



strength in members.

December 1, 2022

Ms. Melane Conyers-Ausbrooks
Secretary of the Board
National Credit Union Administration
1775 Duke Street
Alexandria, Virginia 22314- 3428
Electronic submission via <http://www.regulations.gov>

Re: Comments on Federal Credit Union Bylaws
Docket: NCUA-2022-0132

The New York Credit Union Association (NYCUA), representing all New York credit unions and their more than 6 million members, appreciates the opportunity to comment on the proposed amendment to the Federal Credit Union Bylaws regarding the expedition of member expulsion.

Firstly, NYCUA applauds the proposal. Our member credit unions do not take member expulsion lightly or see the need frequently. On the few occasions in which they resort to expulsion, however, expedited expulsion is critical for the safety of employees, members, and the institution itself. Our credit unions have reported instances of threats and even assault which could not result in prompt expulsion despite the clear danger posed by the member. In such extreme instances, the limitation of services is an insufficient and asymmetrical response.

Secondly, the NYCUA offers the following comments. In response to Q2, an optional standard notice form developed by NCUA could improve the process provided the form is accepted as a gold-standard safe harbor for the credit unions which opt to use it.

Many of the Board's questions revolve around how prescriptive the rule should be. Generally, NYCUA holds that the rules should not be overly prescriptive to give federal credit union boards the flexibility to respond to internal issues the way they see most fitting. To minimize expulsion and reliance on the Governance Modernization Act, FCUs should be permitted to act on a case-by-case basis even if that means expelling some members but not others for similar offenses (Q14).

That being said, *descriptive* resources would help guide FCUs. Helpful descriptive details would include example gold-standard forms or letters, examples of material violations or material loss, and suggested timeframes or accommodations. These items could be taken under advisement to help guide FCUs without restricting them.

For example, a small FCU may self-assess to determine in a risk-based fashion what constitutes a material loss to the FCU to make the best possible decision to protect that particular institution.

Put simply, those closest to the situation should be empowered to act as they have a more intimate understanding of the threat which often cannot be conveyed by simply checking boxes on forms. Descriptive guidance without prescriptive regulation would empower FCUs to protect their employees, members, and the credit union system from threats as they arise.

Thank you for the opportunity to comment on this proposal.

Sincerely,
William J. Mellin

A handwritten signature in black ink, appearing to read "WJ Mellin".

President/CEO
New York Credit Union Association