



InfoSight Highlight

Have You Checked Out ComplySight Yet?

ComplySight is a fee-based compliance management system that provides visibility, tracking, measuring and reporting for your credit union's compliance activities. It allows credit unions to address their compliance initiatives through a single application. The application will provide credit unions support and continual readiness for audits, and providing regulatory updates essential to maintaining credit union compliance.

ComplySight will match compliance needs with compliance gaps - filling the need by integrating with additional League InfoSight products, InfoSight and CU PolicyPro, to provide a solution for credit unions' regulatory requirements.

Click [here](#) for a video overview of the ComplySight system.

Get started with ComplySight today! Contact GCUA Compliance at Compliance@gcua.org or (800) 768-4282 for more information.

Compliance News

NCUA MSB Questionnaire

The National Credit Union Administration (NCUA) issued a [Supervisory Letter](#) in December 2014 raising awareness for credit unions that provide account services to money service businesses (MSBs). The letter referred to a stand-alone MSB questionnaire for credit unions to use until the new AIRES Questionnaire workbook is released.

The MSB questionnaire will soon be attached to the Supervisory Letter SL No. 14-05, in the meantime credit unions can access the questionnaire [here](#).



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Credit Union National Association

Compliance Video

Compliance Connection Video

In this video, League InfoSight CEO Glory LeDu talks about the highlights from the 4th Quarter of 2018 and the 1st Quarter of 2019.

When S.2155, the Economic Growth, Regulatory Relief, and Consumer Protection Act, passed in 2018 there was a lot to understand! Glory LeDu, League InfoSight CEO, provides [Part 1 in this short video](#) to break it down for you.

Just a reminder that Compliance videos since 2016 can be found on YouTube at [the Compliance Connection](#)

NCUA Webinar Highlights Fair Lending Examination Procedures
A recent NCUA webinar gave credit unions a look at how the agency conducts fair lending examinations.

It is illegal for lenders to discriminate based on race, color, national origin, religion, sex, handicap or familial status, and the webinar provided a look at how the NCUA enforces related rules and regulations.

The NCUA supervises and examines federal credit unions with assets of \$10 billion or less for compliance with fair lending laws. The Consumer Financial Protection Bureau (CFPB) supervises and examines those with \$10 billion or more in assets for fair lending compliance.

Matt Biliouris, deputy director of the NCUA's Office of Consumer Protection, said the agency plans to conduct 25 fair lending exams and 50 offsite supervision contacts in 2015.

"Our fair lending exams are an extensive review of a credit union's compliance with fair lending laws. We follow the interagency fair lending examination procedures, which may include extensive transaction testing," he said. "Under our offsite supervision contacts, we review a credit union's compliance management system elements, without any transactional testing."

According to the NCUA, it selects federal credit unions for a fair lending exam or off-site supervision contact if they demonstrate: Home Mortgage Disclosure Act data outliers, member complaints, prior regulatory violations, general compliance risks, whistleblower complaints or receive recommendations from field examiners.

Prohibited practices include:

- Requiring a spouse to co-sign on a loan when the borrower qualifies for the loan on their own creditworthiness;
- Requiring a co-signer to be a spouse for a loan where an additional party is necessary to support the credit requested;
- Evaluating credit score used for joint applicants differently based on whether or not the applicants are married; and
- Favoring persons who are not "elderly," meaning 62 or older, under the Equal Credit Opportunity Act.

[channel](#), where they are generally updated quarterly.

Compliance Calendar

March 3

Permissible Derivatives
Effective Date

March 8

Daylight Savings Time Begins

March 30

NACHA Operating Rules
Changes

April 24

5300 Call Report Due to NCUA

April 30

Credit Card Quarterly
Agreement Submission Due to
CFPB (10,000 or more open
credit card accounts)

May 25

Memorial Day - Federal
Holiday

[Click here for upcoming
compliance dates.](#)

Compliance Training

March 4, 2015

[Collection Compliance Do-s
and Don't-s for the Frontline -](#)

According to the NCUA, having an effective compliance management system consisting of board and management oversight; policies and procedures; staff training; monitoring, testing and corrective action; compliance audits; and member complaint response procedures are the best way to ensure fair lending compliance.

