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FLOURISH

BY REBECCA ROMERO

"Well-executed leadership is less about marching to your own beat and more about creating a well-choreographed team play."

Remember that childhood game follow-the-leader where one person directed, and the others walked in line? Well, it was not a favorite of mine, and I could never quite pinpoint why.

As I've moved forward in my career, I realized what bothered me: The leader in that game dictated the path, and others blindly followed suit. There was no room for creative collaboration or team dynamics. It was cut and dry: Either you were a leader and got to call the shots, or you were a follower and had to step in line.

That approach doesn't line up at all with the reality of true leadership. A good leader listens and learns from their team, becoming stronger not by managing singularly, but by evolving concepts and direction based on group input. Leaders know that each individual's strengths complement their own. Well-executed leadership is less about marching to your own beat and more about creating a well-choreographed team play.

That's why I'm heartened this month as I look at our second-annual 40 Under 40 awards. These young professionals have the expertise that makes them distinct from one another, but they share a common quality: They are rising leaders. They are strengthening the nature of community banking by bettering themselves, their teams and their organizations. And, they are doing it with gusto — by focusing on coming together for a greater good, for the strength of their communities. This contagious enthusiasm is also why I look forward to our LEAD FWD Summit each year. As of this writing, we're not certain if this year's event in September will take place in-person

or virtually. But we do know it will continue to assemble ambitious, results-oriented community bankers as they expand their leadership journeys. Young professionals recognize LEAD FWD as the key event at which to learn the strategies and insights that will shape the future of community banking.

As we look to the future, we're still faced with a world of uncertainty, courtesy of COVID-19. Yet, despite the challenges over the past few months, we have led our communities toward prosperity. By going beyond what's required of us in navigating the Paycheck Protection Program (PPP) and disbursing Economic Impact Payments (EIPs), we have dug deep in supporting our communities. From blood drives and business donations to loan forgiveness and the renegotiation of contract terms, community banks have supported their customers in creative ways.

That's because we advance our communities not by controlling the path, but by ensuring our customers' voices are heard. They know they can rely on us when it's most needed. I'd say that's the sign of a true leader. ✦

Connect with Rebeca @romerorainey





RISING LEADERS

BY NOAH WILCOX

“Our decisions go far beyond dollars and cents and extend to finding ways to contribute to the greater good.”

In my senior year in college, I took a business law class that doled out a daunting assignment: Put a stake in the ground and say where you’re going to be at age 35 and how you’re going to get there. At that time, I was pretty unsure how my career would unfold, but I guess instinct kicked in, and I wrote about becoming president and CEO — and possibly chairman — of our family bank. Well, I wasn’t chairman at 35, but I was president and CEO, which speaks directly to what planning, drive and determination can do.

Yet, while that exercise may have set the wheels in motion for my career as a community banker, having the opportunity to work side-by-side with my grandfather is what clinched it. At a pretty young age, my grandfather instilled in me an understanding not of what we do as community bankers, but why we do it. I can remember being eight years old and going on collection calls with him, and they were compassionate, trying to help people who were struggling to pay their bills. Through his example, he taught me that community banking is about taking care of people — the

families in our community. That personal connection to something bigger than myself was vital to me “coming home” to the community bank.

The sheer amount of passion and compassion that goes into community banking makes for a pretty unique business model, one I daresay we’ve all been balancing lately with COVID-19. In today’s landscape, that foundation my grandfather set remains all the more important to helping our communities get back to vibrancy. We’re still running businesses, but for all of us, our decisions go far beyond dollars and cents and extend to finding ways to contribute to the greater good.

And I see that same spirit of practical altruism reflected in the young leaders emerging today. You need look no further than this month’s 40 Under 40 awards to see community bank leaders growing to become the anchors of communities that they will help to evolve and flourish in the coming years.

