



June 21, 2014
7:45 am – 4 pm

REGISTRATION: FREE

To register, please

[Click Here](#)

Location:

Embassy Suites
San Antonio NW
7750 Briaridge
San Antonio, TX 78230
(210)-340-5421

Join us

for the Office of Small Credit Union Initiatives?
2014 San Antonio, TX Workshop

- 7:45 am **Continental Breakfast – Registration**
- 8:15 am **What is New in OSCUI – Vanessa Lowe, NCUA Economic Development Specialist** will tell you about the services that are available to credit unions through OSCUI.
- 8:45 am **Regional Updates – Tracy Bombarger, NCUA Region IV - Associate Regional Director of Operations** will discuss issues facing credit unions in Region IV.
- 9:15 am **Bank Secrecy Act – Suzanne Yashewski, Senior VP, Regulatory Compliance, Cornerstone Credit Union League** will present Bank Secrecy Act Basics “What You Need to Know”. Suzanne will present a brief overview of what the Bank Secrecy Act covers including Money Services Business, procedures to be compliant, and ways to avoid violations.
- 10:15 am **Break**
- 10:30 am **Protecting your CU from the Rising Trend of Employment Practice Lawsuits (EPL) Robert Bouvier, Risk Management Consultant of CUNA Mutual Group.** Discover why the Equal Employment Opportunity Commission (EEOC) claims have risen to record levels in recent years. Robert will address EPL issues from A to Z to help credit unions avoid exposure to potentially crippling losses. In addition, she will cover employment practices and recruitment (staff, volunteers, and board members).
- 11:30 am **Working Lunch - Jeopardy Game –Rita Woods, Director of Consumer Access South from the NCUA’s Office of Consumer Protection** will cover issues ranging from Share Insurance to Low Income Designation with OCP’s Jeopardy game.
- 12:45 pm **Marketing in the Digital Age – Deborah Genovesi, Genovesi Communications** will discuss **Marketing Tips for Credit Unions** Learn more about how to use current technology and methods to market your credit union, reach potential members and best communicate your mission. We’ll de-mystify website marketing, Internet presence, social media, blogging and more...and we’ll show you how to use these tools within a reasonable budget.
- 1:45 pm **Examination Modernization – Sherita Jones, Economic Development Specialist of NCUA** will share with you the changes to the Document of Resolution (DOR) examination procedures and the overview of NCUA changes to streamline and improve the examination report process.
- 2:45 pm **Break**
- 3:00 pm **Building Your Marketing Tool Box – Debi Pfitzenmaier – Constant Contact** Many credit union and organizations find themselves seeking the right strategies to make their marketing efforts as effective as possible. But with so many different marketing activities that they could focus on, they often miss some of the important marketing concepts that will help them understand why those activities are so important. This presentation is designed to uncover some of those core concepts and show that a little bit of marketing knowledge can go a long way.
- 4:00 pm **Conclude Training Session**

For additional information, please contact OSCUITraining@ncua.gov, or call 703.518.6610.

NOTES - San Antonio Workshop July 21, 2014

8:15am What is New in OSCU	
8:45am Regional Updates	
9:15am Bank Secrecy Act	
10:15am	BREAK
10:30am Protecting your CU from EPLs	
11:30am Jeopardy Game	
12:45pm Marketing in the Digital Age	
1:45pm Exam Modern'ztn	
2:45pm	BREAK
3:00pm Building Your Marketing Tool Box	

Office of Small Credit Union Initiatives
Vanessa Lowe, Economic Development Specialist



Available Resources from the Office of Small Credit Union Initiatives (OSCUI)



Asset Management of Closed Credit Unions
 Central Liquidity Facility Information
 Corporate System Resolution Costs
 Credit Union and Bank Interest Rates
 Cyber Security Resources

FOIA Requests
 For Corporate Credit Unions
 For Credit Unions
 NGN Program Information
 Office of Small Credit Union Initiatives (OSCUI)

Credit Union Resources and Information

Find and research specific credit unions; locate educational resources on financial literacy, privacy, and identity protection; and read about the regulations that govern credit unions and corporate credit unions.

small, low-income designated, and new credit unions play in the lives of their members and communities. We are committed to helping these credit unions not only survive, but thrive.

Consulting ▶



OSCUI provides free consulting services.

Grants and Loans ▶



OSCUI provides loans and grants to low-income designated credit unions.

Training ▶



OSCUI sponsors free training for credit unions throughout the country.

Partnerships and Outreach ▶



OSCUI identifies non-NCUA programs and services for credit unions.

OSCUI Videos and Webinars ▶

Click here for Videos and Webinars produced by the Office of Small Credit Union Initiatives.

Consulting

WHO IS ELIGIBLE FOR CONSULTING?

A credit union must possess one of the following in order to be eligible for program enrollment:

Low-Income designated credit union;

A credit union with less than \$50 million in assets;

Group wanting to charter a credit union; or

Newly chartered credit union less than 10 years old.

<u>Competitive Enrollment</u>		<u>Non-competitive Enrollment</u>
Budgeting Guidance	Marketing Strategy Guidance	Urgent Need
Consumer Compliance	Merger Guidance	New charter
FOM Expansions/Capturing New Markets	New Product Services/Development	Net Worth Restoration Plan
Internal Control Guidance	Recordkeeping Guidance	
Strategic Planning Guidance	Secondary Capital Guidance	

Consulting Enrollment

Consulting

[Home](#) > [Credit Union Resources and Information](#) > [Office of Small Credit Union Initiatives](#) > Consulting

THE OFFICE OF
**SMALL CREDIT UNION
INITIATIVES**
Committed to small credit union success.

One of our many initiatives is the administration of the national Small Credit Union Program Consulting "free" consulting assistance to credit unions enrolled into the program.

WHAT IS OUR CONSULTING SERVICE?

WHO IS ELIGIBLE FOR CONSULTING?

HOW DOES THE PROGRAM WORK?

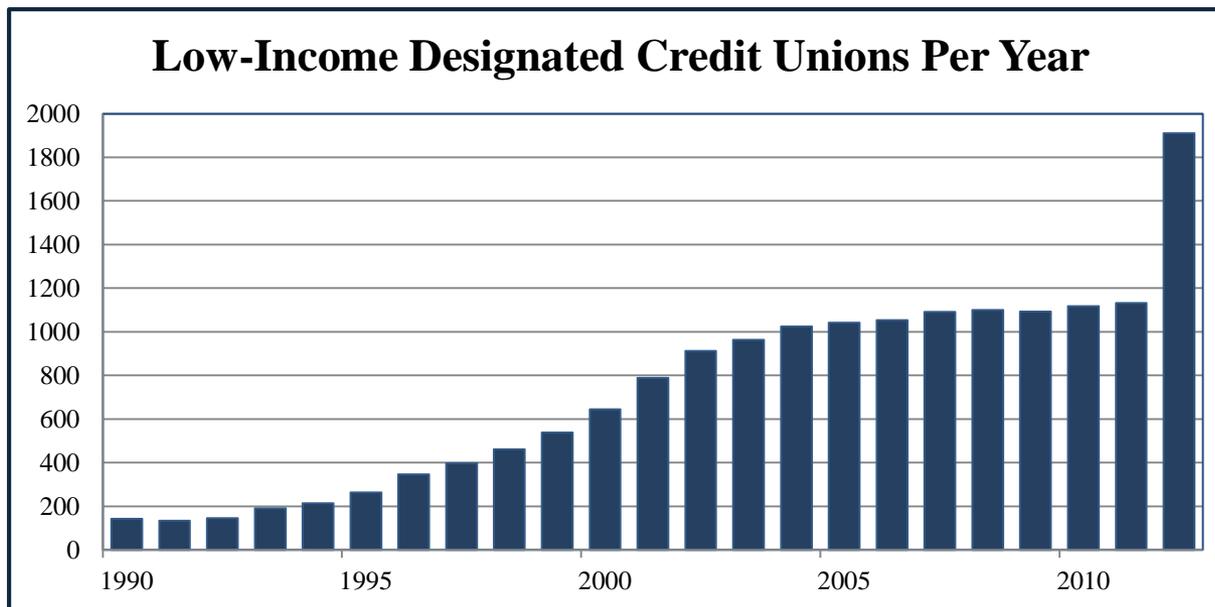
HOW DO YOU APPLY?

- **Nomination cut offs are**

May 31 and November 30

www.ncua.gov/OSCUI/Consulting

Are you a Low Income Designated Credit Union?



DCAMAIL@ncua.gov

Low-Income Designation

NCUA Designation

- A federal credit union qualifies for LID when a majority of its membership (50% + one member) qualifies as Low-Income
- Low income members are those who **earn 80 percent or less than the median family income** for the metropolitan area where they live
- or the national metropolitan area, whichever is greater.
- State chartered credit unions must work through their SSA

BENEFITS OF LID

- 1. Office of Small CU Initiatives**
 - 1. Loans**
 - 2. Grants**
 - 3. Consulting Services**
- 2. Member Business Loans (MBL)**
- 3. Secondary Capital Accounts**
- 4. Non Member Deposits**

Grants and Loans

The screenshot shows the National Credit Union Administration (NCUA) website. At the top, the NCUA logo is on the left, and the tagline "Protecting credit unions and the consumers who own them through effective regulation" is on the right. Below the tagline is a search bar with a "Credit Union Locator" button and a "Search this site..." input field. A navigation menu below the search bar includes "About NCUA", "Credit Union Data and Applications", "Credit Union Resources and Information", "Regulations, Publications and Reports", and "News, Media and Events". The "Credit Union Resources and Information" menu item is highlighted in blue. Below the navigation menu, the "Grants and Loans" section is displayed. It features a blue header with the text "THE OFFICE OF SMALL CREDIT UNION INITIATIVES" and the tagline "Committed to small credit union success." To the right of the header is an image of hands holding a small green plant. Below the header, there is a paragraph of text describing the Grant and Loan Program. To the right of the text is a vertical list of links: "Consulting", "Grants & Loans", "Partnerships & Outreach", "Training", "FOCUS e-Newsletter", "Videos & Webinars", and "Contact Us". At the bottom of the page, there is a "Free Webinar:" section with a date and time. At the bottom left of the screenshot, there are two buttons labeled "Grants" and "Loans", with a green arrow pointing to the "Grants" button.

National Credit Union Administration

Protecting credit unions and the consumers who own them through effective regulation

Credit Union Locator

Search this site... Advanced Search

About NCUA Credit Union Data and Applications Credit Union Resources and Information Regulations, Publications and Reports News, Media and Events

Grants and Loans

Home > Credit Union Resources and Information > Office of Small Credit Union Initiatives > Grants and Loans

THE OFFICE OF SMALL CREDIT UNION INITIATIVES

Committed to small credit union success.

The National Credit Union Administration's Grant and Loan Program (also known as the Community Development Revolving Loan Fund), which was established by Congress, makes Grants and Loans to low-income designated credit unions. The Community Development Revolving Loan Fund for Credit Unions (the "CDRLF") was established by an act of Congress (Public Law 95-123, November 20, 1978) to stimulate economic development in low-income communities. The grants and loans program consists of Congressional appropriations that are administered by the Office of Small Credit Union Initiatives (OSCU).

A low-income designated credit union is one that is: a) federally-chartered and designated as a "low-income" credit union (LICU) as set forth in Section 701.34 of NCUA's Rules and Regulations; or b) state-chartered with an equivalent low-income designation from its respective state supervisory authority (SSA) and concurrence from NCUA.

Consulting

Grants & Loans

Partnerships & Outreach

Training

FOCUS e-Newsletter

Videos & Webinars

Contact Us

Free Webinar:

Join us on February 20 at 2 PM (EST) for a free webinar - Net Worth Restoration Plans: A Path to Recovery. Hear about the New York Consumer Credit

Grants

Loans

Grants-What's New?

- Online applications
- Targeted, focused initiatives
- Single application for all grant initiatives
- Information and applications on website:

www.ncua.gov/oscuigrantsandloans

2014 Grant Round 1

NCUA Awards \$517,890 in Grants to 127 Low-Income Credit Unions

[Home](#) > [News, Media and Events](#) > NCUA Awards \$517,890 in Grants to 127 Low-Income Credit Unions

Funds Support New Products for Members, Internships and CDFI Certifications

ALEXANDRIA, Va. (March 13, 2014) – Low-income credit unions will be able to offer new products, train the next generation of credit union leadership and gain access to more resources to help their communities with grants awarded by the National Credit Union Administration.

“At NCUA, we work each day to help low-income credit unions better serve their members and communities,” said NCUA Board Chairman Debbie Matz. “The credit unions that receive these grants will be able to offer more services to members, more resources to their communities and more education for young people interested in financial services careers.”



- Two week application period closed on February 14 at 5:00 pm EST
- Press release date March 13, 2014!



Grants & Loans

Grant Initiative	Number of Credit Unions	Total Awarded
New Product or Service	33	\$209,500
Student Internships	54	\$208,390
CDFI Certification Initiative	40	\$100,000
Total Granted	127	\$517,890
Total Requested	320	\$2,589,640

33	New Product
5	Bill Pay
4	Debit, Credit, or Prepaid Cards
6	Electronic/Digital Signatures
1	Home Banking
5	Mobile Banking
5	Online Loan Applications
1	Online Member Applications
6	Remote Deposit Capture

2014/2015
Appropriation \$1.2M



Grant Round II

**Happening Now!
June 2-30**

Appropriation \$1.2M

Announce Recipients August 1

CDFI
Allocation- **\$150,000**
Award per Applicant - **\$2,500**
Ranking – complexity and service

Collaboration
Allocation - **\$200,000**
Maximum Award per Applicant - **\$50,000**

New Product
Allocation - **\$652,000**
Maximum Award - **\$7,500**

Training
Allocation: **\$198,000**
Award per Applicant - **\$3,000**
Ranking – **Small First**

- **CAMEL 3 or Better**
- **Must be a LICU**
- **One award per CU**



Loans

Features

- Up to \$500,000
- Low interest rate (60 basis points)
- 5 year maturity
- Balloon note - principal due at maturity
- Open year around
- Fully electronic application

Training

Training

[Home](#) > [Credit Union Resources and Information](#) > [Office of Small Credit Union Initiatives](#) > Training

What would you like to know?

Ask

FAQ+

THE OFFICE OF SMALL CREDIT UNION INITIATIVES

Committed to small credit union success.



OSCUI Grant Round 2 - June 2nd thru June 30th. For more information [click here](#).

OSCUI'S Training Division is committed to bringing timely, free financial education to credit union communities. Our goal is to serve as a conduit of operational and strategic management topics and training, and to provide "value-added" services that strengthen credit unions' ability to thrive in our ever-changing economy.

