EXPEDITED FUNDS AVAILABILITY ACT CHECKLIST

	Yes	No
Operations		
Date of Deposit		
1. Does the credit union have a cut-off, for receipt of deposits, of 2 p.m. or later for offices and 12 noon or later for ATMs? [§ 229.19(a)(5)(ii)]	_____	_____
2. Does the credit union consider every day except Saturday, Sunday, or Federal Holidays, as a "business day"? [§ 229.2(g)]	_____	_____
3. Does the credit union consider as a "banking day," only those business days upon which an office of the credit union is open for substantially all of its business? [§229.2(f)]	_____	_____
4. Does the credit union consider a deposit to be made:		
a. on the date it is received by the credit union either by mail, over the counter or at ATMs? [§§229.19(a)(1)and (2)]	_____	_____
b. when the deposits are removed from the night depository, lock box, or similar facility and are available for processing? [§ 229.19(a)(3)]	_____	_____
c. as of the date the deposits are removed by the credit union from an off-premise ATM (not within 50 feet of the credit union) that is not serviced more than twice a week? [§ 229.19(a)(4)]	_____	_____
d. on the next "banking day" when the deposit is made on a day that is not a "banking day"? [§229.19(a)(5)(i)]	_____	_____
e. on the next "banking day" when the deposit is received at 2 p.m. or later in credit union offices or 12 p.m. or later at ATMs or off-premise facilities? [§229.19(a)(5)(ii)	_____	_____
5. Does the credit union start its "business day" (for the purposes of funds availability) at the later of 9 a.m. or at the time the credit union's teller facilities (including ATMs) are available for account withdrawals? [§§229.19(b)(1)and (2)]	_____	_____
Required Next Day Availability		

6. Does the credit union make funds deposited on a "banking day" available on the following "business day" for the following types of deposits:

a. Electronic payments? [§229.10(b)] _____ _____
b. Checks drawn on the U.S. Treasury and deposited to the payee's account? [§229.10(c)(1)(i)] _____ _____
c. "On Us" checks or checks that are drawn on and deposited in branches of the same credit union in the same state or check processing region? [§229.10(c)(1)(vi)] _____ _____

7. Does the credit union make funds from the following deposits available no later that the first business day after the day of the deposit, if the deposit is made in person to a credit union employee, or no later than the second business day if the deposit is not made in person to a credit union employee:

a. Cash deposits? [§229.10(a)(1)and (2)] _____ _____
b. U.S. Postal Service money orders deposited in an account held by the payee of the check? [§229.10(c)(1)(ii)] _____ _____
c. Checks drawn on a Federal Reserve Bank or Federal Home Loan Bank deposited in an account held by the payee of the check? [§229.10(c)(1)(iii)] _____ _____
d. Checks drawn by a state or local governmental unit and deposited:

- in an account held by the payee of the check [§229.10(c)(1)(iv)(A)]; _____ _____
- in a depository institution located in the same state as the governmental unit issuing the check [§229.10(c)(1)(iv)(B)]; _____ _____
- in person to an employee of the credit union [§229.10(c)(1)(iv)(C)]; _____ _____
- and accompanied by a special deposit slip or deposit envelope (if required by the credit union to make the funds available on the next business day)? [§229.10(c)(1)(iv)(D)]. _____ _____

The credit union may either provide the special deposit slips or deposit envelopes to its members, or inform its members how the slips or envelopes may be prepared or obtained. Any such slips or envelopes must be readily available. [§229.10(c)(3)(ii)]
e. Cashier's checks, certified checks, teller's checks (as

defined in §229.2) deposited in an account held by the payee of the check when the check is accompanied by a special deposit slip or deposit envelope (if required by the credit union to make the funds available on the next business day)? [§229.10(c)(1)(v)] _____ _____

