



A Comprehensive
**Guide to Dialer
Compliance**

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Introduction

Regardless of the type of dialer your company is using—cloud-based or premise-based, inbound or outbound—there are going to be numerous rules and regulations that you not only need to be aware of but also intimately familiar with. If not, your company may be at risk for fines, litigation, or worse, not to mention the possibility of ruining relationships with potential customers. These are mistakes that many companies simply can't afford to make.

But here's the good news: If you choose a reliable, cutting edge dialing software, all the information needed to help you adhere to these rules and regulations should be built into the software. That means that you don't need to spend hours reading federal and state regulations, nor do you need to be checking the time or day of the week before inputting a new bucket of leads into the dialer. Nonetheless, it is important to have an idea of the types of rules that exist so that you can stay up to date on any changes and utilize the tools that will help you best adhere to them. And that is what you will find here—an overview of the different types of regulations you should know about that will keep your call center in compliance.

Time Zone, Calling Days, Times and Holiday Restrictions

These restrictions are just as they sound: Coming from the federal government and from state governments (so they may vary from state to state), these are requirements that restrict the days of the week when calling is allowed, the hours of the day that you are allowed to call during the week and on the weekends, and the federal holidays on which you can make calls. While these regulations are relatively straightforward, they will vary based on the location of each customer on your list. And if you break any of them it can subject you to potential fines.

To avoid this, your dialer should be able to set unique rules based on customers' area codes, addresses, or both, so that the dialer will only feed you numbers that you are allowed to call on that day and time.



Do Not Call Management

The vast majority of the regulations in place on call centers today are formulated to protect the customer—from things like spam calls, scammers and even people or calls who might annoy them. That's why there are rules in place that give customers the power to elect to be placed on a Do Not Call (DNC) list and therefore scrubbed out of all future calling for that campaign. There are a number of different routes customers can take to a DNC list, so it's critical that your dialer has different ways to place customers on a DNC list and to manage that list. Some of those strategies include:





Uploads: If you obtain a DNC list from an outside source, such as a state DNC list or the National Do Not Call Registry, you can upload that list onto your platform and have the system integrate it into any existing customer information.



Mid-Call Add: If your agent connects with a customer who requests to be added to a DNC list during the call, you can place a button in the scripting that will immediately place that customer on a DNC list.



Customer Add: If a customer finds himself or herself on a call with no one on the other end—say it was an outbound call that was abandoned or a customer calls into a campaign and there is no agent available to answer the phone—the customer can be given the option to actively place himself or herself on a DNC list for that campaign.



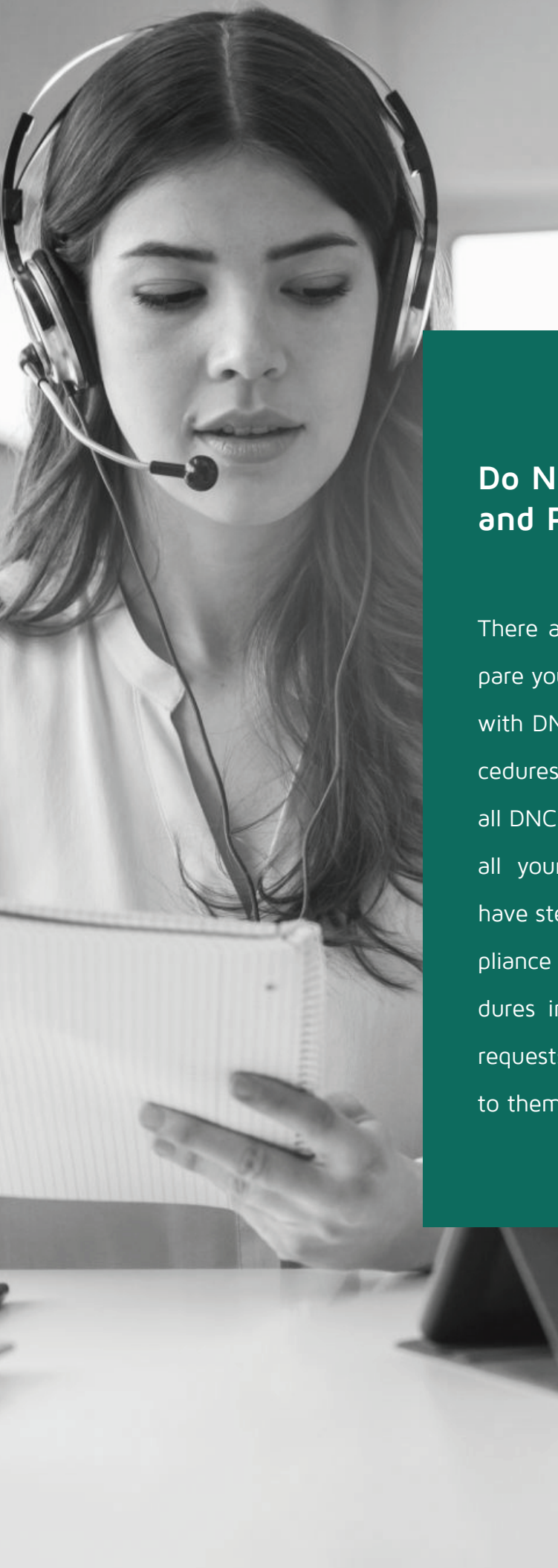
Platform Integration: There are software solutions available whose purpose is to scrub your call lists of any names that are on federal or state DNC lists. A cutting-edge dialer will have the ability to integrate with these platforms in order to ensure that your customer lists are up to date and not in violation of any existing DNC lists.

