

CAB Rule Committee Meeting Notes

Zoom Conference October 01, 2020.

Meeting began at 1:35 p.m. Pacific Time

In Attendance:

Committee Members

Mark Case, Washington State Collection Agency Board Member – Industry member

Scott Kinkley, Washington State Collection Agency Board Member – Public member

David Reid, Director of government affairs and regulatory policy for the Receivables Management Association.

Kevin Underwood, Collection attorney, Linebarger Goggan Blair & Sampson –Gig Harbor, WA

Kirk Miller, Consumer Rights Attorney- Spokane, WA

Sam Leonard, Consumer attorney – Seattle, WA

Andy Madden, ACA International vice president of government and state affairs.

Program Staff

Grace Hamilton, Investigator 3

Kathe McDaniel, Assistant Administrator

Rick Storvick, Administrator

Elizabeth Lagerberg, Assistant Attorney General, Board Advisor

- Mr. Storvick covered the purpose of meeting as well as provided background for the 2 documents providing proposed language submitted by Mr. Underwood and Mr. Kinkley.
- Mrs. McDaniel shared a timeline with specific goals for this working meeting and goals for next week's rules committee meeting.
- Committee members discussed and compared proposed language for the definitions of "virtual home office" and "remote work". Out of this discussion, committee members shared various insights/concerns of topics that were sparked by their purposefully dialogue. To address the observed considerations, the following actions came out of committee:
 - Mr. Kinkley and Mr. Underwood have agreed to draft language with an understanding that:
 - Remote employees will be located a reasonable distance from a licensed location (50 miles) and within the United States.
 - This draft language may include additional definitions and will be provided to the committee at the next meeting.
 - Mr. Case and Mr. Miller will partner their efforts to focus on:
 - Agreement on what needs to be addressed when referencing "employee". Some thoughts shared are listed below:

- Who can work “virtually”? What terms and conditions are important? Length of employment service requirement?
 - Definition for “eligible” employee.
 - Draft language to be provided for committee review at next meeting.
- Committee members also reviewed proposed language regarding Data Security requirements for an “at home worker” or “virtual worker”. Dynamic discussion ranging from perspective of consumer, employee and employer. Committee reviewed existing data security language developed by RMAI in-conjunction with the FTC. Mr. Reid provided background on the development of these data security requirements including a historical perspective of use across various industry. The committee displayed interest in utilizing some of this language as a solid foundational start.
- Mr. Underwood and Mr. Reid will work as a team to champion this effort.
 - Draft proposed language and provide to the committee at the next meeting.
 - Include employee separation steps to secure data?
 - DOL staff will provide additional information from the IT Data Security expert
 - DOL will coordinate a review of drafted language with DOL data security SME
- Question to consider: Will employees be able to work virtual in the future, or is this specifically limited to the event of a natural disaster/pandemic?
- PARKING LOTT ITEM:
- Should these types of data Security requirements become rule for all Collection Agencies (not just for virtual work from home)?
- Public Comment & Guest:
- Mr. Matt Geyman inquired into the development of the proposed data security language cited in RMAI and FTC. He also asked if we knew roughly how many Collection Agencies utilized this security protocol. Mr. Reid provided the requested information.
 - Ms. Amy Teng attended, no comment.

October Meeting Schedule: All Times Pacific Time

- Thursday, October 8th- 12:30 p.m. to 2:30 p.m.
- Thursday, October 15th- 12:00 p.m. to 2:00 p.m.
- Thursday, October 22nd- 12:00 p.m. to 2:00 p.m.