Generationally speaking, I feel like we’re getting back to our roots. My grandfather, a proud part of the Greatest Generation, set the stage for me, but we are standing on the precipice of difficult times once again. This generation of emerging leaders brings a new level of humanity and activism to their work, so let’s continue to inspire them to act for the greater good, just as my grandfather did for me.



Noah Wilcox

My Top Three

My top pieces of advice for rising leaders:

1. Roll up your sleeves and help out your staff; it’s about the collective team.
2. Find a mentor to inspire you.
3. Balance business with humanity. ✨

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Upcoming Webinars

Jul 1 2020	Growth & Transformation Series: Digital Marketing Strategies: What's Working in 2020?
Jul 7 2020	HR Compliance: Lessons Learned from Massive HR Failures
Jul 8 2020	Annual Training for the Branch: BSA, Identity Theft & Regs CC, D, E & DD
Jul 9 2020	Top 10 Consumer Loan Documentation Mistakes
Jul 13 2020	Completing the TRID Closing Disclosure Line-by-Line
Jul 14 2020	Audit & COVID-19: A CFO Roadmap
Jul 15 2020	HMDA: Still a Four-Letter Word?
Jul 16 2020	Regulation E Myth Busters
Jul 22 2020	Responding to Garnishment & Levy Demands
Jul 23 2020	Call Report Basic Lending Schedules: Coding, Classifications & Loan Loss Allowance
Jul 28 2020	Beneficial Ownership Rules for Business Accounts & Loans
Jul 29 2020	Lending to Self-Employed Borrowers
Jul 30 2020	Handling Consumer Complaints & Disputes
Aug 4 2020	Maximizing Recoveries on Charged-Off Loans
Aug 5 2020	Advanced CTR Training: Beyond the "Textbook"
Aug 6 2020	Fundamentals of IRA Beneficiary Designations & Distributions, Including SECURE & CARES Act Implications
Aug 11 2020	Fair Lending & COVID-19: Strategies for Maintaining Compliance
Aug 12 2020	Growth & Transformation Series: Leveraging LinkedIn for Lenders
Aug 13 2020	Cyber Series: Layered Cybersecurity: Finding the Best Strategy for Your Bank
Aug 18 2020	Effective & Compliant Pre-Employment Background Checks
Aug 19 2020	Collections & Right of Set Off in Commercial Lending
Aug 20 2020	Opening Business Accounts: Entities, Documentation, Authority & Regulatory Requirements
Aug 25 2020	Advanced IRA Beneficiary Issues: Death Distributions, Trusts & Successors, Including SECURE & CARES Act Implications
Aug 26 2020	Cutting-Edge Consumer Payments: Beyond PayPal & Venmo
Aug 27 2020	Liability with ACH Death Notification Entries (DNEs) & Reclamations

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EXAMINERS TO INCREASE FOCUS ON OPERATIONAL RISK IN COVID-19 PANDEMIC

BY ROBERT MENDEZ
VICE CHAIRMAN, BANKONIT



CBA Endorsed Partner

Through the lens of the COVID-19 pandemic, federal and state regulators on June 23 jointly issued guidance that outlines supervisory principles for financial-institution examiners.

Some areas of examination, including Asset Quality and Income & Liquidity, reflect special considerations to help banks navigate this unprecedented event. As evidence, the direction to examiners shows leniency from normal standards — “examiners will not criticize” and “institutions may allow borrowers affected by the pandemic to defer payment. ...”

Bankers should note that there is no such leniency in the direction on Operational Risk, which regulators tag as heightened because of the pandemic. And, Operational Risk continues to be a component of the Management rating in the CAMELS rating system.

“Rapid changes in operational processes [including extensive work-at-home rollouts] and increasing fraud and cyber threats may result in a heightened operational risk environment,” the interagency guidance document reads.

The report notes that these modifications stress banks’ change-management processes and may require internal controls to evolve in response.

