

WARNING: This is a sample template of what corporate policies and procedures might look like when attempting to comply with the requirements of the Receivables Management Certification Program. The use of this template does not ensure that your agency will be in compliance with the program requirements in general or those specific requirements concerning policies and procedures. It is likely that your agency will want to incorporate additional policies and procedures than those provided. This template is for informational purposes only and in no way is intended to be legal advice. Agencies are encouraged to obtain professional consultation, if appropriate, and work with their counsel of choice.

POLICIES & PROCEDURES MANUAL
OF
[INSERT COLLECTION AGENCY NAME]

[INSERT DATE]

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It is the responsibility of all employees and agents to review, understand, and ensure compliance with the following policies and procedures as a condition of their employment or contract:

1.0 Affidavits

[INSERT AGENCY NAME] requires all its employees and/or agents who sign an affidavit on behalf of the agency to:

(a) Either have (i) personal knowledge of the facts set forth in the affidavit or (ii) information and belief that the facts set forth in the affidavit are true based on familiarizing himself or herself with the business records applicable to the subject matter of the affidavit;

(b) Only sign an affidavit that is true and accurate;

(c) Refuse to sign an affidavit containing an untrue statement and report such action to a superior;

(d) Only sign an affidavit under oath and in the presence of a notary appointed by the state in which the employee or agent is signing the affidavit, in accordance with and to the extent required by applicable state law; and

(e) [LIST ANY OTHER REQUIREMENTS].

Basis of Policy: RMA Certification Program Standard # 16 (v5.1)

[List any other basis]

2.0 Client Communications

(a) It is the responsibility of every employee and/or agent of [INSERT AGENCY NAME], regardless of position or responsibility at the agency, to be responsive to client communications. All client inquiries shall be responded to the same day if possible, but in no instance later than five (5) business days. If an anticipated response will take longer than five (5) business days, the employee/agent shall inform both their supervisor and the client of the delay and the reason for the delay. The supervisor shall document all delays and ensure appropriate follow up occurs.

(b) When an employee/agent receives a written notice from a client to cease collection, the employee/agent shall immediately inform [INSERT JOB TITLE]. The [INSERT JOB TITLE] shall immediately take the following actions to prevent further consumer contact on the account(s):

[INSERT PROCEDURES TO BE FOLLOWED]

(c) When an employee/agent receives a written notice from a client to return all Consumer Data and/or accounts, the employee/agent shall immediately inform [INSERT JOB TITLE] and the Chief Compliance Officer. The accounts shall be returned within fourteen (14) business days, or within such other period of time as clearly agreed to between the parties, from receipt of a written request.

(1) The [INSERT JOB TITLE] shall immediately take the following actions to prevent further consumer contact on the account(s):

[INSERT PROCEDURES TO BE FOLLOWED]

(2) The Chief Compliance Officer, or his or her designee, shall ensure that all account data and documents, including copies thereof, are segregated from active accounts and (i) securely stored, (ii) securely transmitted back to the client within 14 days or pursuant contractual terms, and (iii) any residual or duplicate electronic data and/or document images associated with those accounts are destroyed pursuant to the terms of the contract and/or the agency's data and document destruction guidelines.

The Chief Compliance Officer, or his or her designee, shall adhere to the following in performing their responsibilities:

[INSERT PROCEDURES TO BE FOLLOWED]

*Basis of Policy: RMA Certification Program Standard # 31 (v5.1)
RMA Certification Program Standard # 33 (v5.1)
RMA Certification Program Standard # 34 (v5.1)
[List any other basis]*

3.0 Commissions

[**OPTION # 1** – THE FOLLOWING IS A SAMPLE POLICY IF YOUR AGENCY HAS MADE THE DECISION TO PROVIDE COMMISSIONS OR BONUSES TO CALL CENTER AGENTS BASED ON THEIR PERFORMANCE IN OBTAINING PAYMENT ON A CONSUMER DEBT.]