“
All of the information covered was presented in a very professional manner and I'm sure we will be using a lot of it as we continue to change.
”

**Rick Finley, CEO
WJC Federal Credit Union**

[Click this content box to view all comments](#)

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[Grants & Loans](#)

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[Schedule](#)

Need assistance registering for a training session? Email us at OSCUITraining@ncua.gov. For information about our other programs and services [Contact Us](#).

2014 Training

Leadership Bootcamps

Location	Event Date
Newark, NJ	7/26/2014
Milwaukee, WI	8/16/2014
Albuquerque, NM	8/23/2014
Miami, FL	9/16/2014
Chicago, IL	9/20/2014
Philadelphia, PA	9/20/2014

Workshops

Location	Event Date
Honolulu, HI	6/21/2014
San Antonio, TX	6/21/2014
Pittsburgh, PA	7/23/2014
Gulf Port, MS	8/14/2014
New York City, NY	8/16/2014

Training

OSCUI Training Schedule



OSCUI is going **GREEN!** In keeping with our **GREEN** initiative, we will no longer provide hard copies of training materials during our live sessions. We encourage all participants to download materials for use once you've registered. Links to materials will be provided in your registration confirmation message!

To download the Leadership Resource Manual for the Boot Camp, [click here](#).

Schedule

Need assistance registering for a training session? Email us at OSCUITraining@ncua.gov. For information about our other programs and services [Contact Us](#).

<http://www.ncua.gov/Resources/OSCUI/Pages/Training.aspx>

7/23/2014	Workshop	Pittsburgh, PA	Coming Soon
7/26/2014	Boot Camp	Newark, NJ	Coming Soon
8/16/2014	Boot Camp	Milwaukee, WI	Coming Soon
8/14/2014	Workshop	Gulf Port, MS	Coming Soon
8/16/2014	Workshop	New York, NY	Coming Soon
8/20/2014	Webinar	Disaster Recovery	Coming Soon
8/23/2014	Boot Camp	Albuquerque, NM	Coming Soon
9/16/2014	Boot Camp	Miami, FL	Coming Soon
9/17/2014	Webinar	Merger Best Practices	Coming Soon
9/20/2014	Boot Camp	Chicago, IL	Coming Soon
9/20/2014	Boot Camp	Philadelphia, PA	Coming Soon
10/15/2014	Webinar	Product Pricing	Coming Soon
11/19/2014	Webinar	Building a Loan Portfolio	Coming Soon
12/17/2014	Webinar	Internal Controls	Coming Soon



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<http://www.ncua.gov/Resources/OSCUI/Pages/Schedule.aspx>

Training

Six-Module Supervisory Committee Series

The screenshot shows a YouTube video player interface. At the top left is the YouTube logo and a search bar. The video title is "Monitoring Management Activities". The video content displays a document titled "Supervisory Committee Guide SAMPLE WORK PLAN Appendix 4A". The document lists activities for March and April.

**Supervisory Committee Guide
SAMPLE WORK PLAN
Appendix 4A**

March

- Attend the monthly board meeting (Chairman, at a minimum).
- Conduct a surprise cash, traveler's check, and money order count (schedule for different days during the month).
- Follow-up on prior audit and examination findings if necessary.

April

- Attend the monthly board meeting (Chairman, at a minimum).
- Conduct the annual audit. Maintain contact with the outside accountant, if one is used.
- Verify closed accounts.
- Follow-up on prior audit and examination findings if necessary.

Supervisory Committee - Module 2

3:38 / 9:37

Supervisory Committee Training - Monitoring Management Activ...

NCUAchannel · 46 videos

3,080

Subscribe 476

4 0



2014 Videos

Interactive Fraud Video

- With CUNA Mutual
- Set of 6 Modules

Board of Directors Series

- Financial Literacy-certificates
- Multiple Modules



People Helping People in Action

CDFI – What is CDFI and Its Impact on Members

Succession Planning

2014 Webinars

Date	Proposed Title
25 -June	How to Be in Compliance with OFAC & FinCEN – Part 11
9-Jul	Mobile Apps
20-Aug	Disaster Recovery
17-Sep	Mergers Best Practices
15-Oct	Product Pricing
19-Nov	Building a Loan Portfolio
17-Dec	Internal Controls

All training is free of charge.

Webinars



NEW Field of Membership Expansion (02/19/2014)

This webinar provides valuable information on several topics relating to field of membership including how to determine when an expansion makes sense strategically, advantages of each type of federal charter, and policy requirements for various expansion options. It also discusses where you can find additional information.



Examination Modernization (01/22/2014)

This webinar gives an overview of the changes NCUA made to streamline and improve the consistency of the examination report process. You'll also get a better understanding of the new procedures related to the Documents of Resolution and the examination report.



Profiling Products and Services for Underserved Members(01/15/2014)

This webinar is a follow-up to the 01/23/2013 webinar, *Strategic Uses of the Low-income Designation*. You'll hear from three credit unions that are at different stages of developing products and services to meet the needs of the underserved market.



Succession Planning (12/17/2013)

This webinar discusses the importance of establishing an effective succession plan. Hear from a credit union manager who has completed the succession planning process for a number of scenarios including emergency CEO succession and the advancement or dismissal of key personnel.



Detering Employee Fraud (11/14/2013)

This webinar provides real-world case studies that will explain how a well-trained, active supervisory committee and strong internal controls are effective means of deterring employee fraud.



Training Attendees	2011	2012	2013	2014 YTD
Workshops	1,932	2,129	1,292	430
Bootcamps	-	-	364	610
Roundtables	679	-	-	-
Webinars	-	943	8,970	7,800
Videos	-	4,719	15,508	15,660
Total Attendees	2,611	7,791	26,134	24,500



Outreach

[Home](#) > [Credit Union Resources and Information](#) > [Office of Small Credit Union Initiatives](#) > Outreach

What would you like to know?

[Ask OSCUI](#)



THE OFFICE OF SMALL CREDIT UNION INITIATIVES

Committed to small credit union success.



This section contains a variety of resources beneficial to credit unions either from NCUA or external sources.

Marketing Guide

New! Topics include managing member relationships, and encouraging loan, member and share growth. Templates and tools are also available.

Annual Report

This report features service enhancements implemented to help improve credit union experiences with our office.

FOCUS e-Newsletter

This e-Newsletter features topics and announcements of interest to small, low-income designated, and new credit unions.

Videos & Webinars

Includes videos and webinars produced by OSCUI as well as those produced or co-sponsored by other organizations where OSCUI staff were presenters.

Consulting

Grants & Loans

Partnerships & Outreach

Training

FOCUS e-Newsletter

Videos & Webinars

Contact Us

And the Grant goes to...

We've posted our list of 2014 Grant Round 1 Awardees on our [Grants Webpage](#). There you'll also find the 2014 Grant Round 1 Reimbursement Guidelines.



FROM THE GROUND UP



**CEO Resource
Book**

NCUA
National Credit Union Administration



THE OFFICE OF
SMALL CREDIT
UNION
INITIATIVES

Resource Manual



FAQ+

About NCUA

Credit Union Data
and Applications

Credit Union Resources
and Information

Regulations, Publications
and Reports

News, Media
and Events

Partnerships and Outreach

[Home](#) > [Credit Union Resources and Information](#) > [Office of Small Credit Union Initiatives](#) > Partnerships and Outreach



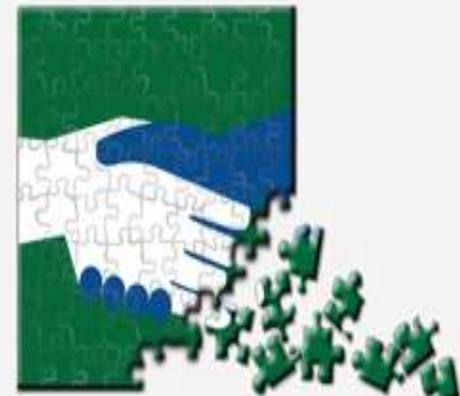
What would you like to know?

Ask OSCUI



THE OFFICE OF
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FAQ+ Results

[Home](#) > [Credit Union Resources and Information](#) > [Office of Small Credit Union Initiatives](#) > [FAQ+ Results](#)

paper retention

Ask



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[← Return to your search results](#)

How long do we have to retain documents?

The retention requirement for records varies depending on the kind of document involved. Additionally, each state can impose their own rules so credit unions should seek local counsel before destroying records. NCUA Rules & Regulations Part 749 provides guidance to credit unions for the storage of vital records. For additional records retention requirements you should also refer to the Records Retention section of the [Consumer Compliance Manual](#).

Didn't find what you are looking for?

Powered by SilverCloud

[Request FAQ+ Assistance](#)

Most Requested Info

Select to filter... ▾

- ◆ [What Grants are available from NCUA?](#)
- ◆ [How do I get a low-income designation \(LID\)?](#)
- ◆ [What are the benefits of a low-income designation \(LID\)?](#)
- ◆ [What is a low-income designation \(LID\)?](#)

FOCUS Sign Up

FOCUS e-Newsletter

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THE OFFICE OF SMALL CREDIT UNION INITIATIVES

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FOCUS e-Newsletter

Fundamentals of Credit Union Success

*FOCUS, **Fundamentals of Credit Union Success**, is OSCUI's monthly e-newsletter for credit unions. In each issue we provide information relevant to credit unions, particularly small, low-income designated, and newly chartered credit unions.*

[Click here](#) to subscribe.

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FOCUS e-Newsletter for 2013

January	February	March
April	May	

FOCUS eNewsletter



FOCUS eNewsletter
Fundamentals of Credit Union Success

April 2014

FOCUS is the monthly e-Newsletter of the Office of Small Credit Union Initiatives (OSCUI). It focuses on helping small credit unions achieve success by providing news and highlighting opportunities. [Click here](#) to subscribe to FOCUS.

Featured this Month (Click on a heading to go to the article.)

Headliner: [LICU links community for financial ed and jobs](#)

OSCUI in the news: [Recent citations about our Office and services](#)

In FOCUS with Bill: [Perspectives - Examiners and CEOs](#)

Advisories: [Items and reminders for your CU](#)

Consulting: [The keys to the credit union - Pt. 2](#)

Grants & Loans: [Awardee highlights](#)

Partnerships & Outreach: [Consumer.ftc.gov](#)

Training: [April showers bring - OSCUI live training!](#)



Other Resources

State Leagues/Associations

National Federation of Community Development Credit Unions

www.cdcu.coop

National Credit Union Foundation www.ncuf.coop

Filene Research Institute www.filene.org

NCUA OSCUI Contact Page

Feel free to contact our office with questions:

Consulting

OSCUIConsulting@ncua.gov

Grants & Loans

OSCUIApps@ncua.gov

Partnerships & Outreach

Partners@ncua.gov

Training

OSCUITraining@ncua.gov

BSA / CIP Compliance

Summer 2014



Suzanne Yashewski

SVP Regulatory Compliance Counsel

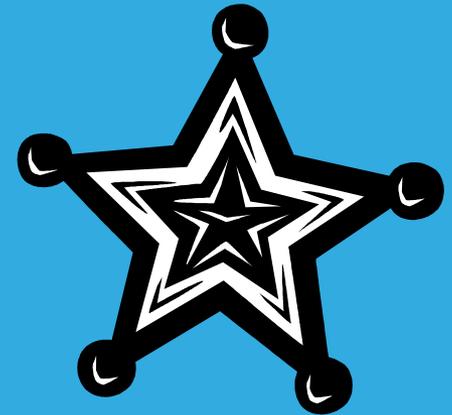
Cornerstone Credit Union League

syashewski@cornerstoneleague.coop

800-442-5762 x8516

ABC Credit Union: Honorary Deputy Fighting Crime in the Downtime

- What is BSA?
 - 1970: Birth of BSA
 - 1990: Birth of FinCEN
- **What's it about?**
 - Money Laundering
 - Terrorism
 - Financial Crimes
- How Are We Affected?



Agenda

- Understanding the Basics
 - Risk Assessment & Policy
 - Internal Controls
 - Independent Testing
 - Training
 - BSA Officer
- Reporting Requirements
 - CTRs
 - SARs, etc.
- Record Keeping
 - Monetary Instruments
 - Wire Transfers
- BSA Updates
- CIP & CDD
- OFAC



The A B C's of BSA



Understanding the Basics

- The Acronyms!!!
 - BSA
 - AML
 - CTR
 - SAR
 - CIP/USA Patriot Act



Understanding the Basics

- Each federally insured credit union must have a written BSA compliance program approved by the Board that:
 - Provides for **internal control** for ongoing compliance;
 - Provides for **annual training** of personnel;
 - Designates a **compliance officer**;
 - Provides for compliance **testing/audit**.

Understanding the Basics

- Detecting Illegal Activity
 - Internal Controls
 - Policy and procedures
 - Training
 - Reporting: CTRs and SARs
 - Customer Due Diligence



Understanding the Basics

- BSA Enforcement
 - FinCEN and CU Regulators
 - 90 Days to Fix Significant Violations
 - Progressive Administrative Action
 - Document of resolution
 - Letter of understanding and agreement
 - Cease and desist order
 - Civil money penalties

Risks to The Credit Union

- Big Penalties for Non-Compliance!!!
 - Civil
 - \$10,000-\$100,000 for Willful Conduct
 - \$500 for Negligence
 - Fines of \$10K per day for late CTRs
 - Criminal
 - Up to 10 years in jail
 - \$500,000
 - Forfeiture



Risks to The Credit Union

- Recent BSA Penalties and Admin Orders
 - Union Bank of California
 - \$31.6 Million
 - **AMEX Int'l Bank**
 - \$65 Million
 - JP Morgan Chase (2.5 trillion in assets)
 - \$1.7 billion forfeiture
 - DOJ Criminal actions led to DPA and \$100 million forfeiture against MoneyGram

Where do we start?

- Requirements of the Board
 - Approve BSA/AML and OFAC Policies
 - Understand the Basics
 - Use the Risk Assessment to Develop Policy
 - Appoint knowledgeable BSA/OFAC Officer
 - Create Culture of Compliance
 - Resources
 - » \$\$\$
 - » Time
 - Authority
 - Review Audit Results



Risk Assessment

- Needs to identify and measure risk associated with:
 - Products,
 - Services,
 - Members, and
 - Geography
 - HIFCA/HIDTA
- Appendix I and J (BSA Manual)
- Next step: How do you deal with the risks?



Policy

- Based on Risk Assessment
- Both RA and Policy should be reviewed annually, and revised as necessary
- Address AML specifically
- CTRs, SARs, CIP, Record Retention, etc.
 - How do you plan to meet the requirements?
- Customer Due Diligence

Independent Testing/Auditing

- Who?
 - Internal audit department, outside auditors, consultants, or other qualified independent parties.
 - Report directly to the board
- How often?
 - Every 12-18 months (based on risk)
- Report all violations to the Board
- See BSA Manual Compliance Program Overview

Training

- Who needs BSA Training?
 - All Staff!
- Board and CEO Need to Support Training Initiatives



BSA Officer

- Important choice!
 - Experience, knowledge, authority.



