

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 firm will be in compliance with the program requirements in general or those specific requirements concerning policies and procedures. It is likely that your firm 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. Firms are encouraged to obtain professional consultation, if appropriate, and work with their counsel of choice.

POLICIES & PROCEDURES MANUAL OF [INSERT LAW FIRM 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 FIRM NAME] requires all its employees and/or agents who sign an affidavit on behalf of the firm 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 Commissions

[**OPTION # 1** – THE FOLLOWING IS A SAMPLE POLICY IF YOUR FIRM 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 FIRM 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 FIRM 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 FIRM 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 FIRM 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 FIRM 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 FIRM 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.

Basis of Policy: RMA Certification Program Standard # 17 (v5.1)
[List any other basis]

3.0 Consumer Complaint & Dispute Resolution

[INSERT FIRM NAME] requires all its employees and/or agents who communicate with consumers on behalf of the firm 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]

4.0 Consumer Notices

(a) [INSERT FIRM NAME] requires all its employees and/or agents who interact with consumers on behalf of the firm 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 FIRM 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]*

5.0 Credit Bureau Reporting

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

[INSERT FIRM NAME] prohibits its employees and/or agents from reporting consumer account information to credit bureaus on behalf of the firm. 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]*

6.0 Criminal Background Checks

(a) [INSERT FIRM 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 firm 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]

7.0 Data Security

(a) [INSERT FIRM 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 firm uses, maintains, and regularly updates antivirus software on firm 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 firm 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 Firm’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]*

8.0 Employee Training Program

[INSERT FIRM 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]*

9.0 Judgment Retention

(a) [INSERT FIRM NAME] requires all employees and/or agents of the firm to keep electronically imaged copies of all collection-related judgments they obtain on behalf of the firm's clients for a period of time equal to the statutorily authorized enforcement period.

(b) The following procedures shall be followed in the imaging and storing of such judgments:

[LIST THE PROCEDURES THE EMPLOYEE/AGENT SHOULD FOLLOW]

(c) The individual serving in the capacity of [INSERT JOB TITLE] shall create an index of all judgments and where such judgments are stored.

(d) The individual serving in the capacity of [INSERT JOB TITLE] shall transmit a copy of the judgment to the judgment holder within five (5) business days from the firm's receipt of a written request for said judgment or within such period of time as clearly defined pursuant to an agreement between the parties.

*Basis of Policy: RMA Certification Program Standard # 27 (v5.1)
[List any other basis]*

10.0 Meaningful Attorney Involvement

[INSERT FIRM NAME] requires attorneys representing the firm to have meaningful involvement on a case file prior to the filing of any collection-related lawsuit. The amount of time an attorney spends on reviewing a case file will depend on the factual circumstances concerning the case (e.g. its complexity, unique facts, settled versus unsettled area of law, etc.); the capabilities of systems in place to process the file; the experience of the staff preparing the file; and the experience of the attorney reviewing the file.

The attorney reviewing a collection-related case file shall document said review, including his or her review of the:

- (a) Documents in file
- (b) Venue
- (c) Statute of limitations
- (d) Court procedures
- (e) Applicable laws and regulations
- (f) [INSERT REQUIREMENT]
- (g) [INSERT REQUIREMENT]

[OPTIONAL INSERT – In no event shall an attorney’s review of a collection-related case file be completed in less than [INSERT NUMBER] minutes.]

The managing partner or his or her designee shall periodically review a sampling of case files to ensure compliance with the policy.

*Basis of Policy: RMA Certification Program Standard # 26 (v5.1)
[List any other basis]*

11.0 Payment Processing

[INSERT FIRM NAME] requires all of its employees and/or agents who negotiate, receive, or process consumer payments on behalf of the firm 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]*

12.0 Statute of Limitations

(a) [INSERT FIRM 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 FIRM 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 FIRM 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 firm 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 FIRM 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 firm'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 firm is bound by the requirements of the Receivables Management Certification Program and that the client understands and agrees that the firm 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]

13.0 Transmission of Consumer & Regulatory Complaints to Client

(a) [INSERT FIRM NAME] requires all written complaints, subpoenas, or civil investigative demands (CIDs) received by the firm 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]

14.0 Vendor Management

[INSERT FIRM NAME] requires its employees and/or agents who are responsible for the negotiation of contracts with vendors that will have access to the firm's consumer data or will be communicating with consumers on behalf of the firm 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 firm'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 firm's third party vendors to determine whether they continue to meet or exceed the requirements and expectations of the firm. As part of the annual assessment, the firm 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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