[INSERT AGENCY NAME] provides commissions and/or bonuses to its call center employees and/or agents as an incentive for obtaining payment on a consumer debt. [INSERT AGENCY NAME] has included the following compliance-related criteria which each call center employee/agent must adhere to in order to be eligible to receive their commission/bonus on their collection activity:

- (a) [INSERT CRITERIA]
- (b) [INSERT CRITERIA]
- (c) [INSERT CRITERIA]

OR

[INSERT AGENCY NAME] provides commissions and/or bonuses to its call center employees and/or agents as an incentive for obtaining payment on a consumer debt. [INSERT AGENCY NAME] has developed a commission/bonus formula where a certain portion of each commission is based on adhering to compliance related criteria. The formula used is: [INSERT FORMULA].

[**OPTION # 2** – THE FOLLOWING IS A SAMPLE POLICY IF YOUR AGENCY HAS MADE THE DECISION **NOT** TO PROVIDE COMMISSIONS OR BONUSES TO CALL CENTER EMPLOYEES/AGENTS BASED ON THEIR PERFORMANCE IN OBTAINING PAYMENT ON A CONSUMER DEBT. THIS POLICY WILL ASSIST IN EXEMPTING YOU FROM AN AUDIT OF STANDARD # 17.]

[INSERT AGENCY NAME] does not provide commissions or bonuses to call center employees/agents based on collection activity. All remuneration comes in the form of hourly wage or salary compensation.

4.0 Consumer Complaint & Dispute Resolution

[INSERT AGENCY NAME] requires all its employees and/or agents who communicate with consumers on behalf of the agency to handle disputes and/or complaints as listed below:

(a) **“LIVE” VERBAL CONSUMER COMPLAINT** – Strictly adhere to the following procedures when a consumer verbally indicates a dispute and/or complaint over the phone during a live conversation:

[LIST THE PROCEDURES THE EMPLOYEE/AGENT SHOULD FOLLOW]

(b) **RECORDED VERBAL CONSUMER DISPUTE AND/OR COMPLAINT** – Strictly adhere to the following procedures when a consumer leaves a recorded verbal dispute and/or complaint on voice mail:

[LIST THE PROCEDURES THE EMPLOYEE/AGENT SHOULD FOLLOW]

(c) **WRITTEN CONSUMER DISPUTE AND/OR COMPLAINT** – Strictly adhere to the following procedures when a consumer indicates a dispute and/or complaint in writing through the U.S. postal service or similar service:

[LIST THE PROCEDURES THE EMPLOYEE/AGENT SHOULD FOLLOW]

(d) **ELECTRONIC WRITTEN CONSUMER DISPUTE AND/OR COMPLAINT** – Strictly adhere to the following procedures when a consumer indicates a dispute and/or complaint in writing through an electronic means such as a website, text, etc.:

[LIST THE PROCEDURES THE EMPLOYEE/AGENT SHOULD FOLLOW]

(e) **IDENTITY THEFT** – Strictly adhere to the following procedures when a consumer indicates the account in question was a result of identity theft:

(1) Flag the account by . . .

(2) [LIST THE PROCEDURES THE EMPLOYEE/AGENT SHOULD FOLLOW]

(f) **VERIFICATION REQUEST** – Strictly adhere to the following procedures when a consumer requests a FDCA (15 USC 1692g) verification request:

(1) Flag the account by . . .

(2) [LIST THE PROCEDURES THE EMPLOYEE/AGENT SHOULD FOLLOW]

Basis of Policy: RMA Certification Program Standard # 5 (v5.1)
[List any other basis]

5.0 Consumer Notices

(a) [INSERT AGENCY NAME] requires all its employees and/or agents who interact with consumers on behalf of the agency to adhere to all applicable municipal, state, and federal consumer notice requirements when communicating with consumers. To ensure that the appropriate consumer notices are being provided to consumers, employees and agents shall strictly adhere to the following procedures:

[LIST THE PROCEDURES THE EMPLOYEE/AGENT SHOULD FOLLOW]

(b) The following are the list of consumer notices based on the residence of the consumer:

[NOTE TO DRAFTER – ONLY NEED TO LIST THE JURISDICTIONS WHERE YOUR AGENCY PERFORMS COLLECTION ACTIVITY]

UNITED STATES

Written Notice Requirements:

[INSERT NOTICES]

Verbal Notice Requirements:

[INSERT NOTICES]

ALABAMA

Written Notice Requirements:

[INSERT NOTICE, IF APPLICABLE]

Verbal Notice Requirements:

[INSERT NOTICE, IF APPLICABLE]

ALASKA

[REPEAT ABOVE FORMAT FOR EACH STATE]

ARIZONA

ARKANSAS

CALIFORNIA

COLORADO

CONNECTICUT

DELAWARE

FLORIDA

GEORGIA

HAWAII

IDAHO

ILLINOIS

INDIANA

IOWA

KANSAS

KENTUCKY

LOUISIANA

MAINE

MARYLAND

MASSACHUSETTS

MICHIGAN

MINNESOTA

MISSISSIPPI

MISSOURI

MONTANA

NEBRASKA

NEVADA

NEW HAMPSHIRE

NEW JERSEY

NEW MEXICO

NEW YORK

NORTH CAROLINA

NORTH DAKOTA

OHIO

OKLAHOMA

OREGON

PENNSYLVANIA

RHODE ISLAND

SOUTH CAROLINA

SOUTH DAKOTA

TENNESSEE

TEXAS

UTAH

VERMONT

VIRGINIA

WASHINGTON

WEST VIRGINIA

WISCONSIN

WYOMING

*Basis of Policy: RMA Certification Program Standard # 6 (v5.1)
[List any other basis]*

6.0 Credit Bureau Reporting

[THE FOLLOWING IS A SAMPLE POLICY IF YOUR AGENCY HAS MADE THE DECISION NOT TO REPORT TO CREDIT BUREAUS. THIS POLICY WILL ASSIST IN EXEMPTING YOU FROM AN AUDIT OF STANDARD # 11.]

[INSERT AGENCY NAME] prohibits its employees and/or agents from reporting consumer account information to credit bureaus on behalf of the agency. This prohibition may be lifted on a case-by-case basis with the written approval of [INSERT JOB TITLE], provided that the purpose of the communication is to correct account information that was reported by a prior owner of the account.

*Basis of Policy: RMA Certification Program Standard # 11 (v5.1)
[List any other basis]*

7.0 Criminal Background Checks

(a) [INSERT AGENCY NAME] will perform a legally permissible criminal background check prior to employment on every prospective full- or part-time employee who will have access to Consumer Data to determine the following:

- (1) Whether the prospective employee has been convicted of any criminal felony involving dishonesty, fraud, deceit, misrepresentation, or any misappropriation of confidential data or information; and
- (2) Whether the prospective employee has been charged with any crime involving dishonesty, fraud, deceit, misrepresentation, or any misappropriation of confidential data or information such that the facts alleged support a reasonable conclusion that the acts were committed and that the nature, timing, and circumstances of the acts may place consumers in jeopardy.

(b) The [President/Human Resources Department] shall maintain a list of positions in the agency that have access to consumer financial data.

(c) The [President/Human Resources Department] shall maintain the results of the criminal background checks in a secured location with access limited to [INSERT JOB TITLE(S)].

(d) Employment decisions are made on a case-by-case basis based on the totality of the application and capabilities of the prospective employee. The results of a criminal background check may have the following consequences on the offer of employment:

[INSERT CONSEQUENCES, IF ANY, AND THE CRITERIA FOR THOSE CONSEQUENCES – DRAFTER IS ENCOURAGED TO SEEK ADVICE OF EMPLOYMENT COUNSEL FROM THEIR JURISDICTION TO DETERMINE LEGALITY OF POLICY AND IMPACT ON EMPLOYMENT]

Basis of Policy: RMA Certification Program Standard # 3 (v5.1)

[List any other basis]

8.0 Data Security

(a) [INSERT AGENCY NAME] requires all of its employees and/or agents to adhere to the following requirements in order to ensure the protection of consumer data from reasonable foreseeable internal and external risks:

- (1) **STORAGE OF PHYSICAL DATA & DOCUMENTS** – The following procedures shall be taken to ensure the safe and secure storage of physical data and documents that contain personally identifiable information of a confidential nature:

[LIST THE PROCEDURES THE EMPLOYEE/AGENT SHOULD FOLLOW]

- (2) **STORAGE OF ELECTRONIC DATA & DOCUMENTS** – The following procedures shall be taken to ensure the safe and secure storage of electronic data and documents that contain personally identifiable information of a confidential nature:

[LIST THE PROCEDURES THE EMPLOYEE/AGENT SHOULD FOLLOW]

- (3) **ANTIVIRUS SOFTWARE** – The following procedures shall be followed to ensure that the agency uses, maintains, and regularly updates antivirus software on agency computers that have access to consumer data:

[LIST THE PROCEDURES THE EMPLOYEE/AGENT SHOULD FOLLOW]

(4) **SYSTEM FIREWALLS** -- The following procedures shall be followed to ensure that the agency implements and maintains a network security system firewall for the monitoring of incoming and outgoing system network traffic:

[LIST THE PROCEDURES THE EMPLOYEE/AGENT SHOULD FOLLOW]

(5) **MARKETING & ADVERTISEMENT** – The following procedures shall be followed to ensure receivable portfolios are not advertised or marketed in such a manner that would allow consumer data and original account level documentation to be available to or accessible by the public:

[LIST THE PROCEDURES THE EMPLOYEE/AGENT SHOULD FOLLOW]

(6) **DATA & DOCUMENT DESTRUCTION** – The following procedures shall be used to determine the appropriate timeframe and methodology to safely and securely destroy specific categories of data and documents and to ensure those timelines and methodologies are compliant with applicable laws and contractual obligations:

[LIST THE PROCEDURES THE EMPLOYEE/AGENT SHOULD FOLLOW]

(7) **DATA BREACH** – The following action plan shall be followed if a data breach is discovered that is in accordance with applicable laws and regulations and contains any required disclosures of such breach:

[INSERT ACTION PLAN]

(b) The Chief Compliance Officer shall perform or have performed an annual risk assessment of the Certified Agency’s protection of consumer data from reasonably foreseeable internal and external risks on or before the [INSERT NUMBER] day of [INSERT MONTH] of every year. The results of the risk assessment along with any recommendations for improvements to the data security policy shall be provided to [INSERT JOB TITLE OR GOVERNING BOARD/COMMITTEE] within 30 days of the assessment. [INSERT JOB TITLE OR GOVERNING BOARD/COMMITTEE] shall review the results of the risk assessment and recommendations for improvements and authorize adjustments to the policy, as appropriate.

*Basis of Policy: RMA Certification Program Standard # 7 (v5.1)
[List any other basis]*

9.0 Employee Training Program

[INSERT AGENCY NAME] requires all of its employees and/or agents to participate in mandatory annual employee training program(s) that educate its employees and/or agents on: (i) the policies and procedures contained in this manual, (ii) RMA certification standards, (iii) laws and regulations pertaining to collection

activity on consumer accounts, and (iv) unique purchase contract or client-mandated compliance requirements. Each training program shall indicate the possible consequences for failing to comply with them.

The [INSERT JOB TITLE] shall document on or before the [INSERT NUMBER] day of [INSERT MONTH] of each year the names of employees who have and have not taken the required annual employee training within the prior 12 months. The [INSERT JOB TITLE] shall contact any employee identified as not having completed his or her training and arrange for such training within 30 days.

*Basis of Policy: RMA Certification Program Standard # 4 (v5.1)
[List any other basis]*

10.0 Payment Processing

[INSERT AGENCY NAME] requires all of its employees and/or agents who negotiate, receive, or process consumer payments on behalf of the agency to adhere to the following:

(a) Document any consumer payment instructions (verbal or written) using the following procedures:

[INSERT PROCEDURES]

(b) Process such payments in a manner consistent with any consumer instructions that were made at the time the payment was accepted.

(c) Insure prompt posting of all consumer payments using the following procedures:

[INSERT PROCEDURES]

(d) Process refunds based on the following procedures and timeline:

[INSERT PROCEDURES AND TIMELINE]

*Basis of Policy: RMA Certification Program Standard # 9 (v5.1)
[List any other basis]*

11.0 Statute of Limitations

(a) [INSERT AGENCY NAME] prohibits its employees and/or agents from knowingly bringing a lawsuit on a debt that is beyond the applicable statute of limitations. In support of this requirement:

(1) Prior to the filing of a lawsuit, employees and/or agents of [INSERT AGENCY NAME] shall adhere to the following procedures:

[INSERT PROCEDURES]