The guidance lays out these areas of operational risk where banks can expect more examiner focus on how management is assessing and implementing effective controls:

Vendor controls and service-delivery capabilities;

- Fraud and cyber threats;
- Remote work and teleconferencing;
- Cost-cutting, staffing and delayed updates.

Here’s a breakdown:

Vendors

“Examiners will also review how management has assessed institutions’ third parties’ controls and service delivery capabilities post-crisis.”

Cybersecurity

“Examiners will assess actions management has taken to adapt fraud and cybersecurity controls to manage heightened risks related to the adjusted operating environment.”

Remote Work and Teleconferencing

“Examiners should review the use of remote work technologies and teleconferencing systems for work-at-home arrangements, along with

elimination of physical controls present in many office environments.”

Cost-Cutting, Staffing and Delays

“Examiners will consider the impacts on the control environment from instances of imprudent cost cutting, insufficient staffing, or delays in implementing needed updates in their assessment of the institution.”

Collectively, the Operational Risk guidance confirms that regulators will be focusing on cybersecurity, pandemic planning and vendor management — all with a focus on assessing an institution’s ability to continue delivering financial services to customers. ✱



Robert Mendez

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NEW CORONAVIRUS LAW PROVIDES RETIREMENT PLAN AND HEALTH CARE RELIEF

BY JEN BASSETT

With virtually every part of the U.S. economy facing unexpected financial challenges from the coronavirus (COVID-19) pandemic, Congress has passed the largest relief package in U.S. history. Signed into law on March 27, 2020, the Coronavirus Aid, Relief, and Economic Security (CARES) Act is designed to assist the millions of Americans affected by the outbreak. The legislation has multiple provisions that affect retirement and health savings arrangements.

Retirement Savings Provisions

Most financial experts advise against using assets that have been set aside for retirement. But many individuals may have to do just that in order to supplement their income. The following provisions are intended to help individuals access their IRA and retirement plan assets and to replenish those assets later on.

- New coronavirus-related distributions (CRDs). Individuals may withdraw up to \$100,000 in aggregate from eligible retirement plans without paying the 10% early distribution penalty tax.
 - o A CRD is defined as a distribution made on or after Jan. 1, 2020, and before Dec. 31, 2020, to a qualified individual, defined as:
 - An individual (or the spouse or dependent of the individual) who is diagnosed with the COVID-19 disease, also called the SARS-CoV-2 virus, in an approved test; or
 - An individual who experiences adverse financial consequences as a result of being quarantined, being furloughed or laid off or having work hours reduced due to such virus or disease, being unable to work due to lack of child care due to such virus or disease, being forced to close or reduce hours of a business owned or operated by the individual due to such virus or disease, or other factors as determined by the Treasury Secretary.

The CARES Act clarifies that employers may rely on participants' certification that they meet the CRD requirements.

- o An eligible retirement plan is defined as a qualified retirement plan (e.g., a 401(k) plan), 403(b) plan, governmental 457(b) plan, or an IRA.
- o CRDs will meet the retirement plan distribution requirements, as long as all distributions from one employer do not exceed \$100,000.
- o Individuals may repay CRDs over three years beginning with the day following the day a CRD is made. Repayments may be made to an eligible retirement plan or IRA.
- o CRD repayments made within the three-year period will be treated as having satisfied the general 60-day rollover requirement.
- o CRDs will be taxed ratably over a three-year period, unless an individual elects otherwise.
- o Although CRDs may be rolled over, they are not considered "eligible rollover distributions" for certain purposes. Employers are not required to offer a direct rollover option. Employers are also not required to withhold 20% on a CRD or provide a 402(f) notice, which explains the tax and rollover options required by IRC Sec. 402(f).
- Waiver of RMDs in — or for — 2020. Financial markets have taken a hit in the wake of the coronavirus outbreak. To help savers retain more in their retirement accounts, the CARES Act waives the required minimum distribution (RMD) in 2020 for plan participants, IRA owners, and beneficiaries.
 - o RMDs normally required to be taken for 2020 are waived.
 - o This waiver also applies to individuals who turned 70½ in 2019 but who did not take their first RMD before Jan. 1, 2020. In the absence of additional relief, the next RMD for those individuals must be taken by Dec. 31, 2021.