8. If the credit union requires the special deposit slip or deposit envelope, does it provide it to its members, or inform its members how to prepare or obtain the slips or envelopes? [§229.10(c)(3)(ii)] _____ _____
Are the special deposit slips reasonably available? [§229.10(c)(3)(ii)] _____ _____

9. Does the credit union make available the first $100 of a day's aggregate check deposits not subject to the next-day availability rules, on the next "business day"? [§229.10(c)(1)(vii)] _____ _____

10. Is the $100 in addition to other deposited amounts with required next day availability? [§229.10(c)(1)(vii)] _____ _____

Local Checks and Certain Other Deposits

11. Are funds from deposited local checks generally available no later than the second "business day" after the "banking day" of deposit? [§229.12(b)(1)] _____ _____

12. Does the credit union make funds available no later than the second business day after the date of deposit for the following (if they do not meet the criteria for next-day or second day availability)? [§229.12(b)(2) and (3)]

- Treasury Checks _____ _____
- U.S. Postal money orders _____ _____
- Checks drawn on the Federal Reserve Bank or the Federal Home Loan Bank _____ _____
- Checks drawn by state or local government _____ _____
- Cashier's checks, certified checks or teller's checks _____ _____

13. Are funds deposited by cash or check at a nonproprietary ATM available no later than the fifth business day after the banking day of deposit? [§229.12(f)] _____ _____

14. If a credit union limits cash withdrawals: [§229.12(d)]

a. is the $100 available on the next business day after

the day of deposit for withdrawal in cash or by check? _____ _____

b. is the $400 available for cash withdrawal sometime before 5 p.m. on the second business day after the day of deposit? _____ _____

c. are any remaining funds available for withdrawal the business day after the $400 was made available? _____ _____

Nonlocal Checks

15. Are funds from deposited nonlocal checks generally available for withdrawal no later than the fifth "business day" after the "banking day" of deposit? [§229.12(c)(1)(i)] _____ _____

16. If the credit union is located in a city listed in Appendix B, does it have procedures to make funds for nonlocal checks available on a shorter schedule as required by the Appendix? [§229.12(c)(2)] _____ _____

17. If the credit union limits cash withdrawals: [§ 229.12(d)]

a. is $100 available on the next business day after the day of deposit for withdrawal in cash or by check? _____ _____

b. is $400 available for cash withdrawal sometime before 5 p.m. on the fifth business day after the day of deposit? _____ _____

c. are any remaining funds available for cash withdrawal the business day after the $400 was made available? _____ _____

18. Does the credit union disclose how a customer can distinguish between a proprietary and a nonproprietary ATM in its specific availability policy and disclosure? [§229.16(b)(5)] _____ _____

Extended Holds

Case-by-Case Holds

19. Does the credit union's specific availability policy disclosures indicate that case-by-case holds may be placed? [§229.16(b)(4)] _____ _____

20. When case-by-case holds are placed, does the credit union provide the member with a written notice of the hold? [§229.16(c)(2)(i)] _____ _____

21. Does the notice include:

a. the member's account number? [§229.16(c)(2)(i)(A)] _____ _____
b. the date of the deposit? [§229.16(c)(2)(i)(B)] _____ _____
c. the amount of the deposit that is being delayed? [§229.16(c)(2)(i)(C)] _____ _____
d. the day the funds will be available for withdrawal? [§229.16(c)(2)(i)(D)] _____ _____

22. Does the credit union provide the notice at the time the deposit is made, if the deposit is made to an employee of the depository credit union? [§229.16(c)(2)(ii)] _____ _____

23. If the notice is not given at the time of deposit, does the depository credit union mail or deliver the notice to the member not later than the first business day following the banking day the deposit is made? [§229.16(c)(2)(ii)] _____ _____

24. If the credit union does not provide the notice at the time of the deposit upon extending the time when funds will be available for withdrawal on a case-by-case basis or a reasonable cause to doubt collectibility basis, does it refrain from charging the member overdraft or return check fees if: [§229.13(e)(2) and §229.16(c)(3)]

a. the overdraft or other fee would not have occurred if the deposited check had not been delayed; and _____ _____
b. the deposited check was paid by the paying bank? _____ _____

