Board of Directors Meetings

- August 12, 2021 (Board Meeting) - virtual
- November 4, 2021 (Board Meeting) - virtual

### 2021 NYELSA Annual Conference

- September 23, 2021 - Virtual
  - o Seminar Sessions
  - o Annual Meeting
  - o Annual Election of Officers

## ESA MEETINGS & EVENTS

- ESX 2021 - Virtual
  - o June 15-18, 2021
  - o [www.ESXweb.com](http://www.ESXweb.com)

## INDUSTRY EVENTS

- ISC West, Las Vegas
  - o July 19-21, 2021
  - o [www.ISCWest.com](http://www.ISCWest.com)
- ISC East - NYC
  - o November 17-18, 2021
  - o [www.ISCEast.com](http://www.ISCEast.com)

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**Save the Date!**

## WNYESA Summer Bash

**July 14, 2021**

**Buffalo River Works**





New York Electronic & Life Safety Association

# Member Savings Program

## Hewlett Packard

Hewlett Packard's Kieran Nolan will be setting up your HP Business account this month and also calling members this month to introduce you to all the great features of Hewlett Packard technology . Planning Technology is important and HP is here to support as well as offer you special MSP group pricing. Check out all HP has to offer - other members are saving - shouldn't you ?



Home needs as well ? You , your staff and family can also save through your member benefits and our purchasing power. Save hundreds on future laptops, printers and gaming devices - just register today and save today or in the future.

## Ace Hardware

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has every customer signed it?" Remember that question, because you're going to hear it when you want to sell your company, your alarm contracts and accounts and finance your operation.

A proper alarm contract, certainly all of the Kirschenbaum Contracts™ have an automatic renewal clause. Subscribers who insist on deleting that provision don't realize the consequences. Alarm companies who permit deleting the automatic renewal are looking for trouble. There are only a few options once the automatic renewal provision is deleted:

- alarm company assumes the burden of notifying the subscriber that the contract will be coming to an end, along with all services.
- subscriber assumes the duty of letting the alarm company know that the contract and services are coming to an end

- no one has any obligation to notify the other that the contract is coming to an end or has terminated, along with all services

Then there are only two options:

- alarm company continues to provide service after termination of contract
- alarm company terminates all services

In most cases, when the subscriber insists on deleting the automatic renewal clause there is no mention of any notice requirement.

Upon expiration of the contract the alarm company is faced with the two options, continue service without contract or terminate [obviously a new contract can be entered into].

If the alarm company continues service it could reasonably argue that the expired contract continues, by implication or some other theory.

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## ***News from the NYELSA Accountant***

### **Revisiting Worker Classification Rules**

Over the last year, many companies have experienced workforce fluctuations and have engaged independent contractors to address staffing needs. In May, the U.S. Department of Labor (DOL) announced that it had withdrawn the previous administration's independent contractor rule that had been scheduled to go into effect earlier this year. That rule generally would have made it easier to classify certain workers as independent contractors for the purposes of the Fair Labor Standards Act (FLSA), and thus make them ineligible for minimum wage and other FLSA protections.

While worker classification for DOL purposes isn't necessarily the same for IRS purposes, now is a good time to revisit the federal tax implications of worker classification.

#### **Tax obligations**

The question of whether a worker is an independent contractor or an employee for federal income and employment tax purposes is a complex one. If a worker is an employee, the company must withhold federal income and payroll taxes, and pay the employer's share of FICA taxes on the wages, plus FUTA tax. And there may be state tax obligations as well.

These obligations don't apply if a worker is an independent contractor. In that case, the business simply sends the contractor a Form 1099-NEC for the year showing the amount paid (if the amount is \$600 or more).

#### **No uniform definition**

The IRS and courts have generally ruled that individuals are employees if the organization they work for has the right to control and direct them in the jobs they're performing. Otherwise, the individuals are generally independent contractors, though other factors are considered.

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Who Support The  
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Do you really want to gamble your business on that argument? I can't recommend it.

If the contract expires then so does your protection; so does the value in the account; you will be gambling your company for the monthly charge, and believe me, if there is a claim it won't be worth it.

You should explain to your subscriber that it must agree to a month to month renewal. If it won't, be sure to include that in the Disclaimer Notice and the Schedule of Equipment and Services, that all services will end upon expiration, without notice, and in the case of fire alarm service, you will be notifying the AHJ of termination of service.