CTRs



- Currency Transaction Report
 - The credit union must complete and submit a CTR each time it takes a deposit, gives a withdrawal, or exchanges currency, if the transaction involves currency of more than \$10,000.
 - 15 days to e-file
 - No longer 25 days
 - Not Confidential

CTRs



- **“Currency”:**
 - Coin and paper money of the United States or of any other country that is designated as legal tender and that circulates and is customarily used and accepted as a medium of exchange in the country of issuance.
 - Includes U.S. silver certificates, U.S. notes, and Federal reserve notes.
 - Also official foreign bank notes.

CTRs

- **“Currency Transaction”:**
 - A transaction involving the physical transfer of currency from one person to another.
- *Not a currency transaction:*
 - A transfer of funds by means of bank check, bank or share draft, wire transfer, or other written order, which does not include the physical transfer of currency.

CTR Exemptions

- FinCEN Form 110
- Phase I
 - Bank, government agency, certain businesses, Corporate Cus
 - Listed companies and subsidiaries
- Phase II
 - Non-listed businesses and payroll customers

CTR Exemptions

- Phase I
 - Generally must file Form 110 and verify annually the exempt status
 - FinCEN Final rule 12/08
 - No longer have to file or do annual review for Banks, Cus, or gov't entities

CTR Exemptions

- Phase II:
 - Maintain an account at the CU for at least 2 months (or risk based analysis)
 - Engage in frequent currency transactions of more than \$10,000
 - Be incorporated, organized, registered as an eligible to do business in the US or individual state.
- Must be reviewed and verified at least once a year
- No longer need to re-file every 2 years.

CTR Exemptions

- Final Rule
 - 12/2008
 - Revisions to CTR exemption process
 - No longer need to review annual or make a DOEP filing for other depository institutions, US or State government, or entities acting with governmental authority.
 - Can designate an eligible non-listed company or payroll customer after 2 months or earlier with a risk based analysis.

CTR Exemptions

- Final Rule Con't
 - Definition of “frequent” changed to 5 transactions per year rather than 8
 - No need to biennially renew a DOEP filing for otherwise eligible Phase II customers, but must still conduct annual review
 - No longer required to record and report a change of control in a designated non-listed or payroll customer.

CTRs

- FinCEN Educational Pamphlet on the CTR Requirement
 - Notice to Customers
 - CTR Reference Guide
 - Explains structuring

Suspicious Activity Report (SAR)

- Must be filed with regard to any transaction that involves or aggregates more than \$5,000 when the credit union knows, suspects, or has reason to suspect that the transaction:
 - Involves funds derived from illegal activities, or is intended to hide funds or assets derived from illegal activities as part of a plan to violate or evade any federal law or regulation, or to avoid any CTR requirement.
 - Evades any requirements of any regs set forth under the BSA.
 - Offers no business or apparent lawful purpose or is not the sort in which the particular member would normally be expected to engage, and the CU knows of no reasonable explanation for the transaction after examining available facts.



SARs

- NCUA also requires credit unions file an SAR:
 - Whenever any known or suspected criminal violation has been committed against a credit union, regardless of the amount of money involved, if the CU believes the **violation was committed by an “insider”** (employee, director, officer, etc).

SARs

- 30 days to e-file SAR
- Retain Supporting Documentation
- Highly Confidential

SARs

- Examples of Suspicious Behavior
 - Appendix F
 - Member reluctance to provide identification needed to file a required report.
 - Unusual questions about the BSA or CU procedures.
 - **“Structuring”**
 - Frequent deposits or purchases of monetary instruments below the reporting threshold.
 - Deposits inconsistent with normal activities for the type of business.

SARs



- Examples of Suspicious Behavior
 - Frequent cash exchanges of small denominations for large denominations.
 - Deposits of soiled or musty cash.
 - Sending and receiving wires without an apparent business reason.
 - Wires to and from offshore accounts.

Board Notification of SARs

- What information does the board need?
 - Fiduciary Duty
- Risks
 - Confidentiality

Board Notification of SARs

- In What Form Should the Info Be Provided?
 - Summary
 - Table
 - Copy of the SAR
- SAR on Board Member or CEO

Other BSA Requirements

- Monetary Instruments
 - Sale for \$3k-\$10K in currency
 - Record keeping
- Wire Transfers
 - \$3000 or more
 - Record keeping
- Record Retention
 - CTR and SARs plus documentation, account cards, statements, etc.

Customer Identification Program



- USA PATRIOT ACT

- Purpose:

- To facilitate the prevention, detection, and prosecution of international money laundering and the financing of terrorism.

CIP

- Builds on Bank Secrecy Act.
- Guidance for:
 - Anti-money laundering program
 - Customer Identification Program
 - Information Sharing

CIP

- FIs must establish a program specifying procedures for obtaining identifying information from members seeking to open new accounts.
- **MUST** develop a **WRITTEN POLICY/PROCEDURES**.
Incorporate CIP into BSA Policy and Procedures.

CIP

- *Flexibility*: This section of the USA Patriot Act provides for a “risk-based approach”.
- Assess who you serve, types of accounts offered, methods of opening accounts, size, location, services offered, etc.



CIP

- Customer Identification Program
 - Collect Identifying Information
 - Verify Identity
 - Record Retention
 - Comparison with Government Lists
 - Notice



CIP

- **Who is a “customer”?**
 - A person who opens a new account; and
 - An individual who opens a new account for:
 - An individual who lacks legal capacity, such as a minor; or
 - An entity that is not a legal person, such as a civic club.
 - Includes nonmember: joint account owners, co-borrowers, and credit card holders.
- Do not need to verify ID for existing members if CU has a reasonable belief that it knows the identity of the member.
- Do not need to verify ID of PODs, beneficiaries, or guarantors.

CIP

- Verification is required when...
 - A person or business establishes a **formal banking relationship** with the CU. This includes:
 - Deposit or transaction accounts;
 - A credit account or other extension of credit;
 - Safe deposit boxes;
 - Cash management services;
 - Custodian or trust services.

CIP

- When verification is NOT required...
 - Accounts obtained through a merger or acquisition
 - ERISA plan accounts;
 - Wire transfers;
 - Cashing checks;
 - **Selling traveler's checks;**
 - Other products or services that do not lead to a formal banking relationship.

#1: Collect Identifying Information

- Prior to opening an account, a CU **MUST** collect the following information for individuals opening the account:
 - 1) Name,
 - 2) Address (plus mailing address if different from residence),
 - 3) Date of birth, and
 - 4) Taxpayer ID # or similar government issued ID #.
 - 1) SSN required for a US citizen.
 - 2) Non-US person may present passport # and country of issuance, alien ID **card #, or number and country of issuance of a foreign gov't issued** document showing nationality or residence and bearing photograph or similar safeguard.

#1: Collect Identifying Information

- Prior to opening an account, a CU **MUST** collect the following information for a person other than an individual (company, partnership, etc):
 - 1) Name
 - 2) Address of principal place of business (plus mailing address if different from street address), and
 - 3) Taxpayer/Employer Identification Number (TIN/EIN)

#2: Verify They Are Who They Say

- Before or within a reasonable time after opening an account, the CU must verify identification.
- **Must enable CU to form a “reasonable belief”** that it knows the true identity of each customer.



#2: Verify They Are Who They Say

- Must list which forms of ID CU will accept.
- Two Methods:
 - 1) Verification through documents, and
 - 2) Verification through non-documentary means.

#2: Verify They Are Who They Say

- Documentary Verification for Individuals
 - Un-expired government issued identification evidencing nationality or residence.
 - Should include photo, description, and signature.
 - **Examples: Driver's license, State ID card, Passport, US Gov't ID, Military ID, Alien registration card.**
 - www.idcheckingguide.com
 - Reviewing more than one ID recommended.
 - Examples of secondary IDs: social security card, birth certificate, **voter's registration.**

#2: Verify They Are Who They Say

- Documentary Verification for Persons Other Than Individuals
 - Documents showing the existence of the entity.
 - Examples: certified articles of incorporation, government issued business license, partnership agreement, trust instrument, etc.
- Need not keep a copy of the document, but must note the type of document used.

#2: Verify They Are Who They Say

- Verification through non-documentary means:
 - Contacting member;
 - Credit bureaus;
 - Public Databases;
 - References with other FIs;
 - Obtaining a financial statement.
 - Online verification system.

#2: Verify They Are Who They Say

- Non-documentary Procedures
 - **Must** address situations where:
 - An individual is unable to present an unexpired gov't issued ID with photo or similar safeguard;
 - CU not familiar with ID presented;
 - Account is opened w/o obtaining docs;
 - Account is opened w/o customer appearing in the CU;
 - When CU is presented with circumstances increasing the risk that CU will be unable to verify ID;
 - When CU will obtain info about persons controlling accounts (signatory) opened by a customer that is not an individual.

#2: Verify They Are Who They Say

- CU must develop procedures to respond to circumstances where the CU cannot form a reasonable belief that it knows the true identity of the customer.
- Describe:
 - When CU should not open an account;
 - The terms under which an individual may use an account while the CU attempts to verify ID;
 - When CU should close account after attempts to verify ID have failed; and
 - When CU should file an SAR.

#3: Record Retention

- Identifying information (name, DOB, address, and identification number) must be retained for five (5) years after the date the account is closed.
- For credit cards, the identifying information must be retained for five (5) years after the account is closed or becomes dormant.



#3: Record Retention

- A description of the documents relied upon, the methods and results of any measures undertaken to verify identification, and a description of the resolution of any substantive discrepancy discovered must be maintained for five (5) years after the record is made.
- Final rule does not require CU to keep a **photocopy of the driver's license.**

#4: Comparison with Government Lists

- Compare with any list of known or suspected terrorists or terrorist organizations issued by any Federal agency.
 - OFAC, FinCEN (s.314), new Treasury List (s.326)???
- Determination must be made within a reasonable time after the account is opened, or earlier if required by another law (e.g., OFAC).
- CIP must require CU to follow all directives issues in connection with such lists.

#5: Notice

- *Member Notice*: Before opening an account, the credit union must provide notice that it is requesting information to verify their identity pursuant to USA PA regulations.
 - Lobby sign, written or oral notice, website.

#5: Notice

- SAMPLE
- **“To help the government fight the funding of terrorism and money laundering activities, Federal law requires all financial institutions to obtain, verify, and record information that identifies each person who opens an account. What this means for you: When you open an account, we will ask you for your name, address, date of birth, and other information that will allow us to identify you. We may also ask to see your driver’s license Or other identifying documents.”**

Information Sharing

- Between FIs and Law Enforcement (314a)
 - Run search of CU Records
 - Report Matches
 - Surveillance Only
 - Confidential
 - Point of Contact on Call Report
 - 2/10/10: rule expanded to permit certain foreign law **enforcement agencies and state and local LEA's** to submit requests for info to FIs.
- Between FIs (314b)
 - Only for money laundering and terrorism
 - Sign up, make sure other FI is registered.

BSA Latest News



New Forms

- Effective March 31, 2013
 - Must use NEW electronic forms
- There ARE some substantive changes
 - BSA officers must receive training and read the new instructions

SAR Trends

- Elder Abuse [FIN-2011-A003](#)
- Insider abuse
 - High and increasing
- Accountants/CPAs
 - High risk
 - Embezzlement, etc.
- Mortgage loan fraud [FIN-2012-A009](#) (Aug 2012)
- Tax Refund Fraud [FIN-2013-A001](#) (Feb 2013) [FIN-2012-A005](#) (March 2012)
- Third party payment processors [FIN-2012-A010](#) (Oct 2012)

SAR Trends

- Suspicious Activity Description Total SARs
- A – BSA/Structuring/ Money Laundering 6,029
- C – Check Fraud 455
- D – Check Kiting 168
- E – Commercial Loan Fraud 125
- G – Consumer Loan Fraud 163
- M – Defalcation/ Embezzlement 122
- N – False Statement 408
- P – Mortgage Loan Fraud 1,993
- R – Wire Transfer Fraud 175
- S – Other 1,237
- U – Identity Theft 100

SAR Trends

- Percentage of Other SARs
 - Unusual cash, check or wire activities 319 26%
 - Tax Fraud or Evasion 278 22%
 - ACH activities 50 Less than 1%
 - Debt elimination, advance fee scams and other aspects of mortgage loan fraud ** 32 Less than 1%
 - Financial fraud against the elderly 32 Less than 1%
 - Unregistered MSBs 20 Less than 1%

New SAR issues

- Marijuana Related Businesses
- Virtual Currencies

Clarifying Continuing Suspicious Activity

- SARs on only continuing activity may be reported every 90 days.
 - Date range and \$ amount on each SAR should be cumulative (not just last 90 days)
- Clarification
 - Review after 90 days
 - File within 120 days of last SAR
 - Can file earlier

Confidentiality of SARs

- Effective 1/3/11
- Clarifies statutory prohibition against SAR disclosure
 - Prohibits disclosure of a SAR or information revealing the existence of a SAR
 - **Keep “SARs Not Filed” file confidential**
 - If subpoenaed or requested to disclose SAR, decline, and notify FinCEN of the request and their response. No longer have to tell regulator about request.

FSE List

- Foreign Sanctions Evaders List
 - Iran and Syria
 - Prohibited from all transactions or dealings (including financial services) without authorization from OFAC.
 - No official requirement to block property, but may be on SDN list

Relatively new concepts...

- Customer Due Diligence
 - Do you know your members?
 - High risk members?
 - What is a normal transaction for each member?
 - Account monitoring
 - Software?
 - Appendix K
 - Beneficial Ownership Information
 - FIN-2010-G001



CDD: Beneficial Ownership Information

- FIN-2010-G001 and NCUA Reg Alert 10-RA-05
- **“Beneficial Owner” = individual(s) who have a level of control over, or entitlement to the funds or assets in an account enabling them to directly or indirectly control/manage the account.**
 - Identify and verify identity of beneficial owners
 - Determine agents; obtain info on legal structure of entities; obtain info on trust structure.
 - Heightened risk:
 - Certain trusts, corporate entities, shell entities, private investment companies, senior foreign political figures, foreign correspondent
 - Enhanced Due Diligence

OFAC

- Office of Foreign Assets Control
 - Division of the Treasury Department
 - Administers and enforces economic and trade sanctions against:
 - targeted foreign countries and their agents,
 - terrorism sponsoring agencies and organizations, and
 - international narcotics traffickers.

OFAC

- Who Must Comply?
 - All persons subject to the jurisdiction of the United States.
 - American citizens, permanent resident aliens, individuals and entities located in the U.S., corporations organized **under U.S. law...**

OFAC

- Compliance with OFAC regulations applies to ALL financial institutions.
- Includes large AND small credit unions.
- Has been in place for many years.
 - Importance raised post-September 11th.