25. If the credit union does not provide the notice at the time of deposit and charges overdraft fees, does it notify the member of the right to a refund of such fees and how to obtain the refund? [§229.16(c)(3)] _____ _____

a. Does the credit union refund the fees if the conditions listed in question 24 above are met and the member requests a refund? [§229.16(c)(3)] _____ _____

<u>Exception Based Holds</u>

26. When invoking an exception hold for other than new accounts, does the bank provide the member with a written notice which includes:

a. the member's account number? [§229.13(g)(1)(i)(A)] _____ _____

b. the date of deposit? [§ 229.13(g)(1)(i)(B)] _____ _____
c. the amount of the deposit that is being delayed? [§229.13(g)(1)(i)(C)] _____ _____
d. the reason the exception was invoked? [§229.13(g)(1)(i)(D)] _____ _____
e. the time period within which the funds will be available for withdrawal (unless the emergency conditions exception is invoked and the credit union does not know when the funds will become available)? [§229.13(g)(1)(i)(E)] _____ _____

27. Does the credit union refrain from delaying funds availability beyond a reasonable time period? [§229.13(h)(4)] _____ _____

Note: An extension of up to 5 business days for local checks and 6 days for nonlocal checks is reasonable.

Exceptions

New Accounts

28. Does the credit union's definition of a new account comply with the definition under §229.13(a)(2)? _____ _____

Note: If a member has had another account at the credit union within 30 calendar days before opening an account, the member does not qualify for the "new account" exception. [§229.13(a)(2)]

29. Are cash deposits made in person to a credit union employee made available for withdrawal on the first business day following the banking day of deposit? [§229.13(a)(1)(i)] and [§229.10(a)(1)] _____ _____

30. Are cash deposits not made in person to a credit union employee available for withdrawal on the second business day following the banking day of deposit? [§229.13(a)(i)] and [§229.10(a)(2)] _____ _____

31. Are electronic payments (including wire transfers and ACH credit transfers) into new accounts available for withdrawal on the business day following the banking day on which the transfer is received? [§229.13(a)(1)(i)] and [§229.10(b)(1)] _____ _____

32. Is the first $5,000 from any of the following types of

check deposits available for withdrawal from a new account not later than the first business day after the banking day on which the funds are deposited, if the deposit is subject to §229.10(c): [§229.13(a)(1)(ii)]

a. Treasury checks? [§229.10(c)(1)(i)] _____ _____
b. U.S. Postal service money orders? [§229.10(c)(1)(ii)] _____ _____
c. Federal Reserve or Federal Home Loan Bank checks? [§229.10(c)(1)(iii)] _____ _____
d. State or local government checks? [§229.10(c)(1)(iv)] _____ _____
e. Cashier's, Certified and Teller's checks? [§229.10(c)(1)(v)] _____ _____

33. Is the amount of any deposit type listed in question 32 exceeding $5,000 available for withdrawal no later than the ninth business day following the banking day on which funds are deposited? [§229.13(a)(1)(ii)] _____ _____

Large Deposits

34. If the credit union invokes the large deposit rule, does it do so only to that portion of local and nonlocal deposits which in the aggregate exceed $5,000 on any one banking day? [§229.13(b)] _____ _____

35. Does the credit union refrain from applying this exception to deposits made in cash, by electronic payment, or to checks which must receive next day availability under Section 229.10(c)? [Commentary to §229.13(b)] _____ _____

36. Does the credit union provide members with a written notice of the longer delay? [§229.13(g)(1)] _____ _____

Is the notice: [§229.13(g)(1)(ii)]

a. provided at the time of the deposit, when the deposit is received in person by an employee of the bank, or _____ _____
b. mailed on or before the first business day after the day the bank learns of the facts giving rise to the exception? _____ _____

