

## Nebraska Collection Agency Licensing Board

### Guidance Document 20-01: Remote Work for Solicitors of a Licensed Collection Agency.

*This guidance document is advisory in nature but is binding on an agency until amended by such agency. A guidance document does not include internal procedural documents that only affect the internal operations of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules and regulations made in accordance with the Administrative Procedure Act. If you believe that this guidance document imposes additional requirements or penalties on regulated parties, you may request a review of the document.*

- 1) As a result of the novel coronavirus, many businesses, including licensed collection agencies, have employees working from home to inhibit the spread of the virus and keep its employees safe and healthy.
- 2) Collection Agencies licensed in Nebraska have inquired whether certified solicitors are required to work at the regular office of the licensed entity, or licensed branch office.
- 3) The Board considers it important to clarify the requirements for an office location for Nebraska licensees and requirements for the solicitors working for the licensee.
  - a) Neb. Rev. Stat. § 45-607(2) requires licensees to keep and maintain a regular office in Nebraska where it keeps complete records of collections and claims handled by the licensee for creditors or debtors residing in Nebraska.
  - b) Neb. Rev. Stat. § 45-609 requires a licensee to display its license certificate in its principal place of business.
  - c) 433 NAC 2-010 defines the minimum requirements for a “regular office” to be (1) a physical location, (2) where a manager, officer, employee, or agent of the agency (3) maintains regular business hours or other hours as posted in public view, and (4) where the actual document records are stored or there is access to electronically stored documents of all collections and claims involving clients or debtors in Nebraska.
  - d) Solicitors must be certified by the Board before they can solicit and handle accounts for the licensee. Neb. Rev. Stat. § 45-610.
- 4) The requirements for a licensee to conduct collection business in Nebraska do not require that solicitors work in the “regular office”, principal office, or branch office of a licensee.

The Board issues the following guidance for collection agencies licensed in Nebraska:

- A. Provided that a licensee continues to comply with the above-referenced requirements, its solicitors are not required to work at the regular office, principal office, or branch office of the licensee. Solicitors may work remotely, from home, if their licensee-employer is able to maintain the statutory and regulatory requirements for licensure in Nebraska.

The Board encourages and recommends licensees adopt best practices policies for compliance with state and federal law, confidential information and data protection, and other necessary security measures for employees who work from home. This could include, but not be limited to, IT equipment and data security used or accessed by employees working from home, sufficient monitoring practices to ensure compliance by employees at home, and data security training for employees while at their home.

Dated this 2<sup>nd</sup> day of July, 2020.