If you missed it, the webinar will be posted to the NCUA website in the next few weeks.

Your CU Should Know...

HUD Guidance on Lending to LGBT Americans: HUD has issued guidance to better serve lesbian, gay, bisexual and transgender (LGBT) Americans seeking to obtain a home loan. The guidance will help clarify the Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity Rule ([Equal Access Rule](#)).

HUD's [guidance](#) on program eligibility for HUD assisted and insured housing programs includes an equal access provision making clear that housing that is financed or insured by HUD must be made available without regard to actual or perceived sexual orientation, gender identity, or marital status. In addition, the guidance also makes clear that sexual orientation and gender identity should not and cannot be part of any lending decision when it comes to getting an FHA-insured mortgage.

Regulators Issue Youth Savings Program Guidance and Q&A: The FRB, FDIC, FinCEN, NCUA and OCC have announced the availability of [guidance](#) to encourage federally insured depository institutions to offer youth savings programs to expand the financial capability of young people. The guidance also provides answers to frequently asked questions related to the establishment of these programs.

FEMA to Suspend Communities in 11 States: The Federal Emergency Management Agency (FEMA) has published a final rule [80 FR 10359] in the *Federal Register* identifying communities in Delaware, Florida, **Georgia**, Illinois, Kansas, Maryland, Michigan,

Webinar
2:00 - 3:00 p.m. EST

March 10, 2015
[8 Hour SAFE Comprehensive Mortgage Loan Originator Course #4528 \(NMLS #1405021\)](#)
8:30 – 5:00 p.m.

March 11, 2015
[Recognizing Financial Elder Abuse for the Frontline - Webinar](#)
2:00 - 3:30 p.m. EST

March 23, 2015
[The Director - A Guide to Effectively Working with the Supervisory Committee - Webinar](#)
2:00 - 3:00 p.m. EST

March 25, 2015
[Bankruptcy Best Practices for Credit Unions - Webinar](#)
12:00 – 1:00 p.m. EST

March 31 – April 9, 2015
[Protecting Members Under Reg E - Webinar Series](#)
2:00 – 3:00 p.m. EST

April 1, 2015
[New Accounts for the Frontline: Compliance Issues to Watch For - Webinar](#)
2:00 - 3:00 p.m. EST

April 7, 2015
[Regulation E for ACH Error Resolution - Which 60 Day Rule Will You Follow - Webinar](#)
2:00 - 3:00 p.m. EST

Mississippi, New York, Pennsylvania, and Tennessee, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP) that are scheduled for suspension on **March 16, 2015**, because of noncompliance with the floodplain management requirements of the program.

ID Theft Still at Top of Complaints List: The Federal Trade Commission has released its 2014 Consumer Sentinel Data Book, which contains the agency's national ranking of consumer complaints. Identity theft remains at the top of the list for the 15th consecutive year with imposter scams moving into the top three for the first time.

Update on Check Debit Transaction Changes: Federal Reserve Financial Services has issued information on the upcoming changes to Part II of the FRB Payment System Risk policy. The changes, which were announced on December 1, 2014, are designed to enhance the efficiency of the payment system, to align posting times with current operations and processing times, and to strategically position the rules for future advancements in the speed of clearing and settlement. These changes will become effective **July 23, 2015**, in coordination with amendments to Regulation J (12 CFR Part 210) that will become effective the same day.

FinCEN Launches Web page to Assist FBAR Filers: FinCEN has launched a Web page to assist those individuals and institutions required to file a Report of Foreign Bank Account (FBAR). Filers can determine if they are required to file the FBAR by going to www.fincen.gov/forms/bsa_forms/fbar.html. Filers will also find numerous resources to aid in FBAR filing. The FBAR filing deadline is **June 30, 2015**.

FBAR forms are filed annually and are used to report a financial interest in, or signature or other authority over, bank accounts, securities, or other types of financial accounts in foreign countries. FBARs must be filed for accounts that hold over \$10,000 in funds at any time during the year.