OFAC Penalties

- Criminal Fines
 - \$50,000-\$10,000,000
- Criminal Penalties
 - 10-30 years for willful violations.
- Civil Fines
 - \$11,000-\$1,000,000 per violation.
- Forfeiture of funds and property.

OFAC

- What does the CU need in place?
 - OFAC Risk Assessment
 - Sample Appendix M, BSA Manual
 - OFAC Policy and Procedures
 - OFAC Compliance Officer

OFAC Required Actions

- “Blocking Assets”
 - Required to “freeze” property and payment of any funds transfers or transactions involving blocked countries or individuals.
 - “Blocking” means accept the funds and freeze them so the individual/entity cannot recover the funds.
 - Specially Designated Nationals (SDN) List.
 - Countries and individuals.
 - Must report Blocks within 10 days.
- “Rejecting Transactions”
 - In some instances, the credit union will return the funds to the sender.

OFAC

- “Property”
 - Anything of value.
 - Money, checks, drafts, debts, obligations, notes, contracts.

OFAC

- SDN List
 - Available on OFAC's Website at:
 - <http://www.ustreas.gov/offices/enforcement/ofac/>
- NEW LIST
 - Palestinian Legislative Counsel (PLC) List
 - FSE List
- Obtaining OFAC compliance software is Highly Suggested!!!

OFAC

- Covered Transactions:
 - Regulations Are Very Broad!
 - Wire Transfers
 - ACH Transfers
 - Electronic Fund Transfers
 - Opening New Accounts
 - Cashing or Depositing Share Drafts/Checks
 - **Purchase Money Orders or Cashiers' Checks**
 - Dispensing Loans Proceeds/Accepting Loan Payments

OFAC

- Every type, including:
 - Share and share draft accounts
 - Loans
 - Lines of credit
 - Letters of credit
 - Safety deposit boxes
 - Wire transfers
 - ACH
 - Currency exchanges
 - Depositing and cashing checks
 - **Purchase of money orders or traveler's checks**
 - Loan payments
 - Guarantors and collateral owners
 - Trust accounts
 - Credit cards

OFAC

- Check ALL Parties to these transactions:
 - Primary Members
 - Joint Account Holders
 - Co-Signers
 - Guarantors
 - Collateral Owners
 - Beneficiaries/Payees
 - Party Sending Wire Transfer
 - Party Receiving Wire Transfer

OFAC

- Cannot release funds without OFAC's permission.
- Target can file for a license authorizing the transaction.

OFAC

- Reporting Requirements
 - 10 days to report blocks and rejections.
 - Annual Report
 - All holders of blocked property are required to file a comprehensive annual report on blocked property held as of June 30 by September 20 each year.
 - **No need to file if CU did not have any “hits”.**
- Annual Audit is recommended.

Resources

- FFIEC BSA/AML Manual
 - http://www.ffiec.gov/bsa_aml_infobase/pages_manual/manual_online.htm.
- FinCEN
 - <http://www.fincen.gov/>
- OFAC
 - <http://www.ustreas.gov/offices/enforcement/ofac/>
- Cornerstone InfoSight Compliance Manual
 - <http://www.cornerstoneleague.coop>

Employment Practices Liability

A to Z



Avoiding and Defending Against Employee Lawsuits

2014 NCUA OSCUI Presentation



Disclaimer

This presentation was created by the CUNA Mutual Group based on our experience in the credit union and insurance market. It is intended to be used only as a guide, not as legal advice. You should contact your credit union's legal counsel for legal advice. Any examples provided have been simplified to give you an overview of the importance of selecting appropriate coverage limits, insuring-to-value and implementing loss prevention techniques. No coverage is provided by this presentation/ publication, nor does it replace any provisions of any insurance policy or bond. Coverage may vary or may not be available in some states. Please read the actual policy for specific coverage, terms, conditions, and exclusions. For general information, please contact your company Sales Executive. Insurance products offered to credit unions, including the Bond, are underwritten by CUMIS Insurance Society, Inc., a member of CUNA Mutual Group.

At Will Employment

- Either the employer or the employee can end the employment relationship at any time
 - With or without notice or cause
 - For any reason or for no reason at all
- Avoids claims for breach of contract
- Does not mean that an employee can be terminated for an unlawful reason
- Employers should avoid making statements that might alter at will employment



Background Check

- Consider whether to do criminal background and credit check prior to employment
- Fair Credit Reporting Act requires
 - Employer to provide written disclosures
 - Obtain prior written authorization
 - Communicate adverse action based on information obtained



Criminal Arrest and Conviction Record

- Distinguish between arrests and convictions
- Variation in state laws
 - No restrictions on employer's ability to act on the basis of a prior conviction
 - Allowing consideration of convictions relevant to the job duties
 - Prohibiting any consideration of older convictions
 - Consult local counsel to determine which rules apply
- Consideration of arrests and older convictions
 - May raise discrimination issues with the EEOC (Equal Employment Opportunities Commission)
 - Due possible disparate impact
- Information related to a business purpose, including bondability
 - Generally okay to consider



Documentation

- Document nondiscriminatory reasons for employment decisions
- Don't create “smoking gun” documents
- Documentation should include
 - Date
 - Time
 - Place
 - Individuals involved
 - Objective recording of what was said
- Establish and follow appropriate document retention and destruction schedules
- Keep records relevant to pending litigation



Employee Evaluations

- Provides valuable feedback
 - Improve performance
 - Identify development opportunities
- Important documentation in an employee lawsuit
- Review prior to making a decision that will negatively impact an employee to ensure actions and documents are consistent



Final Paycheck

- State statutes require payment of final wages due
 - Within a defined time period
 - At the time of termination
 - Within a stated number of days
 - On the next regularly scheduled payday after termination
- Vacation and personal time off
 - Normally considered wages
 - Must also be paid at termination
- Some states or territories require severance (e.g., Puerto Rico)



Grooming, and Other Work Rules

- Employers can set reasonable standards for conduct at work
 - Grooming
 - Punctuality
 - Professional behavior
- Apply standards uniformly
 - Exceptions may be construed as discrimination
- Discrimination prohibited based on “personal appearance” or similar language
 - Some states and municipalities



Handbook

- Provide information and background about the credit union
- Outline work rules and standards
- Policies and procedures:
 - Anti-discrimination policy
 - Prohibition and reporting of sexual and other unlawful harassment
 - Accommodations for persons with disabilities
 - Leave policies and other employee benefits
- Should be reviewed annually by an Employment attorney or a Human Resources Management professional



Investigation of Sexual or Other Unlawful Harassment or Discrimination Complaints

- “Prompt, remedial action”
 - A defense to harassment claims
 - Helps minimize exposure to discrimination claims
- Includes investigation of complaints and appropriate corrective action
- Consider establishing a consistent process
 - Ensure anyone involved in investigating is thoroughly trained
- Eliminate harassment and discrimination
 - Positive impact on employees and credit union members



Job Descriptions

- Critical for Proving “Essential Functions”
 - Disability Discrimination/Accommodation Context .
- “Duties Test”
 - Exemption from overtime pay requirements
- Include physical requirements
- Include mandatory overtime requirements
- Should be reviewed annually for accuracy
 - Do not make assumptions



Key Employees

- Support Credit Union's relationships
 - Internal - employees
 - External - members
- Consider the need to protect your confidential information
 - Seek legal counsel for assistance
 - Confidentiality
 - Non-disclosure
 - Non-competition
 - Non solicitation
 - Non-recruitment agreements
- Retirement planning
- Employee benefit plans



Leave under FMLA, ADA and Workers Compensation Laws

- Federal FMLA
- Check states requirements
 - Additional or overlapping
- Leave may be required as a disability accommodation
- Workers' Compensation requirements
- Return to work requirements



Mediation and other forms of Alternative Dispute Resolution

- Vast majority of disputes are resolved out of court
- Available alternatives to litigation for employee-employer disputes
 - Negotiation
 - Mediation
 - Arbitration
 - A combination of the three
 - Internal dispute resolution programs
 - Be cautious of labor law restrictions
- Agency-provided mediation services
- Employee arbitration agreements
 - May limit right to sue in court



Negligent Hiring, Retention and Referral

- Negligent hiring
 - Credit Union hired a person, knowing the person had a propensity to do a certain type of harm, and employee caused similar harm to a third party
- Negligent retention
 - Credit Union continued to employ a person, knowing the person had a propensity to do a certain type of harm, and the employee caused similar harm to third party
- Negligent referral
 - Credit Union did not disclose negative information about a former employee to a prospective employer

Overtime

- Increase in wage-and-hour lawsuits
- “Salaried” employees not automatically exempt from overtime rules
 - Must also satisfy one of the “duties tests”.
- Consider “white-collar” exemptions
- Job descriptions
 - Periodically reviewed for accuracy of job duties
 - Ensure duties qualify as exempt work
- Department of Labor’s website www.dol.gov
 - Helpful information on specific occupations
- State law may differ



Policy Reviews

- Credit unions should be encouraged to periodically review Employment Practices Liability coverage
 - To ensure credit union understand coverages
 - To ensure policy limits are adequate



Quantification of Exposure

- Record level claims in recent years
 - Total charges 2013
 - 93,727
- 2013 Charges
 - Retaliation
 - 38,539 charges or 41.4%
 - Disability
 - 25,957 charges or 27.7%
 - Age
 - 21,396 charges or 22.8%
 - National Origin
 - 10,462 charges or 11.4%
- The EEOC began tracking GINA (Genetic Information Nondiscrimination Act) charges in 2010
 - 201 charges in 2010 or 0.2%
 - 333 charges in 2013 or 0.4%



Retaliation

- Firing
- Disciplining
- Transferring
- Demoting
- Refusing to give a positive reference
 - Person who has made a claim
 - Initiated an action
 - Testified in another employee's case against the employer
- Separate claim
 - Same possible damage awards as the underlying discrimination claim
- Underlying claim need not be valid to recover for retaliation



State Laws

- Important consideration in any employment decision
- May be more restrictive than federal laws
- Branches in multiple states
 - Policies and procedures should be reviewed with an attorney
 - Ensure familiarity with each state's laws



Training

- Minimize liability for sexual and other harassment and discrimination
 - Regularly communicate anti-harassment and anti-discrimination policies
 - Ensure all staff understands policies
- Conduct training for new hires and at least annually thereafter
 - Employees
 - Board of Directors
- Document training
 - Employees should sign in
 - Proof of completion



Uniformed Services Employment and Reemployment Rights Act of 1994 (“USERRA”)

- All employers covered
- Prohibits discrimination based on military service
 - Requires employer to grant unpaid leaves of absence of up to five years for military service
- Leave time
 - 90 days or less, employee must be reinstated to the same job
 - Exceeds 90 days, employee must be reinstated to a job with like seniority, status and pay if employee is qualified
- Employee must give notice within a specified time after service ends
- Returning employee may not be fired except for cause for 6 months to a year, depending on time away



Violence in the Workplace

- Implement an anti-violence policy
 - Identify potential risks early
- Develop and action plan
 - Emergency situations involving violence of employees or outsiders
- Create a clear reporting line
 - Employees should know who to contact if a situation arises



Whistleblowers

- Claims arise when employees who allege or report various regulatory violations are later disciplined or terminated
 - Claim they were targeted because of the report
- Claims gaining higher profile in climate of prosecuting “corporate wrongdoers”
- Establish clear lines for reporting issues
 - Including a “bypass” route in case the supervisor is the person suspected of wrongdoing
- Prohibit retaliation against employees
 - Regulatory issues
 - Compliance issues



X (Signature)

- Obtain a written or electronic signature
 - Application
 - Release of records
 - Acknowledgement of Receipt and Understanding of Employment Policies or Handbook
 - Attendance at mandatory training
 - Employee fraud policy



Youth

- ADEA (Age Discrimination in Employment Act)
 - Applies to individuals over age 40
 - Some states have laws to protect younger workers
 - Applies to employers with 20 or more employees
 - Must work 20 or more calendar weeks in the current or preceding calendar year
 - Covers labor organizations if they exist for the purpose of dealing with employees concerning grievances, labor disputes, wages, rates of pay, hours or other terms or conditions of employment
 - Check your state law for the minimum number of employees
- “Reverse age-discrimination” (i.e., practices *favoring* older workers)
 - Not unlawful, according to the U.S. Supreme Court



“Zero Tolerance” Policies



- May raise disability discrimination and duty-to-accommodate issues
- May violate some states' drug testing laws
- Can deprive employers of needed flexibility

How can we help?

Property & Casualty Sales Specialists

- Discuss Employment Practice Liability Coverage
- Discuss employment practice concerns



Use CUNA Mutual Group Risk Management Resources

- Reduce your risk!

www.epl-risk.com practical and actionable info on workplace issues, legislation, and employment trends.

Resources include: articles; news briefs; credit union employee training; checklists; sample policy/procedures; model employee handbook.

- Available at no additional fee
- EPL coverage within MPL Policy
- User name and password required



Risk Management

- 24 Types of Analyses
- Presentations / Training
- Loss Prevention Library
- Webinar Library
- RISK Alerts
- Online Risk Assessments
- Ask a Risk Manager
- Bondability Database



Credit Union Protection Resource Center

Protection beyond the policy



Protection Message Center

Welcome to the Protection Resource Center ... your resource for just-in-time resources.

RISK Alerts

- Date: 02/06/2014
Topic: Counterfeit Checks
Title: Counterfeit Checks Continue to Circulate Throughout the Country
- Date: 02/03/2014
Topic: Funds/Wire Transfer, Compliance
Title: Electronic Signatures for Wires. Is this really a practical option?
- Date: 01/20/2014
Topic: Compliance
Title: Credit Unions offering RDC Face Increased Risk with Reg CC Proposed Amendment
- Date: 01/14/2014
Topic: Compliance
Title: Remote Deposit Capture and Duplicate Presentments
- Date: 01/09/2014
Topic: Compliance

Protection Resource Center

Loss Prevention Library

- ACH / Wire Fraud
- Check / Deposit Fraud
- Corporate Governance
- Cyber & Security Incident
- Disaster Preparedness
- Employee Dishonesty
- Employment Practices
- Internal Controls
- Lending Risks
- Plastic Card Fraud
- Robbery / Burglary
- Worker Safety

RISK Alerts Library

Risk Assessments

Peer Data

Tools and Resources

Education & Webinars

- Schedule
- Registration
- Library
- Staff Training Modules

Protection beyond the policy Self Guided Tour

Take a tour of the new Protection Resource Center.