Redeposited Checks

37. Does the credit union refrain from applying the redeposited exception to:

a. checks which are returned due to a missing endorsement and are subsequently endorsed and redeposited? [§229.13(c)(1)] _____ _____

b. checks which were returned because they were postdated, but are not postdated when redeposited? [§229.13(c)(2)] _____ _____

38. Does the credit union consider the day the check was redeposited to be the day of deposit when determining when funds must be made available for withdrawal? [Commentary to §229.13(c)] _____ _____

Repeated Overdrafter Exception

39. Does the credit union lengthen its availability schedule for depositors who have a history of overdrafts? _____ _____

If yes, complete the rest of the section, if no, skip to next section.

Note: A depository credit union may consider a member's account to be repeatedly overdrawn if (1) within the last six months, on six or more banking days, the account balance is negative, or would have been negative had checks or other charges been paid or (2) within the last six months, on two or more banking days, the account balance is negative, or would have been negative in the amount of $5,000 or more had checks or other charges been paid.

40. Is this practice articulated in the credit union's written policy and initial disclosure statement? [§229.16(b)(3)] and [§229.16(a)] _____ _____

41. When the credit union imposes the longer delay period, is the depositor notified of the reason, in writing, at the time of deposit? If not, is a notice mailed on or before the first business day after the day of the deposit or the day the credit union learns of the facts giving rise to the exception? [§229.13(g)(1)(ii)] _____ _____

42. Does the credit union invoke the repeated overdraft exception only when the account balance is negative (or would have been negative had checks or other charges been paid):

a. on 6 or more banking days within the preceding 6

months? [§229.13(d)(1)] or _____ _____
b. on 2 or more banking days within the preceding 6 months, if the amount of any negative balance would have been $5,000 or more? [§229.13(d)(2)] _____ _____

43. Does the credit union return to the normal availability schedule when the account is no longer repeatedly overdrawn? _____ _____

Reasonable Cause to Doubt Collectibility

44. When the credit union invokes a reasonable cause exception, does it provide the member with a written notice of exception at the time the deposit was made, if the deposit was made in person to an employee of the credit union? [§229.13(g)(1)(ii)] _____ _____

45. If the deposit was not made in person to an employee of the bank, or if the hold was placed because of information learned subsequent to the receipt of the deposit, does the credit union mail the exception notice to the member? [§229.13(g)(1)(ii)] _____ _____

46. Does the credit union retain copies of each reasonable cause exception notice, along with a brief statement of the facts which lead to the hold, for a period of 2 years? [§229.13(g)(5)] _____ _____

47. Does the depository credit union refrain from invoking the reasonable cause exception based on the race or national origin of the depositor or the class of the check? [Commentary to §229.13(e)] _____ _____

48. Does the credit union refrain from assessing a fee for any subsequent overdraft, returned check, or other unpaid charge (or advise members of their right to a refund of such fees and refund them upon request) if all of the following are met:

a. the depository credit union extended the availability period based on its belief that the check was uncollectible [§229.13(e)(1)]; _____ _____
b. the depositor was not provided with the written notice required by §229.13(g)(1)at time of deposit [§229.13(e)(2)]; _____ _____
c. the overdraft or return would not have occurred

except for the fact that the deposited funds were delayed [§229.13(e)(2)(i)]; _____ _____

d. the deposited check was paid by the paying bank? [§229.13(e)(2)(ii)] _____ _____

49. Does the exception notice inform the member where to direct a request for a refund of the overdraft fees? _____ _____

Emergency Conditions

50. Does the credit union invoke the emergency conditions exception only in the following circumstances when the credit union has exercised such diligence as the circumstances require: [§229.13(f)]

a. An interruption of communications or computer or other equipment facilities, _____ _____

b. Suspension of payments by another bank, _____ _____

c. War, or _____ _____

d. An emergency condition beyond the control of the credit union when the credit union has exercised such diligence as the circumstances require? _____ _____

51. Does the credit union make funds available for withdrawal no later than a reasonable period after the emergency has ended or within the time period established in Sections 229.10(c) and 229.12, whichever is later? [§229.13(h)(3)] _____ _____

Note: An extension of up to 5 business days for local checks and 6 days for nonlocal checks is reasonable.