- This final option is also a tool that can be used to protect your company against litigation. Many of the platforms that can scrub DNCs from your call lists can do the same with litigators and plaintiffs fishing for a lawsuit, limiting your risk of walking into one that could bring potentially disastrous consequences for your company.

Do Not Call Exemptions and Proof of Consent

Despite the purpose of DNC lists to protect the customer, there are some exemptions to the DNC rules. For example, the federal DNC registry does not apply to political calls or calls from non-profits and charities. Even so, you can never take too many precautions when it comes to avoiding blowback, and your dialer may and likely should take extra steps to ensure that your actions are still above board where exemptions are concerned. For wireless numbers, you may be required to enter information such as date/time stamp of inquiry and express written consent confirmation in order to validate the status of exempt numbers—without this information, wireless numbers cannot be called. Furthermore, you can capture information including a customer IP address and URL of inquiry in order to prove an inquiry and justify a call.





Do Not Call Training and Policies

There are laws that dictate how you must prepare your agents to properly respond to and deal with DNC requests. You must have written procedures that detail how you are complying with all DNC requirements and you must have trained all your employees on these procedures and have steps in place to monitor and enforce compliance with them. You also must have procedures in place that explain that if a customer requests a copy of your DNC policy it will be sent to them in a timely manner.



Call History and Recordings

A call center platform that maintains a detailed history of calls and attempts plus stores years' worth of call recordings can be a boon for your business in two key ways. One, it allows you to search call history by number and campaign, see how frequently certain numbers are being dialed, and adjust that frequency as needed in order to increase the campaign's likelihood of succeeding and limit customer complaints. With the right dialer, search and retrieval of history and recordings should be simple and streamlined. So it can be helpful from a business standpoint.

And two, it is helpful from a compliance standpoint. If your company is ever questioned or charged on grounds of non-compliance with any of the regulations in this guide, you can go back to your call history log or bring up recordings of the calls in question and prove that you were in compliance. Of course, all of this is assuming that you are taking steps to obtain permission from customers to record their calls, which in most cases can be built into your script. And that you are using tools like Trusted Form and Jornaya to maintain a paper trail showing proof of consent—these tools can also give you a more detailed look at your customers' experience as it relates to your campaign.



Abandonment Protection

One of the rules set by the FTC is the 3% abandonment rate rule, which says that in a 30-day period only 3% of outbound calls can be abandoned (if a customer picks up a call and all agents are busy with other calls, there will be no one on the line to assist the customer and he or she will have been abandoned). This can happen if you're using a predictive dialer, which uses an algorithm to try to maximize the number of calls that can be completed while allowing for every customer to be serviced. But if you are using a predictive dialer, it should be able to collect data on the rate at which new calls are initiated plus how frequently calls are answered and then adjust the speed at which it dials to minimize abandonments. Not only does this ensure you are staying compliant with FTC regulations, but it also builds customer trust, increasing the likelihood that they will pick up a call in the future.