According to FinCEN, an FBAR filer is considered an individual when he/she personally owns, or jointly owns with a spouse, a reportable

April 9, 2015
Sharpening Your Skip Tracing Skills - Webinar
12:00 – 1:30 p.m. EST

April 12-17, 2015
CUNA Regulatory Compliance School
Las Vegas, NV

April 14, 2015
Collections & Bankruptcy Update
Atlanta, Georgia

April 23, 2015
The Redaction Trap - NPI Disclosure Penalties to Avoid - Webinar
12:00 – 1:00 p.m. EST

April 28, 2015
IRA Contributions - Webinar
12:00 – 1:30 p.m. EST

May 5, 2015
Understanding and Processing Transfers and Rollovers - Webinar
12:00 – 1:30 p.m. EST

May 6, 2015
Trust Accounts - Webinar
12:00 – 1:00 p.m. EST

May 12, 2015
IRA Distributions - Webinar
12:00 – 1:30 p.m. EST

May 13, 2015
Cyber Crime - No Gun Needed, Detecting and Preventing a Corporate Account Takeover - Webinar
2:00 – 3:00 p.m. EST

foreign financial account that requires the filing of an FBAR for the reportable year.

New Minimum Wage Rule for Federal Contractors?

Question: Does the Department of Labor’s new minimum wage rule for federal contractors apply to credit unions?

Answer: According to [CUNA’s Compliance Blog](#), the best answer is “it depends.”

On February 12, 2014, President Obama signed Executive Order (E.O.) 13658, “Establishing a Minimum Wage for Contractors,” to raise the minimum wage to \$10.10 for all workers on Federal construction and service contracts. The Department of Labor (DOL) published a proposed rule to implement the Executive Order on June 17, 2014.

DOL published its final rule on October 7, 2014 and it went into effect on December 8, 2014. However, E.O. 13658 only applies to new contracts and replacements for expiring contracts with the Federal government that result from solicitations issued on or after January 1, 2015; or to contracts that are awarded outside the solicitation process on or after January 1, 2015.

Coverage:

E.O. 13658 and DOL’s implementing regulations apply to four major categories of contractual agreements:

1. Procurement contracts for construction covered by the Davis Beacon Act (DBA);
2. Service contracts covered by the Service Contract Act (SCA);
3. Concessions contracts, including any concessions contract excluded from the SCA by the DOL’s regulations at 29 C.F.R. 4.133(b); and
4. Contracts in connection with Federal property or lands and related to offering services for Federal employees, their dependents, or the general public.

Workers performing “on or in connection with” (see [Q&A #13](#)) covered Federal contracts whose wages are governed by the Fair Labor Standards Act (FLSA), the SCA, or the DBA are generally entitled to

May 13, 2015
[Estate Accounts, POAs, Rep Payee and Guardian Accounts - Webinar](#)

12:00 - 1:00 p.m. EST

May 19, 2015
[Required Minimum Distributions \(RMDs\) - Webinar](#)

12:00 – 1:30 p.m. EST

May 20, 2015
[Deceased Member Accounts - Webinar](#)

12:00 – 1:00 p.m. EST

May 26, 2015
[IRA Reporting - Webinar](#)

12:00 – 1:30 p.m. EST

May 28, 2015
[Indirect Lending - The CFPBs View on Auto Dealership Relationships - Webinar](#)

12:00 – 1:00 p.m. EST

BSA Training Opportunities through GCUA
[Click here for details](#)

receive the E. O. minimum wage for all time spent performing on or in connection with covered Federal contracts.

DOL broadly defines “contract” (and “contract-like instrument”) for purposes of the Executive Order to mean an agreement between two or more parties creating obligations that are enforceable or otherwise recognizable at law. The term “contract” broadly includes all contracts and any subcontracts of any tier thereunder, whether negotiated or advertised, including any procurement actions, lease agreements, cooperative agreements, provider agreements, intergovernmental service agreements, service agreements, licenses, permits, or any other type of agreement, regardless of nomenclature, type, or particular form, and whether entered into verbally or in writing.