(2) When a debt has been determined to be beyond the statute of limitations, employees and/or agents of [INSERT AGENCY NAME] shall adhere to the following procedures:

[INSERT PROCEDURES]

(3) [INSERT TITLE] is responsible for determining, or retaining the expertise of a professional who can determine, the applicable statute of limitations for each jurisdiction where the agency attempts to collect on a debt and shall adhere to the following procedures to ensure that any changes in the calculation of the statute of limitations will be identified in a timely manner:

[INSERT PROCEDURES]

(b) [INSERT AGENCY NAME] does not revive the limitations period when a payment is received after the expiration of the statute, even if permissible under state law. The follow procedures shall be followed by the agency's employees and/or agents to ensure that all accounts that fall under this scenario are flagged accordingly:

[INSERT PROCEDURES]

(c) The individual serving in the capacity of [INSERT JOB TITLE] shall ensure that all client retainer agreements contain language informing the prospective client that the agency is bound by the requirements of the Receivables Management Certification Program and that the client understands and agrees that the agency will not bring suit on a debt that is beyond the applicable statute of limitations and will not revive the limitations period for purposes of bringing suit if payment is received after the expiration of the statute, even if permissible under law.

*Basis of Policy: RMA Certification Program Standard # 12 (v5.1)
[List any other basis]*

12.0 Transmission of Consumer & Regulatory Complaints to Client

(a) [INSERT AGENCY NAME] requires all written complaints, subpoenas, or civil investigative demands (CIDs) received by the agency on a client account, including complaints filed with the CFPB, FTC, state consumer regulatory agencies, and state and federal attorneys general to be provided to the individual serving in the capacity of [INSERT JOB TITLE] on the day it is received.

(b) The individual serving in the capacity of [INSERT JOB TITLE] shall adhere to the following procedures in documenting the complaint and transmitting the complaint to the client within five (5) business days, or such shorter period agreed to between the parties:

[INSERT PROCEDURES]

Basis of Policy: RMA Certification Program Standard # 28 (v5.1)

[List any other basis]

13.0 Vendor Management

[INSERT AGENCY NAME] requires its employees and/or agents who are responsible for the negotiation of contracts with vendors that will have access to the agency's consumer data or will be communicating with consumers on behalf of the agency to adhere to the following policies and procedures:

- (1) [INSERT VENDOR MANAGEMENT POLICIES WITH DEFINED DUE DILIGENCE AND/OR AUDIT CONTROLS]
- (2) [INSERT VENDOR MANAGEMENT PROCEDURES WITH DEFINED DUE DILIGENCE AND/OR AUDIT CONTROLS]
- (3) The Chief Compliance Officer shall perform or have performed an annual assessment of the agency's vendor management policies and procedures and prior year contracts to confirm compliance as well as identify areas which may require strengthening based on prior experiences and best practices. This annual assessment shall take place on or before the [INSERT NUMBER] day of [INSERT MONTH] of every year. The results of the assessment along with any recommendations for improvements to the vendor management policies and procedures shall be provided to [INSERT JOB TITLE OR GOVERNING BOARD/COMMITTEE] within 30 days of the assessment. [INSERT JOB TITLE OR GOVERNING BOARD/COMMITTEE] shall review the results of the assessment and recommendations for improvements and authorize adjustments to the policy, as appropriate.
- (4) The Chief Compliance Officer shall perform or have performed an annual assessment of the agency's third party vendors to determine whether they continue to meet or exceed the requirements and expectations of the agency. As part of the annual assessment, the agency may need to perform additional due diligence, including by way of example rather than limitation, confirmation of certification status, vendor audits, review of policies and procedures maintained by vendors, and review of consumer complaints related to the vendor. This annual assessment shall take place on or before the [INSERT NUMBER] day of [INSERT MONTH] of every year. The results of the assessment along with any recommendations for improvements to the vendor management policies and procedures shall be provided to [INSERT JOB TITLE OR GOVERNING BOARD/COMMITTEE] within 30 days of the assessment. [INSERT JOB TITLE OR GOVERNING BOARD/COMMITTEE] shall review the

results of the assessment and recommendations for improvements and authorize adjustments to the policy, as appropriate.

*Basis of Policy: RMA Certification Program Standard # 15 (v5.1)
[List any other basis]*

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