Ask a Risk Manager

800.637.2676 or email

CUP Risk Management Staff Locations

Western Risk Managers

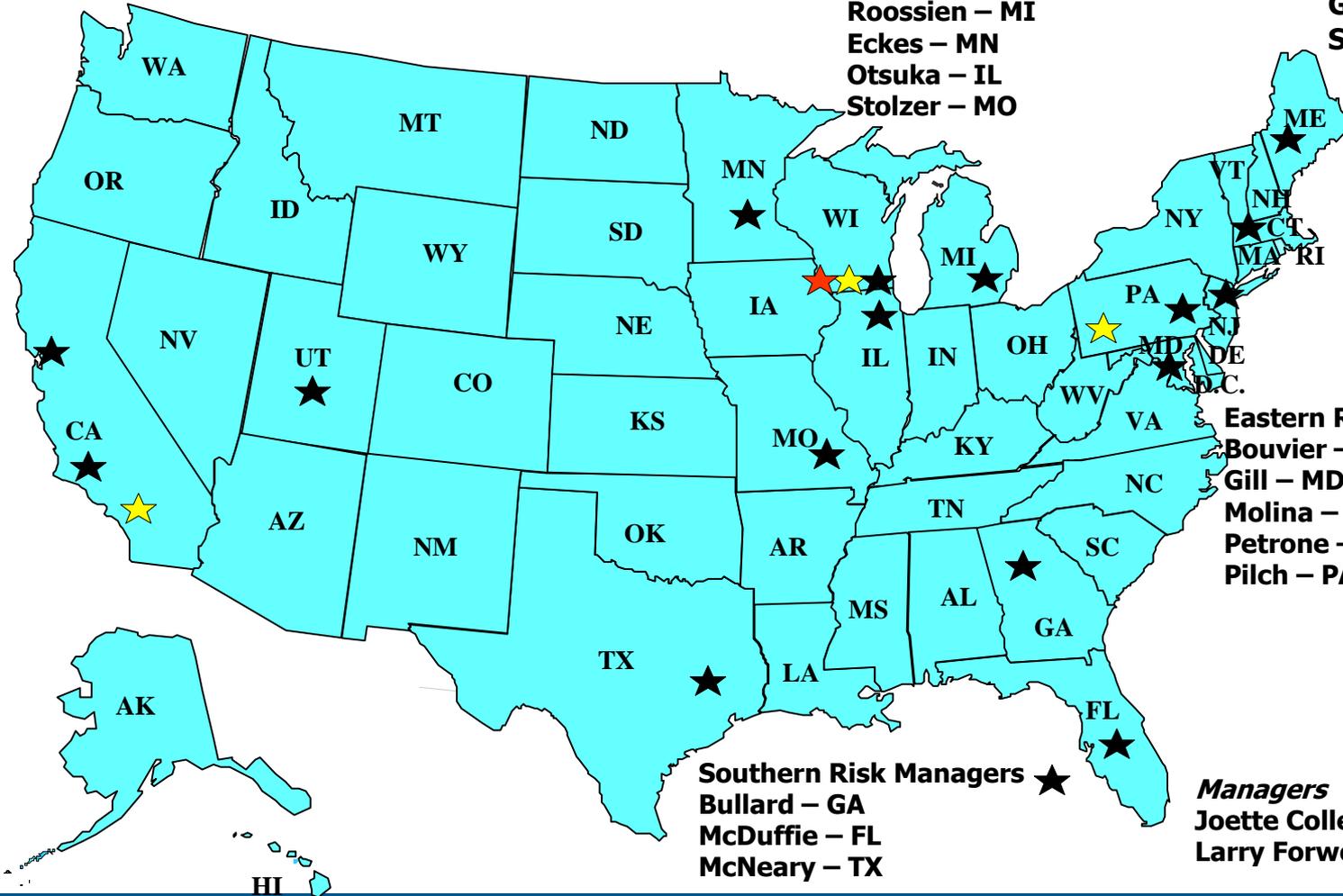
Bowman – UT ★
 Higby – CA ★
 Terauchi – CA

Central Risk Managers

Davidson – WI ★
 Nettie – WI (WA, OR, AK, HI)
 Roossien – MI
 Eckes – MN
 Otsuka – IL
 Stolzer – MO

Home Office

Madison, WI
 Darrow ★
 Garton
 Spiczenski



Eastern Risk Managers

Bouvier – MA
 Gill – MD
 Molina – NJ
 Petrone – ME
 Pilch – PA

Southern Risk Managers

Bullard – GA ★
 McDuffie – FL
 McNeary – TX

Managers
 Joette Colletts – PA ★
 Larry Forwood – CA

Risk Analyses

- Security
- ATM
- Plastic Card
- Forgery & Fraudulent Deposits
- Fidelity
- Member Business Lending
- Real Estate Lending
- Consumer Lending
- Signature Guarantee Program
- Indirect Lending
- Hazard Liability Analysis
- Remittance Transfer
- E-Commerce
- Funds Transfer
- Internal Controls
- ACH
- Business Continuity
- Safe Deposit Box
- Employment Practices
- Due Diligence
- Fiduciary Liability
- Data & Network Analysis
- Management Liability
- Collection

Case Study Examples



Harassment

At the credit union's Christmas party held at a restaurant off-site, Mary (a young attractive teller) was very uncomfortable when Ron (a loan officer) put his arm around her and told her she was drop dead gorgeous. Ron was falling down drunk and everyone was laughing at the way Ron was acting with Mary.

- **How could this have been prevented?**
- **Should the credit union do anything?**
 - **Why or why not?**



Retaliation

John, the VP of Lending has been working at the credit union for 25 years. Sue has been a loan officer for about a year. Soon after Sue began working at the credit union, John started calling Sue on her cell phone several times daily at all hours telling her that he likes her and asking her out. This was upsetting to Sue, she tried to give him subtle hints that she was not interested. She never accepted his invitations, but John would not stop. The credit union's HR policy directed employees to report harassment to their immediate supervisors, there was no other reporting option. Since, John was Sue's supervisor, she felt she had no choice but to go out with John or lose her job.

- **What did the credit union do wrong?**



Wrongful Termination

After working at the credit union for 4 years, Jane thought that she did a good job. There was no reason to think otherwise, she never received a written reprimand, she had trouble balancing her teller drawer, but it didn't seem to bother her supervisor. Then one Friday afternoon, her supervisor terminated Jane because of too many teller shortages.

- **Was this termination justified?**
- **What should the CU have in place to prevent Jane from filing a wrongful termination lawsuit?**



Questions & Answers



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CUNA Mutual Group
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CUMIS Insurance Society, Inc.

This presentation was created by the CUNA Mutual Group based on our experience in the credit union and insurance market. It is intended to be used only as a guide, not as legal advice. You should contact your credit union's legal counsel for legal advice. Any examples provided have been simplified to give you an overview of the importance of selecting appropriate coverage limits, insuring-to-value and implementing loss prevention techniques. No coverage is provided by this presentation/ publication, nor does it replace any provisions of any insurance policy or bond. Coverage may vary or may not be available in some states. Please read the actual policy for specific coverage, terms, conditions, and exclusions. For general information, please contact your company Sales Executive. Insurance products offered to credit unions, including the Bond, are underwritten by CUMIS Insurance Society, Inc., a member of CUNA Mutual Group.

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Marketing in the Digital Age

with

Deborah A. Genovesi, APR

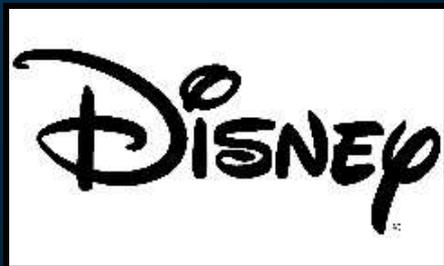
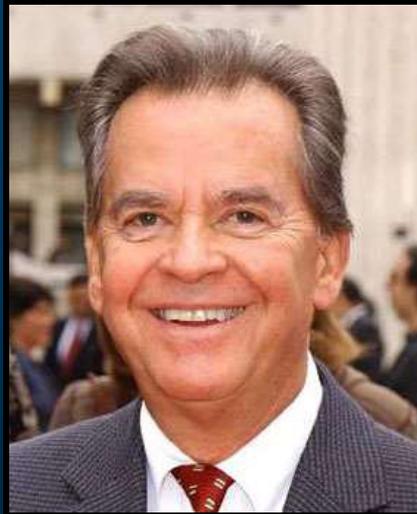


GENOVESI
COMMUNICATIONS

About Deborah A. Genovesi

- Former TV & radio reporter and producer
- More than 15 years as PR executive
- Various global agencies
- In-House and Freelance Consultant
- APR accredited through PRSA
- Marketing/PR Strategist,
Presentation/Media Training

About Deborah A. Genovesi



What's Your Experience ?

- Do you blog?
- Are you on LinkedIn
Twitter or Facebook?
- Do you pay bills online?
- Do you get news and
information, or sports
info, online?



The Social Media Revolution

What is Marketing in the Digital Age?



Basic Principles of Marketing

- Process to engage defined audience(s) to buy your products or get them to do business with you
- Marketing also includes PR and media outreach or publicity
- Sets stage for sales process
- Establishes your brand: reputation, authority, expertise

Basic Principles of Marketing

Three Keys of Marketing

1. Define audiences(s)
2. Refine the message(s) you will communicate that will resonate with those people
3. Find most effective channels to reach those audiences and produce sales

It's the last part, channels, that has changed the most and what we will discuss today. Many new channels.

Marketing *BACK THEN* –

- Print-magazines, printed newsletters, flyers sent with statements
- Broadcast-TV and radio
- Direct mail
- Ads in traditional media
- In person-events, trade shows, community fairs, etc.



Marketing *TODAY* –

- All of the traditional channels PLUS . . .
- Websites - includes multimedia, YouTube
- SEO - be searchable
- Social Media
(FB, LinkedIn, Twitter)



Digital is . . . ?

- Think of it as a delivery method
- Vinyl records, 8-track, cassette tapes, reel to reel
- NOW digital music, CDs, downloaded digital music files from iTunes
- Telephone directory vs. Google search



Digital is . . . ?

- 89 million people in the United States are going to watch 1.2 billion online videos today.
(ComScore)
- Only about 24 percent of national brands are using online video to market to consumers.
(Kantar Media)
- Globally, online video traffic will be 55 percent of all consumer Internet traffic in 2016.
(Cisco)
- Mobile video ads that include social media buttons drive 36 percent higher engagement.
(Rhythm NewMedia)

Digital is . . . ?

- 76 percent of marketers plan to add video to their sites, making it a higher priority than Facebook, Twitter and blog integration.

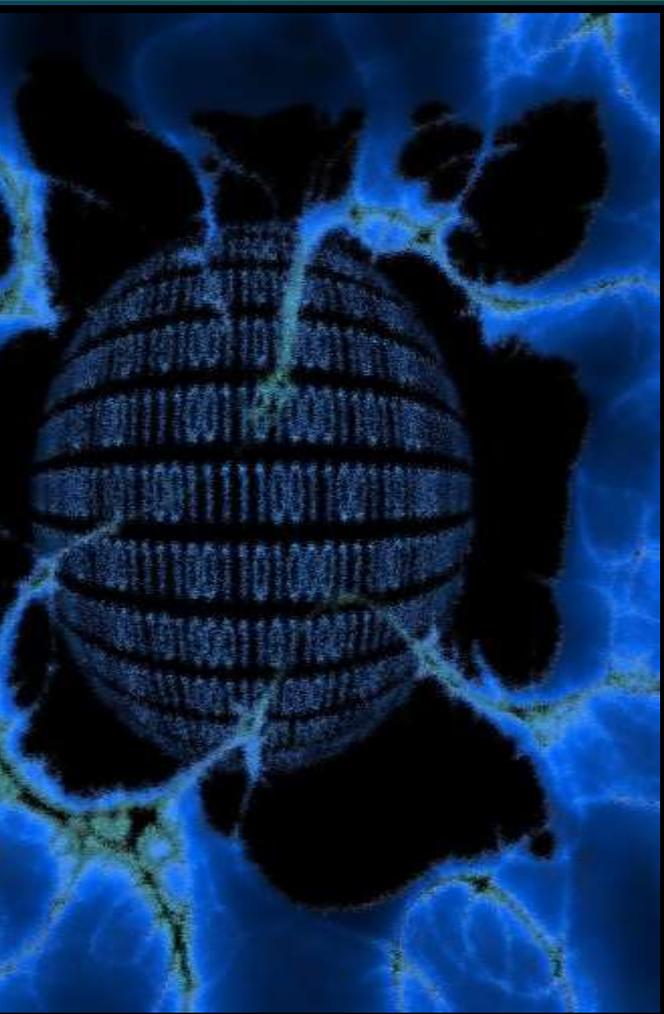
(Social Media Examiner)

- 92 percent of mobile video viewers share videos with others.

(Invodo)

- More than 1 billion unique users visit YouTube each month, spending more than 4 billion hours watching videos.

(YouTube)



Why is Digital Marketing important to YOU & your Credit Union?

Digital Marketing—Why It's Important

- Branding: how you are perceived both as a representative (personal brand) and corporate brand. Current and efficient or behind the times & out of touch?
- Attracting new members, reach new communities
- Communicate with members

Digital Marketing—Why It's Important

- Community involvement
- Website (your own TV and radio station): Publicize what you do for members, make it easy to reach you, provide valuable info like your interest rates vs banks, provide member info and education
- On Demand Info: Google searches, also good for SEO



Five Keys to Digital Marketing Success



Five Keys To Digital Marketing Success

1) Know and engage
your audience



#1 – Know and engage your audience

- Make your communications accessible
- Make your communications easy to use
- Know where they gather: Facebook?
- Target your members
- Role of social media; allows them to provide feedback
- Survey Monkey
- Fast Company data

#1 – Know and engage your audience

FAST COMPANY

- The fastest growing demographic on Twitter is the 55–64 year age bracket.
- This demographic has grown 79% since 2012.
- The 45–54 year age bracket is the fastest growing demographic on Facebook.
- For Facebook, this group has jumped 46% in 1 year.

#1 – Know and engage your audience

FAST COMPANY

- YouTube reaches more U.S. adults aged 18–34 than any cable network.
- Every second two new members join LinkedIn.
- 93% of marketers use social media for business.

#1 – Know and engage your audience

FAST COMPANY

- Even though 62% of marketers blogged in 2013, only 9% of US marketing companies employ a full-time blogger.

Caution

Must plan ahead to provide consistent content

Five Keys To Digital Marketing Success

2) Tap all delivery channels, both traditional & digital

#2 – Tap all delivery channels

Websites

Best Practices:

[Mountain America](#)

[Partners Federal Credit Union](#)

[Don't Tax My Credit Union \(CUNA\)](#)



#2 – Tap all delivery channels

Social Media

Personalize audience engagement



Facebook

UW Credit Union, Madison, Wis.

Seattle Metropolitan Credit Union

#2 – Tap all delivery channels

Social Media

Personalize audience engagement



YouTube

Garden Savings Federal Credit Union Parsippany, N.J.