CORONAVIRUS

Although the CARES Act represents the largest relief package in U.S. history, there may be more to come.

- o For purposes of counting the five-year period for beneficiary distributions, 2020 is disregarded and one year is added to the remaining period. For example, for deaths occurring in 2019, the five-year period in which the inherited assets must be distributed will end on Dec. 31, 2025, instead of on Dec. 31, 2024.
- o A distribution that is taken in 2020 — but that is not an RMD because of the waiver — may be rolled over to another eligible retirement plan or to an IRA within 60 days of the distribution. Though such distributions may be rolled over, they are similar to CRDs in that they are not treated by employer plans as eligible rollover distributions for purposes of the 20% mandatory withholding, the 402(f) notice, or the direct rollover requirements.
- Increased maximum plan loan amount. The retirement plan loan maximum for a qualified Individual (defined as meeting the COVID-19 conditions described previously) is increased to the lesser of \$100,000 or 100% of the participant's vested balance. This increased amount applies to loans made during the 180-day period beginning on March 27, 2020.
- Delayed plan loan repayment date. Retirement plan loan repayment dates that occur between March 27, 2020, and Dec. 31, 2020, can be delayed for one year, with the amortization period — including the five-year repayment deadline — adjusted accordingly.
- Funding relief for defined benefit plans. For single-employer defined-benefit pension plans, the minimum required contributions due during 2020 can be delayed to Jan. 1, 2021 (adjusted for interim earnings). Employers also have an option to use an alternative funding target percentage.
- Expanded DOL authority to postpone certain deadlines. In addition to taking action in response to a disaster or terroristic threat, the DOL may now postpone certain

deadlines under ERISA if a public health emergency (like the COVID-19 pandemic) occurs.

- Amendment guidance. Plan sponsors generally must amend their retirement plans for these provisions by the last day of the 2022 plan year (government plans have an additional two years), or such other date as the Treasury Secretary may prescribe, with operational compliance during the interim period.

Health-Related Provisions

- Allowable Services. Health insurance plans can pay for telehealth and remote care services without first requiring an individual to satisfy a deductible. Such payments will be deemed not to violate existing HSA requirements. This relief applies to plan years that begin on or before Dec. 31, 2021, and promotes diagnosis and treatment while helping individuals avoid possibly risky in-person contact.
- New qualified medical expenses. Certain medicines or products do not need to be a "prescription" to be qualified medical expenses for HSA, HRA, MSA, and health FSA purposes. The CARES Act specifically includes over-the-counter menstrual care products.



Jen Bassett

Although the CARES Act represents the largest relief package in U.S. history, there may be more to come. Government officials have stated that more relief will be available if needed. For now, the CARES Act should help many Americans get some of the financial relief that they desperately need. We are closely reviewing the CARES Act and other possible COVID-19 guidance. Visit ascensus.com for the latest information and developments. ✨

DOCUMENTING PANDEMIC RESPONSES FOR CRA CREDIT

BY WILLIAM J. SHOWALTER, CRPM, CRP
SENIOR CONSULTANT, YOUNG & ASSOCIATES, INC.



CBA Associate Member

The Federal Deposit Insurance Corporation (FDIC), Federal Reserve Board (FRB), and Office of the Comptroller of the Currency (OCC) issued a “Joint Statement on CRA Consideration for Activities in Response to COVID-19” on March 9, 2020. The agencies state that they recognize the potential for the coronavirus disease, COVID-19, to adversely affect the customers and operations of financial institutions.

The OCC also issued separate pronouncements about financial institutions documenting their participation in the Small Business Administration’s (SBA) Paycheck Protection Program (PPP).