52. Does the credit union provide members with a written notice of the delay in a reasonable form and within a reasonable time given the circumstances? [§229.13(g)(4)] _____ _____

53. Does the notice include: [§229.13(g)(4)]

- the reason the exception was invoked, and _____ _____
- the time period which funds are available for withdrawal (unless the credit union does not know, in good faith, at the time the notice is given the duration of the emergency and, when the funds must be made available). _____ _____

Note: The credit union is not required to provide a notice if the

funds subject to the exception become available before the notice must be sent.

Miscellaneous

Calculated Availability – Nonconsumer Transaction Accounts [§229.19(d)]

54. Does the credit union calculate funds availability for nonconsumer accounts based on a sample of the member's deposits? If yes, obtain a copy of the credit union's formula for determining its availability schedule or interest accrual. Review a sample of checks similar to that used by the credit union to calculate funds availability and answer the following: _____ _____

a. Is the sample of checks large enough to accurately utilize the formula? _____ _____
b. Does the formula accurately represent the average composition of the member's deposits? _____ _____
c. Does the specified percentage of available funds appear reasonable? _____ _____
d. Is a set percentage available the next business day, with remaining funds available according to the member's deposit mix? _____ _____

55. Based on the sample, are the terms of availability equivalent or more prompt than the terms outlined in §229.19? _____ _____

56. Does the credit union display a notice of its availability policy in a conspicuous place at locations where employees receive member deposits? [§229.18(b)] _____ _____
NOTE: Drive-up windows, night depositories, and locations where deposits are not taken do not require the notice.

57. Does the credit union display a notice at each of its proprietary ATMs stating that the funds deposited in the ATM may not be available for immediate withdrawal? [§229.18(c)(1)] _____ _____

58. If the credit union has off-premise ATMs from which funds are not collected more than twice a week, does the credit union disclose on or at the ATM, the days on which the deposits made at the ATM will be considered "received." [§229.18(c)(2)] _____ _____

59. Does the credit union include a notice on all preprinted deposit slips that the deposted funds may not be available for

immediate withdrawal? [§229.18(a)] _____ _____

Payment of Interest

60. Review the credit union's availability schedule or check deposits credited through the Reserve Bank or its correspondent. Determine the time that the credit union receives provisional credit for check deposits. _____ _____

61. For each interest-bearing transaction account offered by the credit union, does the credit union begin to accrue interest on the funds deposited no later than the business day on which the credit union receives provisional credit for the funds? [§229.14] _____ _____

a. If not, does the credit union follow the Special Rule for Credit Unions and provide notice of their accrual policies in accordance with §229.16(d)? _____ _____

Deposits at Noncontinental U.S. Offices

The credit union may extend the time periods set forth in §229.12 by one business day in the case of any deposit, other than a deposit discussed in §229.10 (next day availability), that is:

- Deposited in an account at a branch of a depository credit union if the branch is located in Alaska, Hawaii, Puerto Rico, or the U.S. Virgin Islands; and
- Deposited by a check drawn on or payable at or through a paying bank not located in the same state as the depository credit union.

62. For offices located in Alaska, Hawaii, Puerto Rico and the U.S. Virgin Islands does the credit union extend availability for check deposits drawn on banks in other states? [§229.12(e)] _____ _____
a. If yes, is the extension limited to one day? [§229.12(e)] _____ _____

b. Is the extension available only for local checks, nonlocal checks and deposits at nonproprietary ATMs? [Commentary to §229.11(e)] _____ _____

c. Is the extension limited to such deposits only if the paying credit union is in a different jurisdiction? [§229.12(e)(2)] _____ _____

Comments: _____