Caller ID Compliance



When it comes to the number that shows up on your customers' caller ID when you're running an outbound campaign, there are regulations that it is worth following—not only to remain in compliance, but also to increase your chances of connecting with customers. Caller ID is required on every single campaign, and that number must ring back to the campaign or a voicemail associated with the campaign if a customer tries to call back. This is something you can set up during campaign creation, so there's no need to worry about it once the campaign is underway.

Once you are compliant with caller ID regulations, there are a number of ways you can use caller ID to increase your chances of connecting with customers and converting sales. These include:



LocalTouch: This service will display a number local to your customer on their caller ID that will ring back to your campaign's main number. If a customer sees a recognizable area code, they may be more likely to answer the phone.



Trusted Caller ID: This service from Nobelbiz allows you to register the phone numbers associated with your company to a certified business entity. When phone companies see this registration, they won't be able to accuse you of caller ID spoofing or be able to mark your numbers as spam or fraud on your customers' phones.



Rotating Caller ID: Rotating the caller ID number by call attempt will increase the likelihood of connecting with a customer. If they see the same number over and over again they may block the caller, but changing the numbers ups your chances that they will eventually pick up the call.



Assigning Caller ID by Lead Source: This tool is not available with every dialer, but it can allow you to assign caller ID numbers to files based on the lead source and/or where the leads are located. So if leads are separated by state or geographical region, you can assign one local caller ID number to every customer in one file.

Scripting Compliance

Different states have different requirements for how agents proceed through calls, and your scripting needs to reflect that based on the state where your customers are based. Some of these requirements, which can be built into your scripting, might include:



The requisite call opening for Right to Proceed states, which require that the agent asks the customer at the beginning of the call whether they have permission to continue or not



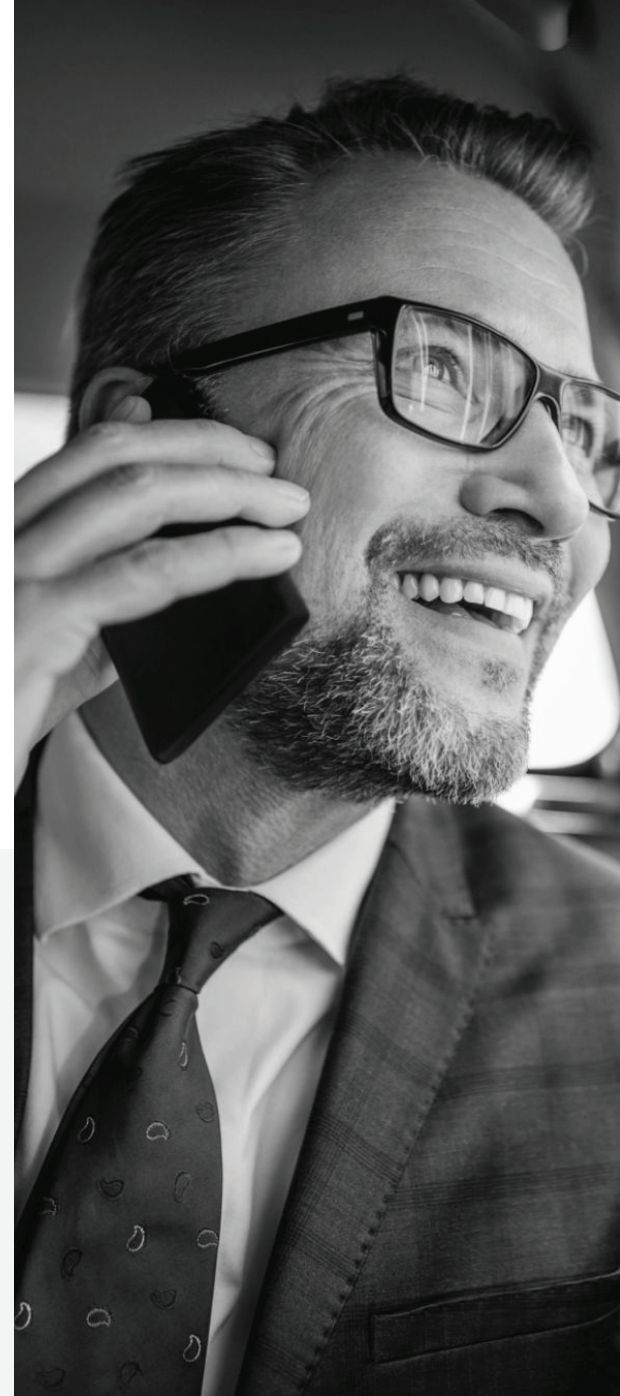
Permission to record in states that require two party consent