Garden Savings Federal Credit Union found a hilarious way to tap into the frustrations of locals dealing with big banks. The \$211 million Parsippany, N.J., credit union plays up the negative press that the banking industry has been attracting since Bank Transfer Day this past November.

#2 – Tap all delivery channels

Social Media

Personalize audience engagement



Twitter

Bill Mellin

CEO of the NY CU Association

Jim Updike

Retired CEO of Honda FCU in Torrance, CA

#2 – Tap all delivery channels

Social Media

Personalize audience engagement



Blogs

Chuck Bruen

CEO, First Entertainment CU, Los Angeles

SIU Credit Union

Illinois

#2 – Tap all delivery channels

E-mail



- Immediate and direct access to members
- Must prove to be of value to them

Have members sign up for latest offers & specials; notification of overdrafts; outages; discounts from local vendors

Five Keys To Digital Marketing Success

3) Tell your story



#3 – Tell your story

- About the message content
- Say what you stand for
- Tell how you make a difference for people & the community (good services; educational outreach, charitable support)

Five Keys To Digital Marketing Success

4) Communicate your personality



#4 – Communicate your personality

- Credit unions are not banks – highlight the difference
- CUs are about "people serving people"
- Not a cold institution but a warm heart
- While finances are important, CUs also care about the livelihood of people
- Establish your corporate "tone" and brand

Five Keys To Digital Marketing Success

5) Monitor your performance



#5 - Monitor your performance

- Google analytics
- Hits
- Comments received
- Re-tweets
- Follows
- Focus Groups/Surveys



Five Keys To Digital Marketing Success

- 1. Know & engage your audience**
- 2. Tap all delivery channels**
- 3. Tell your story**
- 4. Communicate your personality**
- 5. Monitor your performance**

Genovesi Communications



GENOVESI
COMMUNICATIONS

Marketing Strategy | Media Training | Presentation Skills

HOME SERVICES MEDIA TESTIMONIALS BLOG ABOUT US CONTACT

Welcome and thank you for visiting our website.

Genovesi Communications is a team of seasoned communications, graphic design, social media, video production and public relations specialists led by PR veteran and former TV reporter, Deborah Genovesi. To learn more about Deborah's experience, click [HERE](#).

We specialize in helping corporations with various aspects of their PR and branding plans such as:

- Executive & Company Branding
- Public Relations & Marketing Strategy (including PR plan audits, publicity, event support, crisis/issues management)
- Public Speaking and Presentation Training (strategic message development + performance training)
- Media Training (to prep for TV, radio and print interviews)
- Team workshops (topics such as Networking Tips, Increasing Team Efficiency)
- Video & TV Production

Companies who have benefitted from our expertise have represented a wide spectrum of industries such as:

- Consumer Goods
- Consumer Technology
- Videogames/Entertainment
- Service-based industries



"5 Tips To Find The Optimal Marketing Consultant For Your Business."

We encourage you to sign up below to receive "5 Tips To Find The Optimal Marketing Consultant For Your Business."

Name
Email

Connect with Deborah

 **LinkedIn**

 **RSS**



GENOVESI
COMMUNICATIONS

Feedback

- Brief Evaluation Form
- Be sure to include your name
- DAGenovesi@gmail.com
310.421.8080

Thank You!



Examination Report Modernization San Antonio, TX



June 21, 2014

Today's Agenda

- Exam Modernization Overview
- Scripted Q&A
- End



Examination Modernization



Key Changes

- **Document of Resolution (DOR)**
 - Root Problem
 - Corrective Action; 120 Day Follow Up
- **Examiner's Findings and DOR**
 - Stand Alone
- **Examination Overview**
 - High Level Summary (CAMEL & Risk Ratings)
- **Update documents (2):**
 - DOR Status Report
 - Status Update- LUAs, PWLs, etc.



Benefits of Change

- Improved consistency
- Less redundancy
- Clear Prioritization
- Management Input



Benefits of Change

- **From a Credit Union's Standpoint**
 - Utilize Management's Strategies with DOR
 - Clear Prioritization & Direction
- **From the Examiner's Standpoint**
 - Increased problem resolution
 - Greater enforceability
 - Easier to follow-up



Where can I find the Changes?

- **NCUA Letter 13-CU-09**
- **NSPM Chapters 11 & 13** (National Supv Policy Manual)
- **Effective January 1, 2014**
- **Hyperlink:**
<http://www.ncua.gov/Resources/Pages/LCU2013-09.aspx>

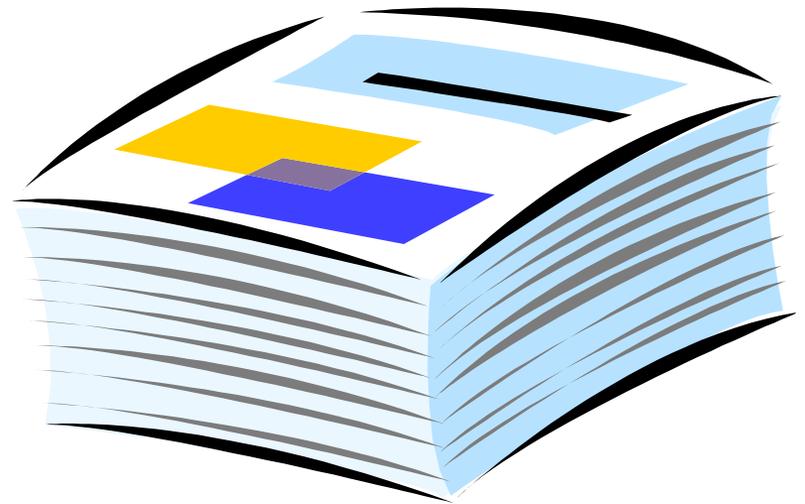
Who Provided Input for the Changes?

- **Credit Union Industry Officials**
- **NASCUS** (National Association of State Credit Union Supervisors)
- **NCUA's Office of Inspector General**



Examination Documents

- **Overview**
- **Document of Resolution (DOR)**
- **DOR Status Report**
- **Examiner Findings**



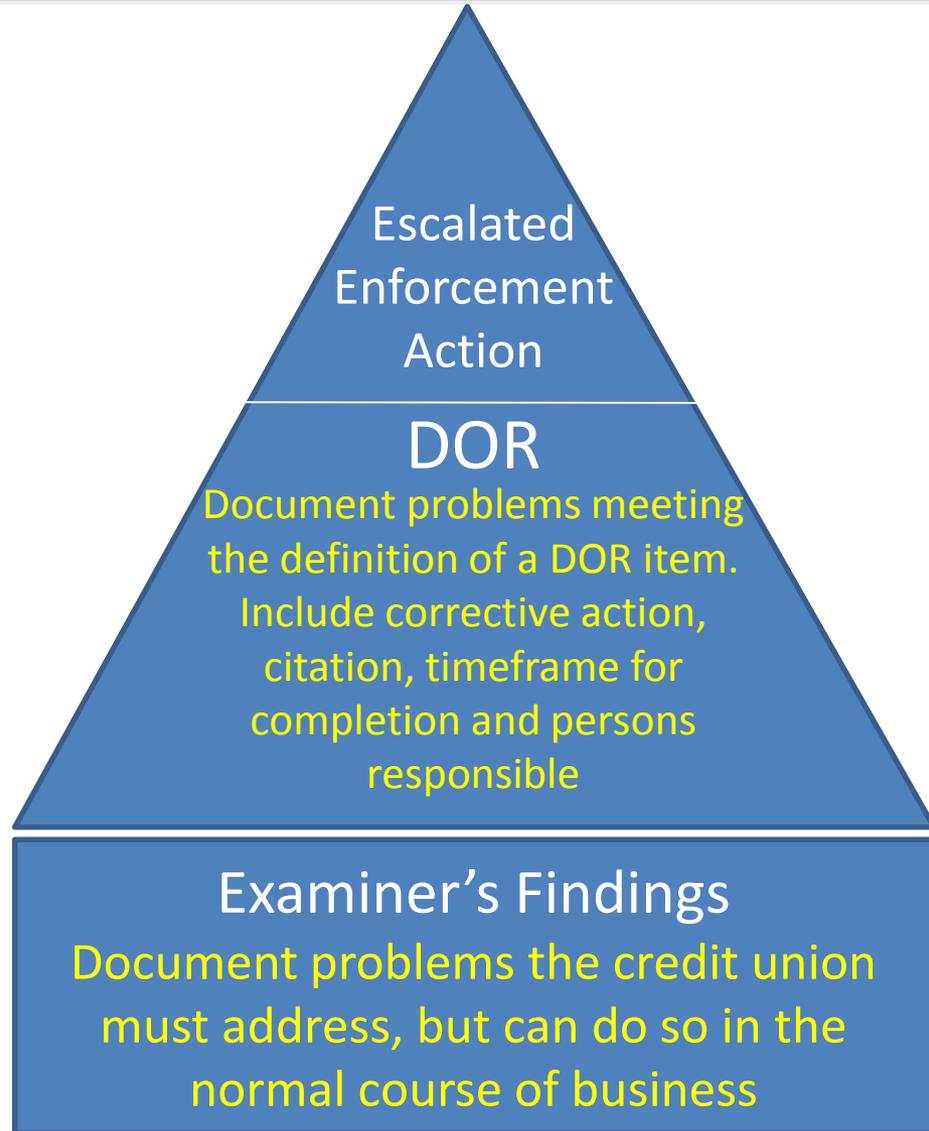
Exam Documents Continued

- **Supplementary Facts**
- **Status Update Template**
- **Loan Exceptions**



The Examination Report

Resolution Documents



The Examination Report

Other Exam Documents

Examination Overview

- High level discussion of risk profile
- Disclose CAMEL and Risk Ratings

Supplementary Facts

- Provide additional information
- Document recommendations or suggested best practices

Status Update

Document compliance with the prior DOR and/or any other outstanding Administrative Action

Loan Exceptions

Specific findings related to loans used to support Examiner's Findings and DORs

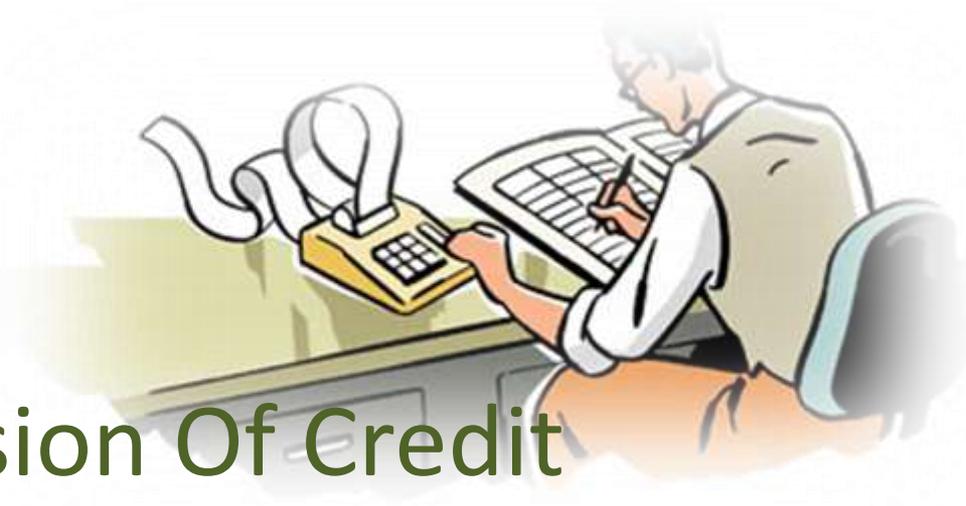
Exam Documents

Examination Overview



Updated Overview

- CAMEL
- Risk Rating
- High Level Discussion Of Credit Union's Risk Profile
- Financial trends
- Progress in correcting prior concerns



Exam Documents

Document of Resolution



DOR Definition

- **Unsafe and unsound practices that threaten the stability of the CU**



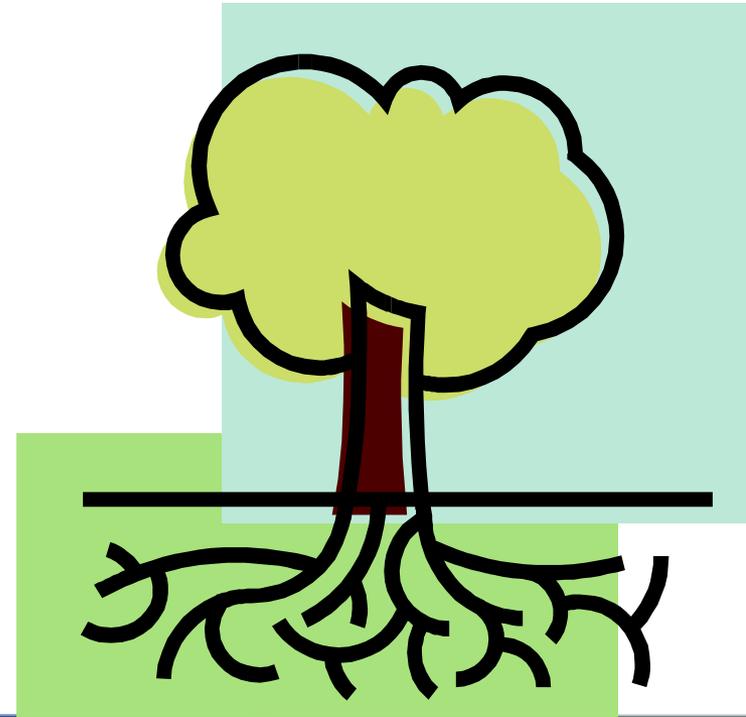
Document of Resolution Changes

- **Root Problem**
- **Concise description of key problems & supporting facts**
- **Agreed Upon Corrective Actions**
- **Citations**
- **SMART**



Root Problem - Example

- **Charge-off the following loans:**
 - Doe, John – Account #123, balance \$999.99
 - Borrower, Bob – Account #456, balance \$5,678.90
- **What is the root cause?**
 - Inadequate policy?
 - Failure to comply with policy?
 - Weak Collections
 - Other?



Developing DOR-Step 1

- **Discuss the problem with management**
- **Strive to reach agreement or understanding of the problem**



Developing DOR-Step 2

- **Work together and develop the corrective action plan**
 - If management unable to develop a reasonable plan, examiner will
 - DOR could be for management to develop a plan



Repeat DORs

- **Why was the DOR not appropriately addressed as agreed?**
- **What are the next steps?**

Exam Documents

Examiner Findings



Examiner Finding Changes

- **Less Urgent Problems**
- **Correctable in Normal Course of Business**
- **Correction Timeframes Must be Reasonable**



Repeat Examiner's Findings

- Examiner's will use judgment to determine what to do with repeat Examiner Findings
- Unresolved EF may impact CAMEL & Risk Ratings



Recap



Exam Modernization Recap

Document of Resolution

- Stand Alone Document
- Root Problem
- Corrective Action Developed with Management
- 120 Day Follow Up from Due Date (s)

Exam Modernization Recap

Examiner's Findings

- Less Severe
- Stand Alone
- May contain corrective action
- Correctable in Normal Course of Business
- Inaction may affect CAMEL/Risk Ratings

Exam Modernization Recap

Examination Overview

- High Level Summary (CAMEL & Risk Ratings)

New Documents

- DOR Status Report
- Status Update

Audience Questions?