Joint CRA policy statement

Consistent with the Joint Statement on CRA Consideration for Activities in Response to COVID-19, the agencies:

- Encourage financial institutions to work with affected customers and communities, particularly those that are low- and moderate-income (LMI), and
- Clarify that they will provide favorable consideration under the Community Reinvestment Act (CRA) for certain retail banking services, retail lending activities, and community development activities related to this national emergency

Banks and thrifts have come up with many ways to continue to serve the financial needs of their communities while dealing with state stay-at-home regimes, as well as implementing prudent measures to deal with health-related concerns. Among the efforts to navigate these difficult times are:

- Closing public lobbies, while promoting use of drive-through facilities, ATMs, online banking, mobile applications, and limited lobby access by appointment
- Reducing fees and penalties related to customer deposit accounts
- Working with borrowers experiencing pandemic-related financial difficulties by modifying or extending their loans or deferring payments
- Participating in the SBA’s PPP loan program

In order to receive appropriate CRA “credit” for pandemic-related activities to assist their customers and communities, banks and thrifts should be sure to track and document what they have done, who it benefitted, and other relevant information. Extensive narratives are not necessary, but a written record that gives a good picture of what has been done should be kept.

The agencies said that the joint statement will be effective through the six-month period after the national emergency declaration is lifted, unless extended by the agencies.

The FDIC’s Financial Institution Letter (FIL), with the Joint Statement attached, is available at <https://www.fdic.gov/news/news/financial/2020/fil20019.html>.

OCC on PPP participation

The OCC issued two bulletins in late April regarding loans made by national banks and federal savings associations under the SBA’s Paycheck Protection Program (PPP). OCC Bulletin 2020-45 rescinded and replaced 2020-44 two days later, and clarified the voluntary nature of documenting bank involvement. The OCC states that the PPP loan program is an important part of the federal COVID-19 response program for small business and may qualify for credit on behalf of banks and thrifts under the CRA.

This bulletin is directed to national banks and federal savings associations, but the information may be of interest to, and could benefit, any bank or thrift, regardless of which supervisory agency examines them.

While not requiring banks to obtain or maintain information beyond what is generated or exists in the ordinary course of business, the OCC is encouraging banks providing loans under the SBA PPP to:

- Prudently document their implementation and lending decisions, and
- Identify and track the PPP loans made to small business borrowers that have annual revenues of \$1 million or less and are located in low- to moderate-income (LMI) areas



The OCC notes that banks may accept applications from both existing small business customers and applicants who are not current loan customers as part of the PPP. When working with all applicants, in addition to following the SBA PPP program requirements, national banks and thrifts are encouraged by the OCC to collect and track information provided during the application process regarding borrowers' annual revenue, and for loans made in LMI census tracts, distressed areas, and underserved areas, and that benefit LMI individuals, families, and communities.

The agency sees maintaining and monitoring this information, where available, in the administration of the SBA PPP as a prudent banking practice consistent with the principles of safety, soundness, fair access and fair treatment of borrowers. The OCC also points out that this information may be used to track loan volumes for CRA purposes, as discussed in the Joint Statement on CRA Consideration for Activities in Response to COVID-19, discussed above.

Prudent practices may also include documenting implementation decisions when setting eligibility criteria, establishing processes for considering applications, and approving or denying PPP applications. These decisions might include issues such as the bank's business justifications and any alternatives considered for eligibility, consideration, and approval of applications. In addition, relevant business considerations may include estimates of resources needed to implement and offer the SBA PPP, current available resources (including staff resources), and the ability to access needed information about an applicant in a timely way, among other factors.

