

Selected Subjects

Guru Chatter*
on Security Issues



www.bankersonline.com

Bank Liability for Employee Parking & Safety

Answer by Dana Turner and Bob McComas, BOL Gurus

[Guru BIOS](#)

Question: I recall being told that if an employer designates a particular place for it's employees to park, that the employer is responsible for the employee's safety to and from the bank to the parking lot.

My employer says that their responsibility is only during the time that the employee is "clocked in" for work. So if an employee gets hit by a car on the way to the parking lot, after they have clocked out for the day, then the employer is not responsible.

What is the bank's liability?

Answer by Dana Turner:

The bank's responsibility for the safety and security of its employees extends to the outer limits of all company-owned property. As long as an employee is on company premises (including parking lots) while engaged in a legitimate activity (working, going to or coming from work), the company bears a considerable responsibility. If the company also assigns a particular place for employees to park their private vehicles, it bears an additional responsibility for ensuring that the employees may go to and come from those vehicles. This may include installing enhanced lighting, trimming vegetation, camera monitoring and providing a security guard as an escort, in some circumstances.

In short, your employer's belief that the company's responsibility for the safety and security of its employees end when the employee "clocks out" is inappropriate. I'd be happy to discuss this with you or your employer -- and I also suggest that your employer contact the company's legal counsel and learn more about premises liability issues.

Answer by Bob McComas:

I totally agree with Dana. The employer's liability extends to the premises 24 hours a day, seven days a week. An employee is within the scope and duties of their position while arriving or leaving the building until they are off the physical premises (unless on a errand for the employer). Also check with your insurance carrier about the liability coverage you have in place for this.

First published on BankersOnline.com 6/7/04

Taking Home the Key to the Bank

Answer by Dana Turner, BOL Guru

[Guru BIOS](#)

Question: Several employees are carrying "take home" bank keys on their personal key rings - along with house and car keys. I would like to stop this practice to keep the keys separate and not in use when out of the bank. I cannot find any reference material on this. What do you think of stopping this practice?

Answer: Taking institution keys home is a common practice. The institution rarely requires

employees to turn in their keys when they leave on vacation or an "enforced leave". So -- why are you still using an outdated technology to secure your buildings?

Electronic access devices (swipe cards or proximity cards) have been commercially available for more than 50 years -- and this technology was developed to overcome the inherent limitations of metal keys and mechanical locksets. If you replace your existing mechanical locksets with electronic access devices, you can control access at any time. Employees may continue to take keys home -- but you can deactivate them during non-business hours.

For example, you can make the card active only from 8:00 AM through 5:00 PM. You can deactivate the card from February 22-27, 2004. You can restrict access to the vault, human resources or security.

First published on BankersOnline.com 3/15/04

Testing ATM Lighting

Answer by Andy Zavoina, BOL Guru

[Guru BIOS](#)

Question: How often should the lighting at ATMs be tested and by whom? I know some states have specific statutes. Others do not. Is there a common statutory standard for testing frequency? If not, is there an accepted industry practice?

Answer: As you observed, states have different requirements. Check your state to see what applies and if any court cases bear out the recommended frequency.

You may well find that if done properly and at least at a recommended frequency, you may not be liable for something which just occurred. Say you had a site examined 6 months ago. If you have no reason and no complaints indicating it is different now, the law may not hold you liable. If you allowed complaints to go unanswered, you may have complete liability, however.

First published on BankersOnline.com 10/20/03

Bank Protection Act Building Security Requirements

Answer by Barbara Hurst and Dana Turner, BOL Gurus

Question: Our bank has a "Mortgage Bank" that is housed in a building separate from other bank operations. They do not accept deposits or handle cash. Under the Bank Protection Act, is this building required to have security devices such as cameras, alarms, etc.?

Answer by Barbara Hurst:

[BIO AND CONTACT INFO](#)

This has always been a question in the minds of security officers, and evidently a non-issue in the minds of most examiners. Most security officers assume that as the mortgage department is housed in that building and the building itself is owned by or is a part of a federally insured institution, it is considered to be part of the bank, and therefore falls under the BPA. On the other hand, there are some departments (mortgage, trust, brokerage) that are housed in corporate offices other than those that are a part of the financial institution properties. Depending on the physical location and proximity to funds, this is a risk assessment call for each security officer to make. At the very least, a security officer will more than likely oversee file and access security, though very few go the route of cameras or alarms other than burglar and fire alarms.

Answer by Dana Turner:

[BIO AND CONTACT INFO](#)

The term referred to in the Bank Protection Act -- "banking office" -- infers that any building that the institution owns, manages, maintains, rents or controls is subject to the provisions of the Act. Examiners, however, don't seem to have reached agreement.

I recommend that you treat every facility as a "banking office". Although non-cash-handling facilities don't have cash, they do contain many of the same things that offenders find of value: customer information, computers and peripherals and negotiable documents are some examples. If your institution is ever sued by a customer because his/her identity has been compromised, believe that you'll be asked why you didn't take the same security measures throughout the institution -- while you're on the witness stand.

First published on BankersOnline.com 8/4/03

ATM Lighting Requirements

Answer by Hussam Al-Abed, Andy Zavoina and Barry Thompson, BOL Gurus

Question: I have recently been given the responsibility of ensuring our banking centers are meeting requirements regarding security. Is anyone aware of any regs that can tell me what type of lighting is required for ATM's? In addition, are there any resources out there that I can use to use for documentation on this issue?