- Let's open up the floor for questions from our audience.



References

- **NCUA Letter 13 FCU 09**
- **NSPM Chapter 11, Section 3**
- **NSPM Chapters 13**

Office Contact Page

Feel free to contact the Office of Small Credit Union Initiatives (OSCUI) with questions or comments.

OSCUI Email: oscuimail@ncua.gov

OSCUI Phone: **703-518-6610**

That's All!!!! THANK YOU!!





Build Your Marketing Toolkit

A framework for small businesses
and organizations.

Debi Pfitzenmaier



Founder, PfitzPR and SA Youth Code Jam

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Agenda

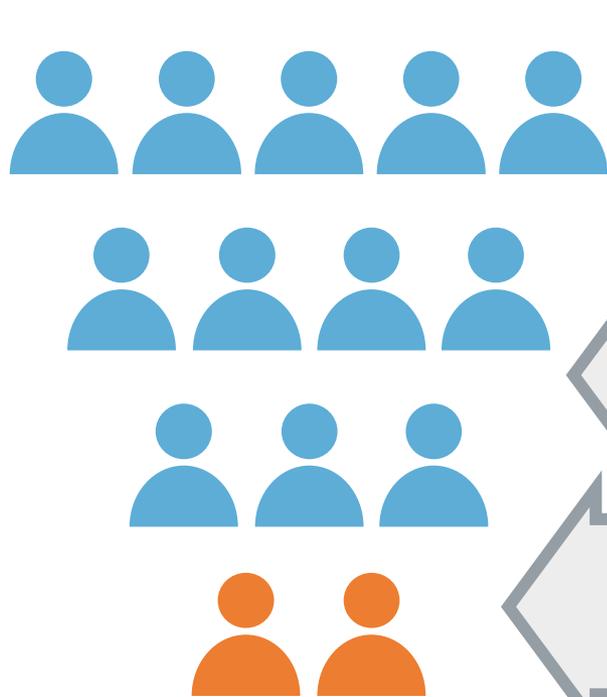
- Marketing has changed
- Goals and objectives
- 4 Pillars of Marketing Success
 - Get found (discoverability)
 - Nurture relationships, grow your lists, increase loyalty
 - Use campaigns that drive action
 - Analytics and decision-making
- Next steps



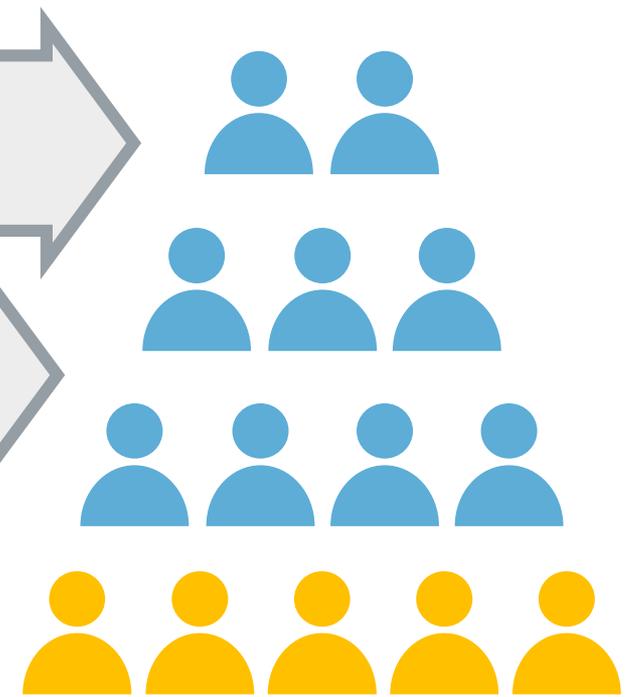
Marketing | Goals & objectives | 4 pillars | Next steps

Marketing has changed.

Marketing then.



Marketing now.



Marketing

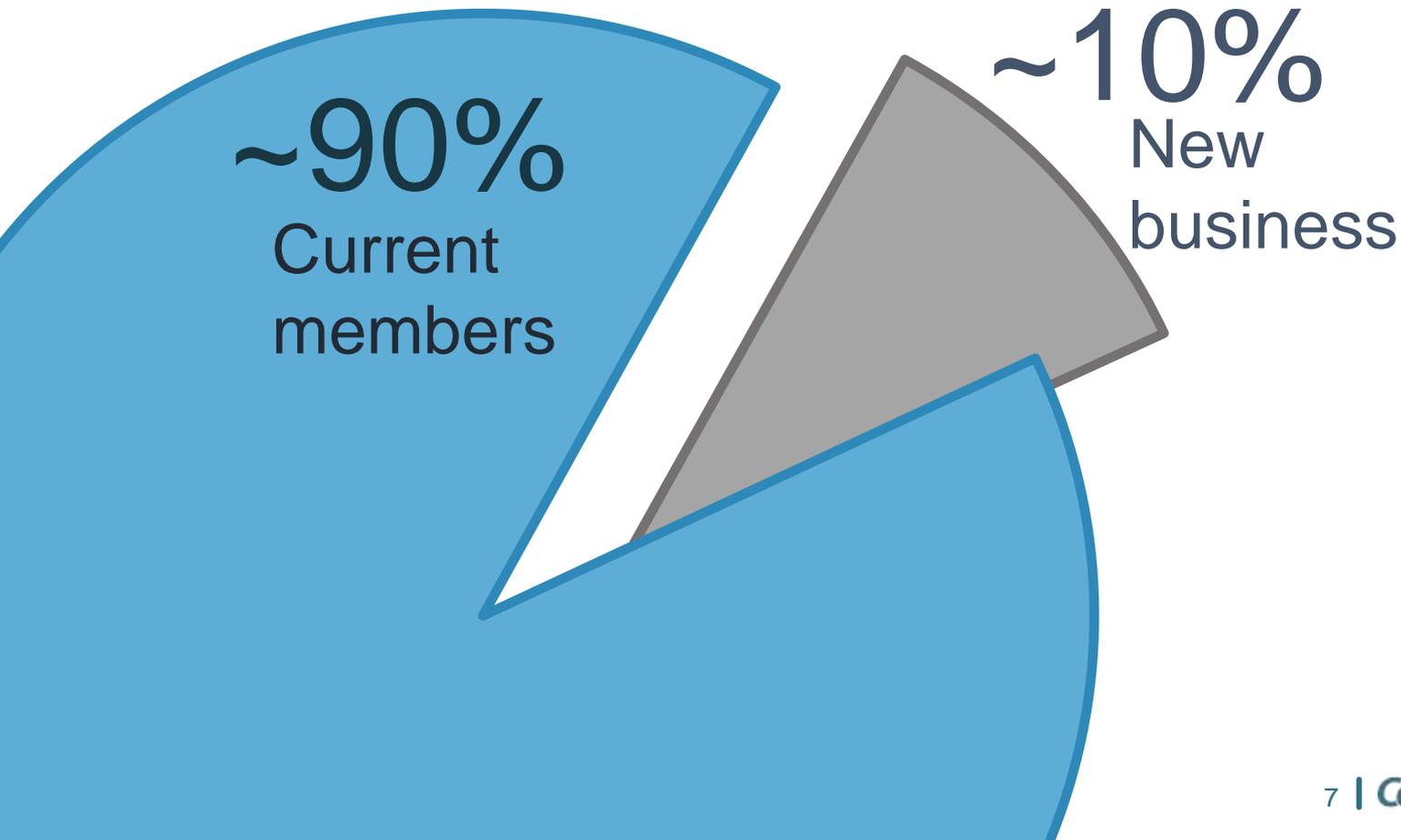
You have an advantage

You can be your **authentic self**

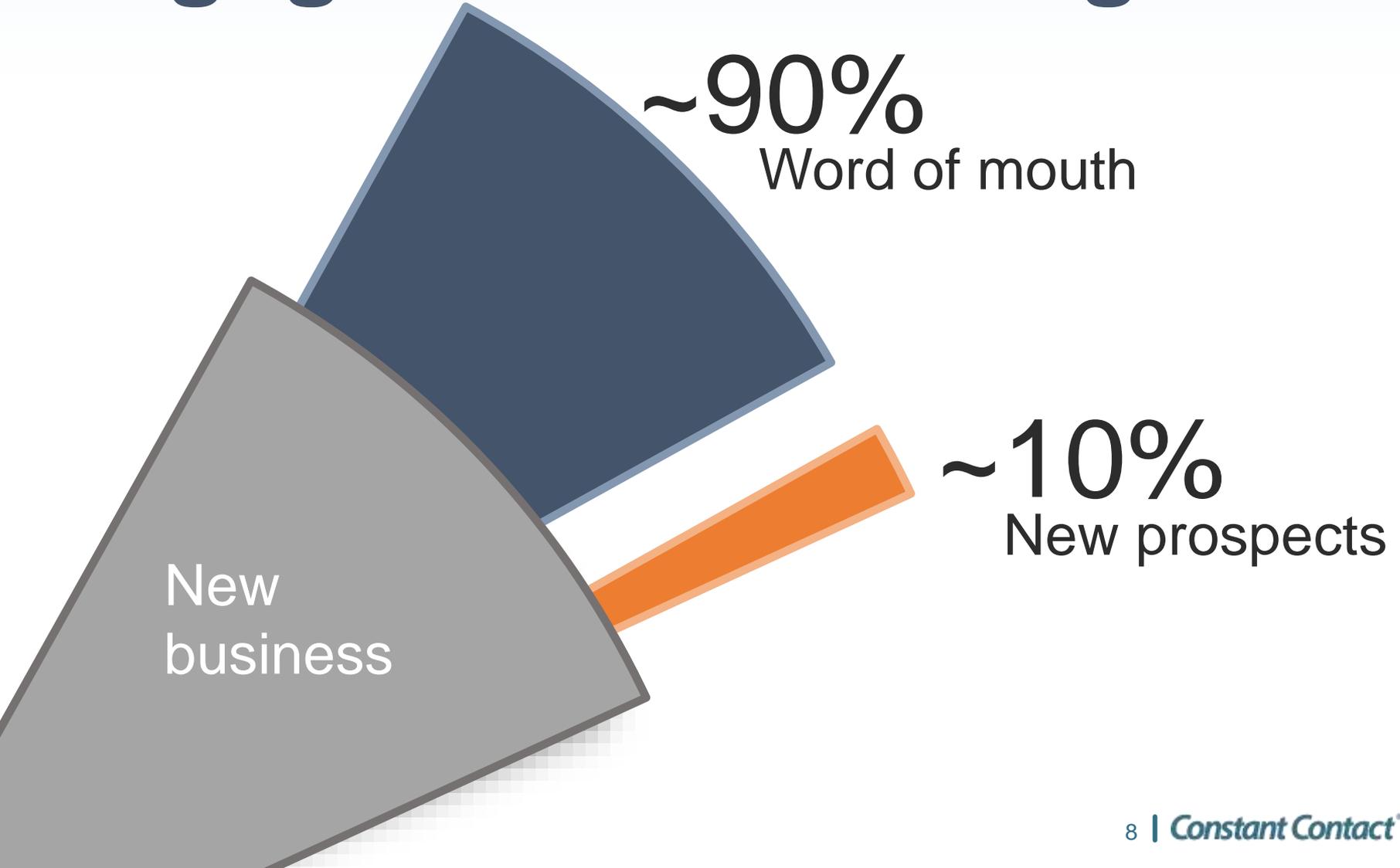


Not for profit, not for charity, but for service.