**No exceptions.**

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Some employers that have misclassified workers as independent contractors may get some relief from employment tax liabilities under Internal Revenue Code Section 530. In general, this protection applies only if an employer filed all federal returns consistent with its treatment of a worker as a contractor and treated all similarly situated workers as contractors.

The employer must also have a “reasonable basis” for not treating the worker as an employee. For example, a “reasonable basis” exists if a significant segment of the employer’s industry traditionally treats similar workers as contractors. (Note: Sec. 530 doesn’t apply to certain types of technical services workers. And some categories of individuals are subject to special rules because of their occupations or identities.)

### Asking for a determination

Under certain circumstances, you may want to ask the IRS (on Form SS-8) to rule on whether a worker is an independent contractor or employee. However, be aware that the IRS has a history of classifying workers as employees rather than independent contractors.


Consult a CPA before filing Form SS-8 because doing so may alert the IRS that your company has worker classification issues — and inadvertently trigger an employment tax audit. It may be better to ensure you are properly treating a worker as an independent contractor so that the relationship complies with the tax rules.

### Latest developments

With growth in the “gig” economy and other changes to the ways Americans are working, the question of who is an independent contractor and who is an employee will likely continue to evolve. Stay tuned for the latest developments and contact us for any help you may need with worker classification.

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## INDUSTRY BUZZ

*News From Around The Electronic  
Life Safety & Security Industry*

### SSI Names 2021 SAMMY Sales and Marketing Award Winners

SSI awarded this year's SAMMYs in a special online presentation.

Here's the NYELSA members who took home awards for sales, marketing and installation excellence.

The SAMMY Awards program, now in its 26th year, is the only one of its kind in the security industry to recognize and honor dealers and integrators for their marketing, business, installation and overall excellence.

Typically hosted as a gala affair on the eve of ISC West in Las Vegas, the uncertainty regarding restrictions and protocols as a result of COVID-19 moved the SAMMYs online for the second consecutive year. However, this gave finalists the opportunity to submit videos with insights and best practices for the categories they were nominated in.

SSI received more than 160 entries from installing and monitoring security systems contractors from throughout North America for this year's program. You can view every finalist's submission online at the SSI website.

#### The NYELSA member 2021 SAMMY Award winners are:

- Best Promotional Giveaway Item - ADT Commercial - Rochester, NY & Romeoville, IL
- Best Promotional Video or Audio - ADT Commercial - Rochester, NY & Romeoville, Illinois
- Best Social Media Campaign - Vector Security - Poughkeepsie, NY & Warrendale, PA
- Best Newsletter or Content Marketing - Stanley Security - Indianapolis, IN

- Best Display Advertisement (Print or Electronic) - ADT Commercial - Rochester, NY & Romeoville, IL
- Best Overall Integrated Marketing Program Large Company - Stanley Security - Indianapolis, IN
- Integrated Installation of the Year - Stanley Security - Indianapolis, IN

Full profiles on each winner appear in the June issue of SSI and will be posted online throughout the month. The Installers of the Year and Integrated Installation of the Year case studies will be featured in July's Best of the Best Issue.

### Introducing the SSI Industry Hall of Fame Class of 2021



Held virtually concurrently with the 2021 SAMMY Awards presentation - SSI inducted the following individuals in to the SSI Industry Hall of Fame.

This year's honor roll shines the spotlight on another diverse cast of remarkable professionals.

The Class of 2021 includes a leading vendor's relationship builder who for decades has been a friend to dealers everywhere; a man of the people who has guided trade associations toward industry betterment; a passionate advocate for customer care who spread his message far and wide; an astute and driven businessman who built a monitoring empire; and a former law enforcement hero who became just as heroic fighting false alarms.

The newest Hall of Fame recognition recipients are (in alphabetical order): Keith Baird, currently senior director of sales, national accounts, Resideo; **Dale Eller, owner, ITZ Solutions (and NYELSA Executive Director)**; Bob Harris (deceased), former principal of The Attrition Busters; Jim McMullen, president and COO, COPS Monitoring; and Ron Walters, former president, Security Industry Alarm Coalition (SIAC).