Answer by Hussam Al-Abed:

[BIO AND CONTACT INFO](#)

According to Robbery at Automated Teller Machines) guide By Michael S. Scott

www.cops.usdoj.gov

Adequate lighting at and around ATMs allows users to see any suspicious people near the ATM, and allows potential witnesses, including police, to see a crime in progress and get a good look at the offender. Good lighting can deter people from robbing ATM users in the first place. There should be adequate light around all building corners adjacent to the ATM, as well as for nearby parking places. Most ATM lighting standards, including some mandated by law, call for minimum light levels at and around ATMs. According to lighting designers, however, most minimum lighting standards do not address all the factors that affect visibility. Shadows, light types, light colors, light-source Direction, light uniformity, glare, and obstructions all affect visibility for the observer.⁸ a qualified lighting designer should plan ATM lighting.

Lights should turn on automatically via photo sensors rather than by manual or timer switches. Light levels, once set properly, should be monitored regularly to ensure they do not fall below acceptable levels. Long-lasting light bulbs should be used. Automated light-detection monitors can alert the ATM operator if light levels drop. Light fixtures must be adequately protected so that offenders cannot disable them.

Answer by Andy Zavoina:

[BIO AND CONTACT INFO](#)

For specifics, look to your state laws. As an example, [Texas laws at 59.301](#) address the safety standards for unmanned ATMs.

Answer by Barry Thompson:

[BIO AND CONTACT INFO](#)

New York State was one of the pioneers of ATM Security Requirements and in many situations has been used as the basis to write lighting procedures. I have performed hundreds of night inspections and found that even two foot candle of power may not be enough for adequate lighting. My suggestion is you review the following from the New York law and use the approach

of would I want any of my family members to use this ATM installation. Good Luck.

4. "Adequate lighting" means (a) with respect to an automated teller machine facility located within the interior of a building, lighting, on a twenty-four hour basis, which permits a person entering such facility to readily and easily see all persons occupying such facility, and which permits a person inside such facility to readily and easily see all persons at the entry door of such facility.

(b) with respect to an open and operating automated teller machine facility open to the outdoor air, and any defined parking area, lighting during nighttime hours according to the following standards:

(i) a minimum illuminance of ten candlefoot power is maintained on a horizontal plane at a point five feet outward from and five feet above the ground surface from the automated teller machine;

(ii) a minimum illuminance of two candlefoot power is maintained on a horizontal plane at a point fifty feet in all unobstructed directions from the automated teller machine, measured at a point five feet above the ground surface; and

(iii) if an outdoor automated teller machine is located within ten feet of the corner of a building and the automated teller machine facility is generally accessible from the adjacent side, there shall be a minimum illuminance of two candlefoot power along the first forty unobstructed feet of the adjacent side of the building.

(c) with respect to a defined parking area, a minimum of two candlefoot power in that portion of the parking area within sixty feet of the automated teller machine facility.

First published on BankersOnline.com 9/2/03

Blocking View of ATM

Answer by John Burnett, Hussam Al-Abed, Dana Turner and Barry Thompson, BOL Gurus

Question: We are thinking about putting an evergreen tree about 8 feet in front of our ATM to block the sun from the screen. Are there any federal or state regulations regarding blocking the view to the ATM?

Answer by John Burnett:

[BIO AND CONTACT INFO](#)

There may be state laws or regulations that require clear sight lines to the ATM from anywhere in the half-circle in front of the machine. It's a safety issue, since it discourages muggings at the machine.

Placement of a tree in the position you are considering may assist with light glare. However, whether or not there are legal requirements, I think it's a bad idea. Such a tree could become a hiding place for muggers and/or obstruct the view to the machine.

Answer by Hussan Al-Albed:

[BIO AND CONTACT INFO](#)

ATM should be free of sight obstructions which will deter offenders through providing a Possibility for witnesses. If Trees and shrubbery (are already there which is not the case here) they should be trimmed routinely to remove potential hiding places for offenders and ensure the ATM is visible to passersby. Slow-growing shrubbery that does not need trimming as often is preferable (But such a shrubbery wont block The sun!).

Think also of people loitering and panhandling near ATMs and using this Tree as a shelter or Just standing Next to it waiting for a suitable Victim & Time.

Answer by Dana Turner:

[BIO AND CONTACT INFO](#)

An inexpensive anti-glare computer screen may be affixed to the ATM's screen -- and flipped up or down according to the user's need.

Answer by Barry Thompson:

[BIO AND CONTACT INFO](#)

Having performed several hundred night inspections on ATM locations for clients I can state "Do not plant the tree in front of the ATM." Among problems trees or other plantings present is how big they will grow in the next x years. Many times I have failed ATM locations because a planting has grown to large and blocks the view.

When this is pointed out management maybe reluctant to cut or trim that beautiful tree and it grows still bigger. Eventually a problem will happen and someone will get hurt or robbed.

Once while reviewing a clients site I found the institution next door had a huge tree next to its customer entrance door. The tree was so big it was dangerous I called that institution the next day and was informed it was to pretty to have trimmed. Two weeks later that tree hide the morning glory bandit who obtained entry to the building.

First published on BankersOnline.com 7/21/03