The OCC also encourages banks and thrifts to identify and track PPP loan volumes. Such documentation enhances overall credit risk management while enabling the bank to demonstrate the full spectrum of businesses served, including small businesses and those in LMI areas. When exercising supervisory and enforcement responsibilities in this area, the OCC will take into account the unique circumstances resulting from the national emergency and good faith efforts to comply with applicable

Banks may accept applications from both existing small business customers and applicants who are not current loan customers as part of the PPP.

legal requirements. Documentation of these issues can help write the bank's own story of its participation in the PPP program, and inform regulatory assessment of that involvement.

OCC Bulletin 2020-45 is available at <https://www.occ.gov/news-issuances/bulletins/2020/bulletin-2020-45.html>, and OCC Bulletin 2020-19 (with the Joint Statement mentioned above) may be accessed at <https://www.occ.gov/news-issuances/bulletins/2020/bulletin-2020-19.html#>. ★



William J. Showalter

William J. Showalter, CRCM, CRP is a senior consultant with Young & Associates, Inc. (www.younginc.com), with over 35 years' experience in compliance consulting, advising and assisting financial institutions on consumer compliance and compliance management issues. He also develops and conducts compliance training programs for individual banks and their trade associations, and has authored or co-authored numerous compliance publications and articles. Bill can be reached at (330) 678-0524 or wshowalter@younginc.com.

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*Weighted averages based on 2020 BHG borrower characteristics.



6 DIGITAL BANKING BEST PRACTICES DURING THE COVID-19 OUTBREAK

BY STEVE KENT



CBA Associate Member

As the financial industry navigates the uncertainty of the COVID-19 pandemic, one thing is clear: digital banking has never been more important to financial institutions and their customers.

While digital channels like mobile banking apps have always offered convenience, they now offer physical safety as well. With a digital approach to these extraordinary circumstances, banks and their customers can rest assured that social distancing does not mean financial isolation. Here are six best practices your institution can use to encourage and enhance digital banking channels, given the unprecedented nature of COVID-19.

Regularly Update Customers on Hours and Closures

Banks should consistently post accurate location hours on their website and other digital channels. The most effective strategies leverage custom messaging like texts to keep customers informed about branch closures, changes to hours, updates in services and operations or anything else related to COVID-19.

Enable Self-Enrollment

Given the high demand for digital banking during this period, it is beneficial to ease the enrollment process. Encouraging self-enrollment in digital banking services allows customers to enroll in and begin using these

banking services without visiting a branch or overwhelming your call staff.

Emphasize Your Digital Banking Services

Banks can and should use social media, messaging on their website and other available channels to educate customers about the many benefits of digital banking. These messages can remind an institution's entire customer base that they can bank safely from home with services like ApplePay/AndroidPay, mobile deposit, bill pay, P2P payments and account transfers.

Provide Free Mobile Deposits

Banks that are currently charging a fee for mobile deposits should consider making this a free service during the pandemic to further encourage customers to stay home and meet deposit needs.

Raise Mobile Deposit Limits

Raising mobile deposit limits encourages deposits through remote channels, which also decreases the need for your customers — both consumers and businesses — to make deposits in person.

Implement Methods to Request Skipping Payments

For financial institutions considering flexibility on payments, custom forms can

be used to create a method for customers to request skipping payments. Allowing customers flexibility on payments through digital channels like a banking mobile app can alleviate undue stress during an overly stressful time.

COVID-19 changed many aspects of society almost overnight, and led many to worry about both physical and financial health. Fortunately, digital banking is the perfect tool to maintain a sense of normalcy despite abnormal circumstances. Following these practices enables financial institutions to stay ahead of the uncertainty and deliver a sense of calm in the storm.

Check out this CSI video for additional tips to help your institution adjust to this evolving situation and serve your customers through digital banking channels. ★



Steve Kent

Steve Kent is senior director, Digital Strategy, at CSI.

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***Asterisk** represents an agreement for a specific endorsed product with that company. Not all products that these companies offer are endorsed by CBA. To see a detailed list and explanation of endorsements, visit CBA online at www.cbak.com.

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