## NYELSA 2021 "virtual" Training Course Schedule

81 Hour Security / Fire Alarm Installer License Course		Course Dates
Part 1	Level One Certified Alarm Technician	January 13-15
Part 2	Advanced Intrusion Systems	January 27-29
Part 3	Fire Alarm Installation Methods	February 10-12
Part 4	Troubleshooting, Service & Maintenance	February 24-26
Part 1	Level One Certified Alarm Technician	March 10-12
Part 2	Advanced Intrusion Systems	March 24-26
Part 3	Fire Alarm Installation Methods	April 7-9
Part 4	Troubleshooting, Service & Maintenance	April 21-23
Part 1	Level One Certified Alarm Technician	May 5-7
Part 2	Advanced Intrusion Systems	May 19-21
Part 3	Fire Alarm Installation Methods	June 2-4
Part 4	Troubleshooting, Service & Maintenance	June 16-18
Part 1	Level One Certified Alarm Technician	July 7-9
Part 2	Advanced Intrusion Systems	July 21-23
Part 3	Fire Alarm Installation Methods	August 4-6
Part 4	Troubleshooting, Service & Maintenance	August 18-20
<b>NYELSA Annual Conference</b>		<b>September 22-23, 2021</b>
Part 1	Level One Certified Alarm Technician	October 6-8
Part 2	Advanced Intrusion Systems	October 20-22
Part 3	Fire Alarm Installation Methods	November 3-5
Part 4	Troubleshooting, Service & Maintenance	November 17-19
<i>Additional course topics available. Private classes available for 10+</i>		
<b>WHAT TO EXPECT IN A LIVE VIRTUAL CLASS</b>		
<p>These are live instructor-led classes that are held virtually. The course will allow you to get the full benefit of a live instructor teaching a course without the travel time or expense. You are able to interact with the instructor and ask questions all from the comfort of your home or office. In order to participate, you are required to provide a computer or tablet with high-speed internet, webcam (visual attendance required), full audio via phone or computer, and a quiet place to access the online course that provides little to no distractions.</p> <p>Please be aware that if you are using these course(s) for NY State licensing you will need to take (and pass with a 70% or higher score) the proctored open book multiple choice question exam with a verified proctoring service. Once you complete the course, you will be provided instructions on where and how to take your proctored exam.</p>		
<p><b>Who Should Attend?</b> <i>Technicians, service personnel, installation personnel, sales staff, and business owners.</i></p>		
	<p><b>(800) 556-9232 or (814) 838-0301</b></p> <p>Email: <a href="mailto:Info@NYSESA.org">Info@NYSESA.org</a></p> <p>Website: <a href="http://www.NYSESA.org">www.NYSESA.org</a></p>	
		11/11/2020

## NYELSA 2021 "virtual" Training Course Registration Form

Enter ## of Students Registering	Course Name	Course Dates	NYELSA Member Price	Non - Member Price	TOTAL COURSE FEES
	Level One Certified Alarm Technician	January 13-15	\$395.00	\$495.00	
		March 10-12	\$395.00	\$495.00	
		May 5-7	\$395.00	\$495.00	
		July 7-9	\$395.00	\$495.00	
		October 6-8	\$395.00	\$495.00	
	Advanced Intrusion Systems	January 27-29	\$395.00	\$495.00	
		March 24-26	\$395.00	\$495.00	
		May 19-21	\$395.00	\$495.00	
		July 21-23	\$395.00	\$495.00	
		October 20-22	\$395.00	\$495.00	
	Fire Alarm Installation Methods	February 10-12	\$395.00	\$495.00	
		April 7-9	\$395.00	\$495.00	
		June 2-4	\$395.00	\$495.00	
		August 4-6	\$395.00	\$495.00	
		November 3-5	\$395.00	\$495.00	
	Troubleshooting, Service & Maintenance	February 24-26	\$395.00	\$495.00	
		April 21-23	\$395.00	\$495.00	
		June 16-18	\$395.00	\$495.00	
		August 18-20	\$395.00	\$495.00	
		November 17-19	\$395.00	\$495.00	
	81 Hour Security / Fire Alarm Installer License Course "Bundle"	January / February cycle	\$1,400.00	\$1,550.00	
		March / April cycle	\$1,400.00	\$1,550.00	
		May / June cycle	\$1,400.00	\$1,550.00	
		July / August cycle	\$1,400.00	\$1,550.00	
		October / November cycle	\$1,400.00	\$1,550.00	
	<b>= Total # of Students</b>		<b>Total Course Fees =</b>		

Company:					
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**New Year...**

**See inside for the  
2021 Training Schedule.**

**New Training???**



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**If you neglect the problem until it reaches your door, it might be too late...**



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