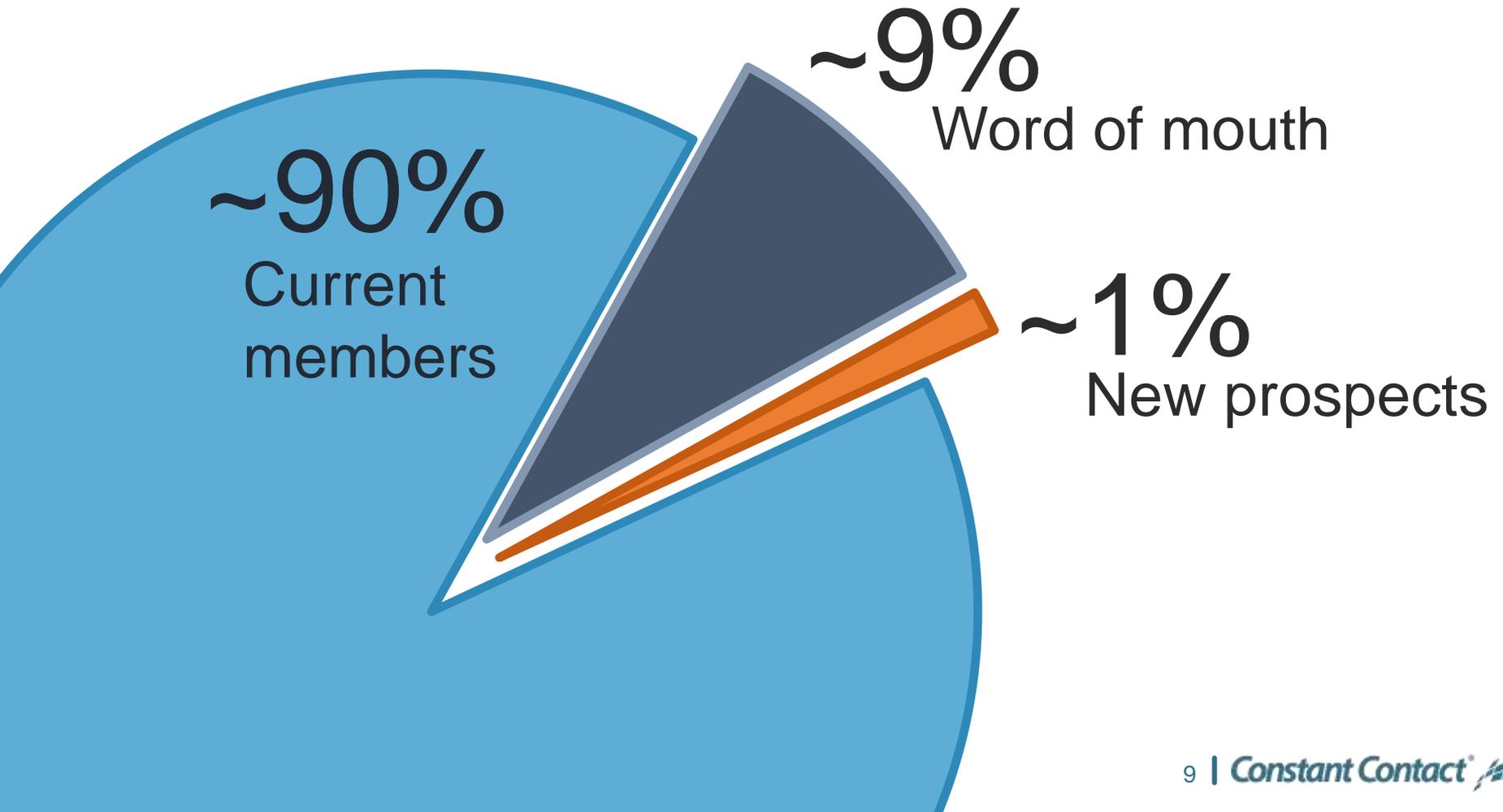
Engagement marketing



Engagement marketing

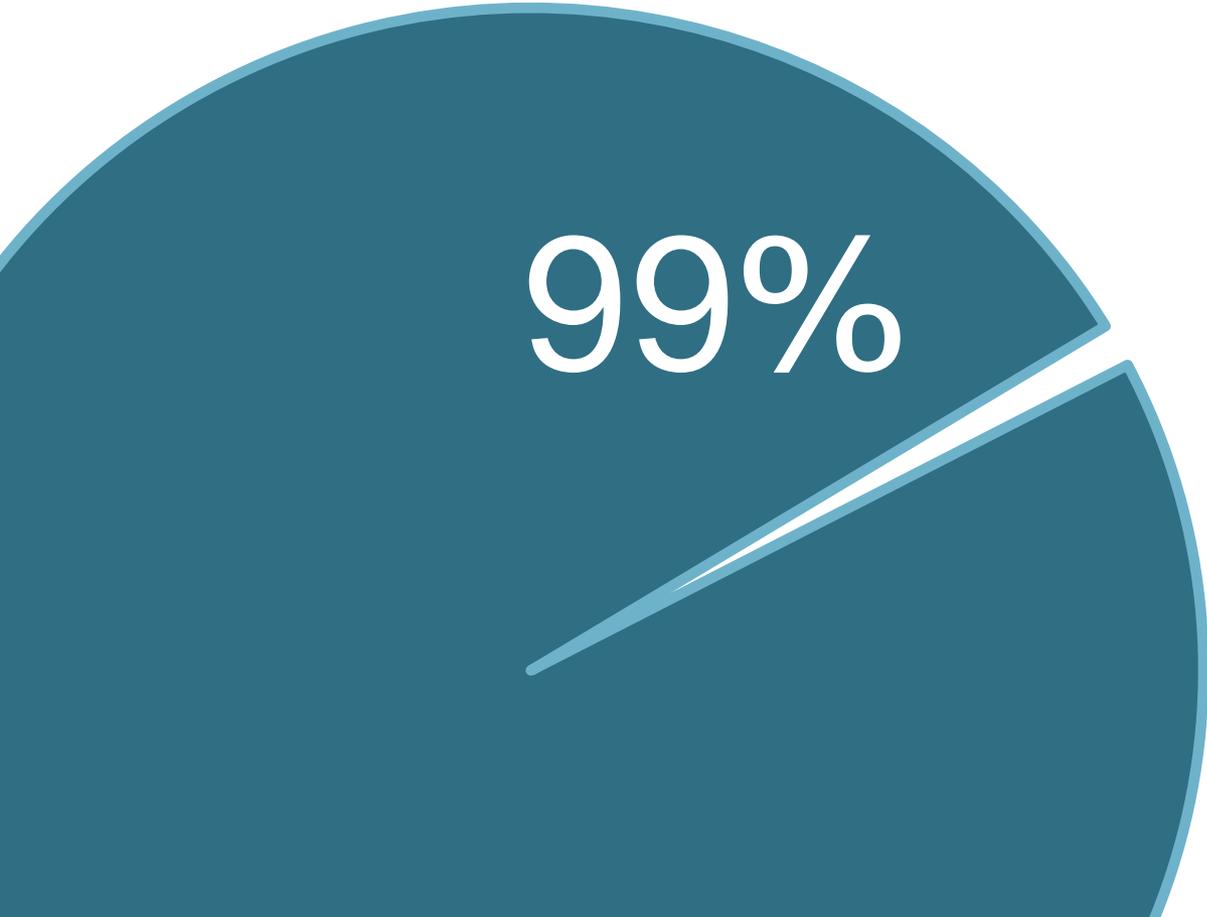


Engagement marketing



Engagement marketing

is marketing for the *other* 99%

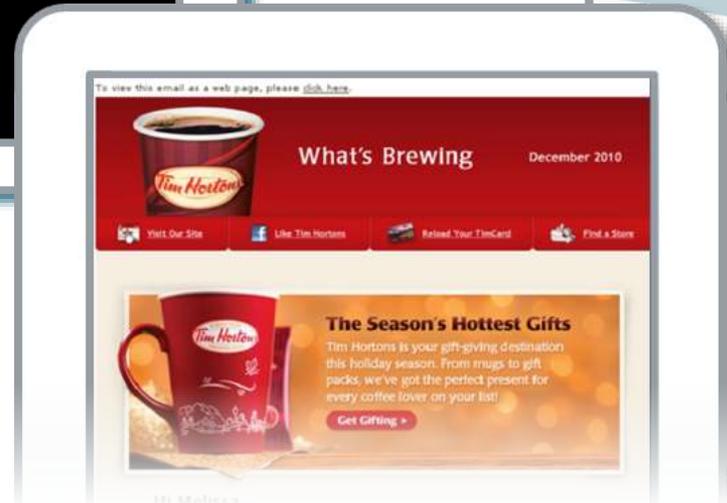
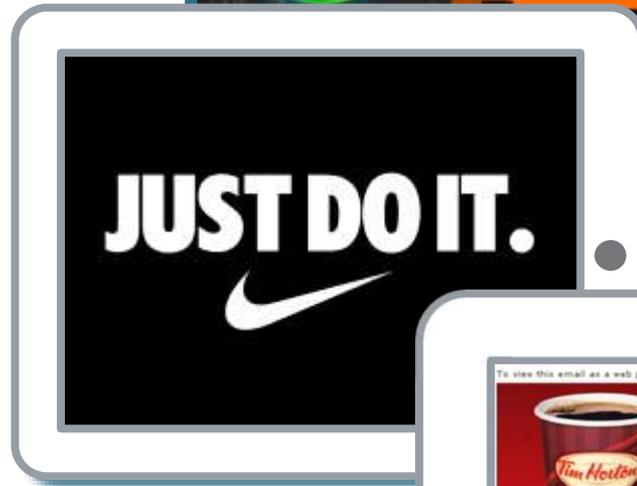


99%



Credit union marketing isn't

- Color schemes
- Catchy slogans
- Super Bowl ads
- “Pretty” emails



Credit union marketing

is

Nurturing relationships



Delivering on your promise



Getting measurable results





Marketing | **Goals & objectives** | 4 pillars | Next steps

Marketing **goals**

Reach new customers, donors

Drive repeat business

Nurture leads and relationships

Engage members, advocates,
volunteers

Increase loans, accounts, revenue

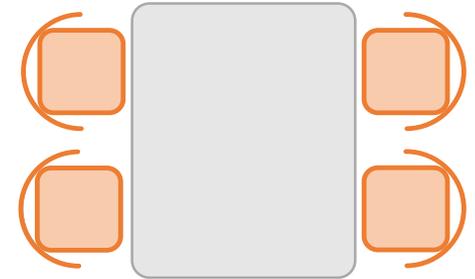
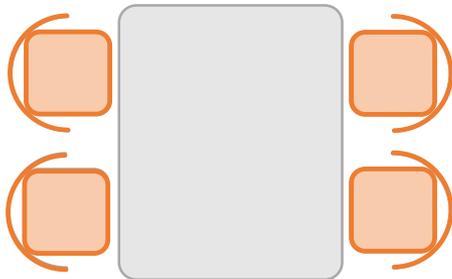
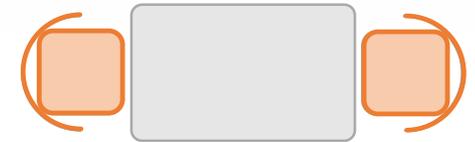
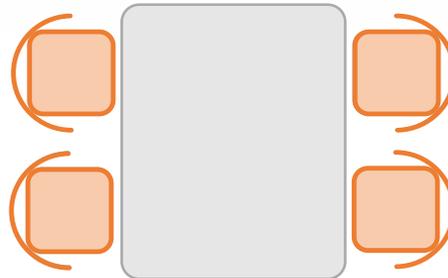
Get more specific with **objectives**

Drive new car loans this month

Deliver content to members

Fill seats at a financial workshop

Get more specific with **objectives**



Fill 25 seats at July's financial workshop

Is it a good objective?

Three questions to ask

1

Will achieving this objective help us better serve our community and our members?

2

Is this objective attainable?

3

How will I measure it, or my progress towards it?



Marketing | Goals & objectives | **4 pillars** | Next steps

**Getting found &
discoverability**

**Engage &
nurture
relationships**

**Campaigns that
drive action**

**Analytics &
making
decisions**

Getting found & discoverability

Engage & nurture relationships

Campaigns that drive action

Analytics & making decisions



Mobile



Search & SEO



Social



Listings

Getting found & discoverability

Engage & nurture relationships

Campaigns that drive action

Analytics & making decisions



Mobile



Engagement marketing



List growth & management



Loyalty



Permission and compliance



Search & SEO



Social



Listings

Getting found & discoverability



Mobile



Search & SEO



Social



Listings

Engage & nurture relationships



Engagement marketing



List growth & management



Loyalty



Permission CAN-SPAM compliance

Campaigns that drive action



Newsletters & Announcements



Feedback & Surveys



Offers & Promotions



Events & Registration

Analytics & making decisions

Getting Found & Discoverability

 Mobile

 Search & SEO

 Social

 Listings

Engage & Nurture Relationships

 Engagement marketing

 List growth & management

 Loyalty

 Permission CAN-SPAM compliance

Campaigns That Drive Action

 Newsletters & Announcements

 Feedback & Surveys

 Offers & Promotions

 Events & Registration

Analytics & Making Decisions

 Results & reporting

 Analytics – “so what?”

 Adjustment and iteration

 Hypothesis testing

Getting Found & Discoverability

Engage & Nurture Relationships

Campaigns That Drive Action

Analytics & Making Decisions



Mobile



Engagement marketing



Newsletters & Announcements



Results & reporting



Search & SEO



List growth & management



Feedback & Surveys



Analytics – “so what?”



Social/Community



Loyalty



Offers & Promotions



Adjustment and iteration



Listings



Permission CAN-SPAM compliance



Events & Registration



Hypothesis testing



Marketing | Goals & objectives | 4 pillars | **Next steps**

This is important

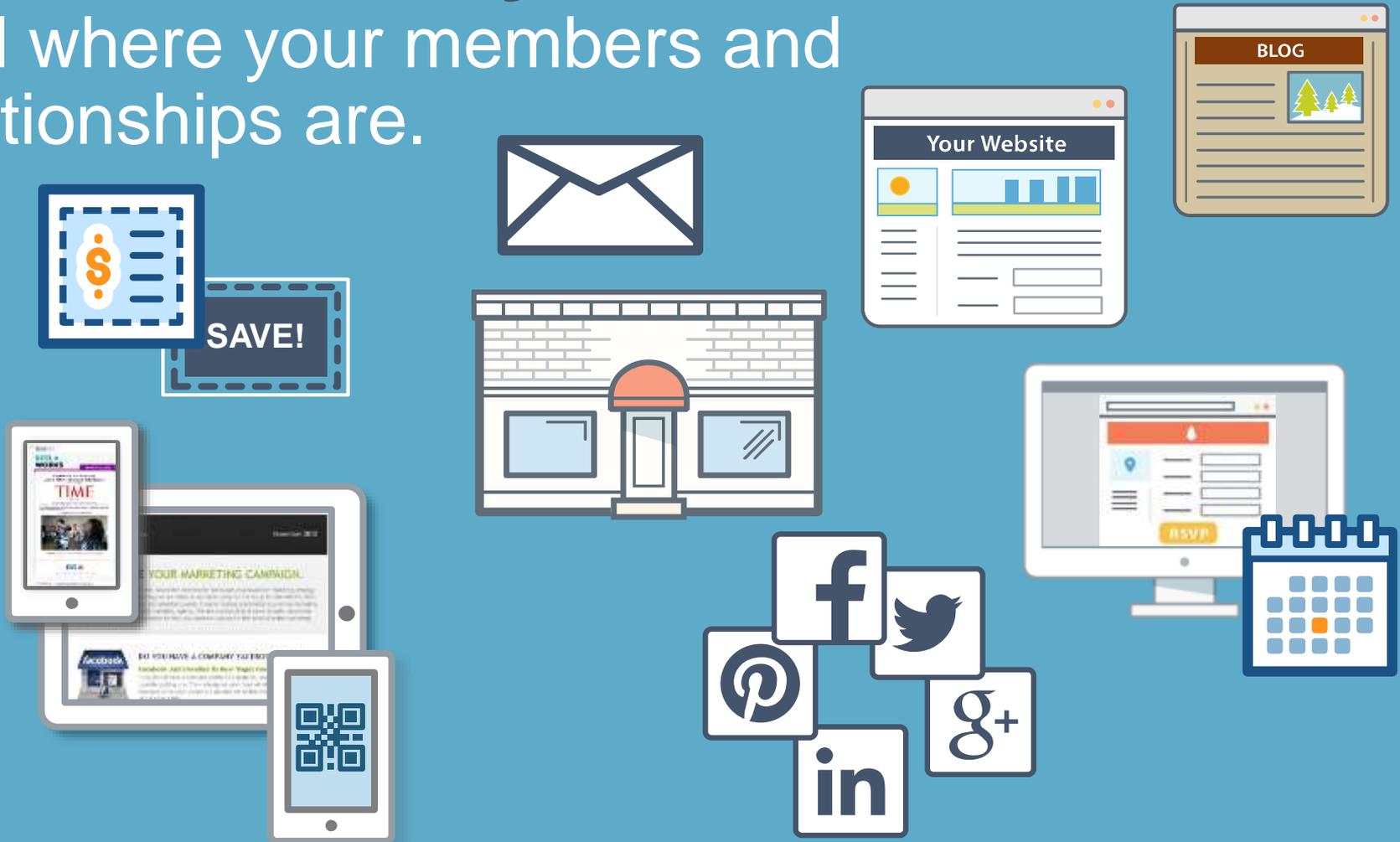


You *can* do this!



Start where you are

And where your members and relationships are.



Debi Pfitzenmaier



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