So, does your credit union have any federal contracts that fall within the above categories? Most credit unions will answer no and move on to the next item on your “to do” list. However, some credit unions with offices in federal buildings or on military installations may have zeroed in on #4 with good reason. Q&A #8 in DOL’s Frequently Asked Questions (FAQs) states the following with regard to contracts in connection with Federal property or lands:

“Q: What is a “contract or contract-like instrument entered into with the Federal government in connection with Federal property or lands and related to offering services for Federal employees, their dependents, or the general public”?”

A: Pursuant to the Department’s final rule, this category of covered contracts refers to leases of Federal property, including space and facilities, and licenses to use such property entered into by the Federal government for the purpose of offering services to Federal employees, their dependents, or the general public.

Examples of such agreements include **delegated leases of space in a Federal building** from an agency to a contractor whereby the contractor operates a child care center, **credit union**, gift shop, barber shop, coffee shop, or fitness center in the Federal building to serve Federal employees and/or the general public.”

So, according to DOL, at least some credit unions that lease space in federal facilities or lease “Federal property or lands” may fall under the new requirements if/when they enter into new lease arrangements after January 1, 2015. The requirement is not retroactive. New covered

contracts must include a minimum wage clause that contractors will have to comply with going forward.

Credit unions that have offices in federal facilities should contact an employment attorney or other HR professional for advice on whether E.O. 13658 and the new DOL rule impacts your credit union.

For more information, please see these DOL Resources:

- [Final rule implementing E.O. 13658](#) (the proposed rule is available [here](#))
- [Fact Sheet: Final Rule to Implement E.O. 13658](#)
- [Executive Order 13658 Frequently Asked Questions \(FAQs\)](#)

Local Training - 8 Hour SAFE Comprehensive Mortgage Loan Originator Course

The new rules issued by the CFPB pursuant to Dodd-Frank amended Regulation Z and now **require that a loan originator must receive periodic training**. This training must cover Federal and State law requirements that relate to the individual loan originator's origination activities.

This course covers the following:

- Regulation Z (Truth-in-Lending)
- Regulation X (RESPA)
- Regulation B (Equal Credit Opportunity Act)
- Fair Housing Act
- Regulation C (Home Mortgage Disclosure Act)
- Adjustable Rate Mortgages
- Federal Housing Administration (FHA) and Veterans Administration (VA) loan programs
- Reading and Understanding Credit Reports & Scores / Fair Credit Reporting Act (FCRA)

Join us **March 10th in Atlanta** for this course, which was designed to meet the continuing education requirements of the SAFE Act inclusive of (3) hours federal laws & regulations, (3) hours ethics, consumer

protection & fair lending, and (2) hours lending standards for the non-traditional mortgage product marketplace.

Please click [here](#) for more information and to register.

Comment Calls

Amendments to the 2013 Mortgage Rules under the Real Estate Settlement Procedures Act (Regulation X) and the Truth in Lending Act (Regulation Z)

The CFPB has proposed several amendments to its mortgage servicing regulations, Regulation Z, which implements the Truth in Lending Act, and Regulation X, which implements the Real Estate Settlement Procedures Act. The proposal covers nine major topics, includes sample forms, and additionally makes a number of technical corrections to several provisions of Regulations X and Z.

Please submit any comments and/or concerns you may have on this proposal to Selina Gambrell at selinag@gcua.org by **March 9, 2015**.

RBC2 Reminder: GCUA is seeking credit union comments on how the new proposal will affect their operations, and what further improvements are necessary. Please have comments to Selina Gambrell by **March 30th** at selinag@gcua.org.

To stay up-to-date on the latest information on NCUA's Risk Based Capital 2 proposal, please see CUNA's [RBC2 Blog](#).

The [CUNA Regulatory Advocacy Report](#) contains information from the office of the President of CUNA about regulatory issues that affect credit unions. You can view the current report and past reports from the archive.

Click [here](#) to request to be added to the mailing list for this and/or other GCUA email publications.

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access InfoSight. Simply add the following link to your
bookmarks: <http://ga.leagueinfosight.com/>.

Need a BSA, ACH or Website review? Email compliance@gcu.org.