No Rebuttal rules, which require an agent to end the call when a customer indicates they aren't interested



Turning off the recording when the agent is collecting confidential information and ensuring that data is collected securely

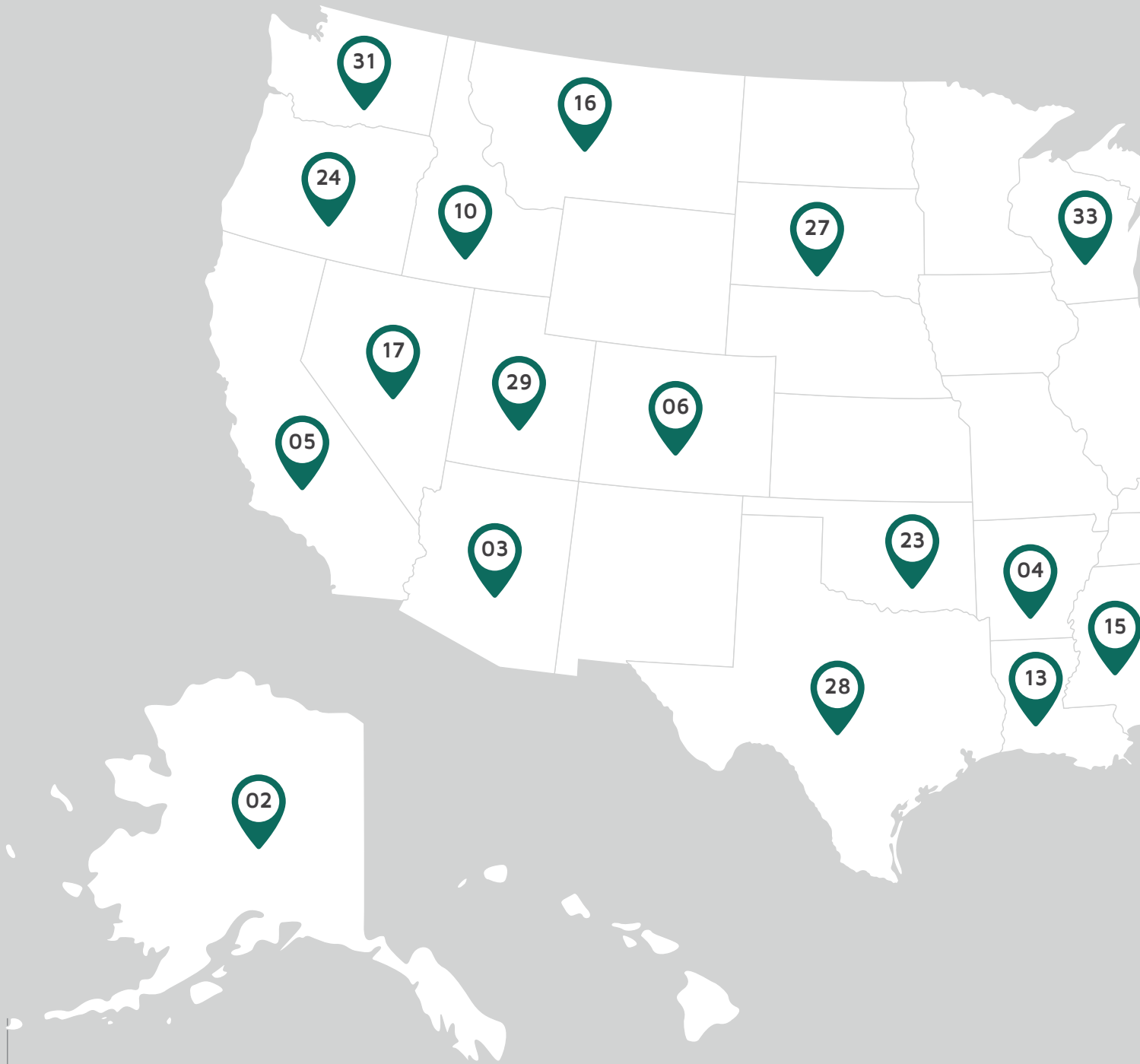


With a platform that uses dynamic, easy-to-edit scripting, these compliance measures can be built in so that they are displayed clearly in the script during calls and the agents do not need to be aware of them at all times.



State Registration Requirements

Some states require that any companies who intend to sell goods over the phone to residents of that state need to register with the state government in order to do so. This is typically with the state's consumer protection division or an adjacent office, and information including a background on the company, address and contact information, phone numbers being used, and a list of all the people who will be making calls to the state may be required. Not all states have these requirements, but those that do include:



01. Alabama

05. California

09. Washington, D.C.

13. Louisiana

02. Alaska

06. Colorado

10. Idaho

14. Maine

03. Arizona

07. Delaware

11. Indiana

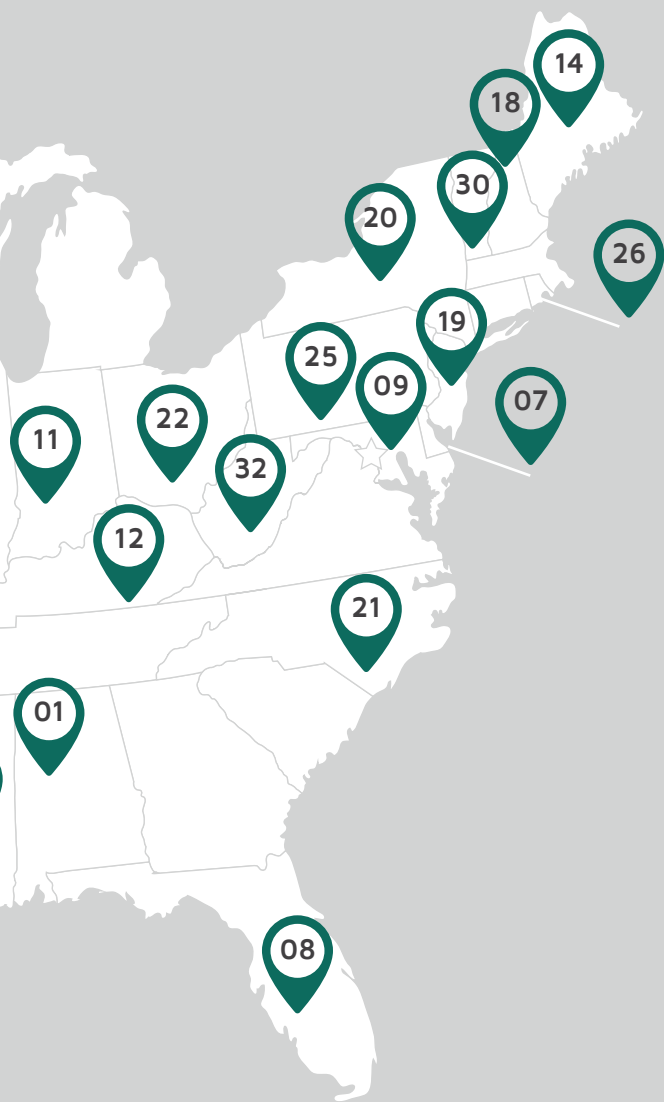
15. Mississippi

04. Arkansas

08. Florida

12. Kentucky

16. Montana



There are a variety of rules and regulations that you must be compliant with if you are starting or running an outbound call center—and following them all can seem daunting. But if you choose a leading call center software, many of these rules and regulations will be built into your system so you won't even need to worry about them.

17. Nevada

21. North Carolina

25. Pennsylvania

26. Rhode Island

27. South Dakota

28. Texas

29. Utah

18. New Hampshire

22. Ohio

30. Vermont

31. Washington

19. New Jersey

23. Oklahoma

32. West Virginia

20. New York

24. Oregon

33. Wisconsin