

**TO:** The State House Press

**FROM:** Gerville “Gerry” Gibbs, Jr.  
Office of the State Treasurer

**DATE:** October 18, 2002

**SUBJECT:** Proposed Regulations

TREASURY  
OFFICE OF THE STATE TREASURER

Public Employee Charitable Fund-Raising Campaign  
Proposed New Rules: N.J.A.C. 17:28  
Authorized by: John E. McCormac, Treasurer  
Authority: N.J.S.A. 52:14-15.9c13; N.J.S.A. 52:18A-30;  
N.J.S.A. 52:27B-40  
Calendar Reference: See Summary below for explanation of exception to  
calendar requirement.  
Proposal Number: PRN 2002-

Submit comments by December 20, 2002 to:

Gerville “Gerry” Gibbs, Jr.  
Office of the State Treasurer  
P.O. Box 002  
Trenton, New Jersey 08625-0002

The Agency proposal follows:

### Summary

The Public Employee Charitable Fund-Raising Act, N.J.S.A. 52:14-15.9c1, et seq., (the "Act") was enacted in 1985 to provide for an expanded Charitable Fund-Raising Campaign (the "Campaign") among public employees. The Act followed a successful court challenge to prior law which afforded only the United Way access to public employees to conduct a payroll deduction campaign. Under the current law, the State Treasurer is directed to develop rules to implement the provisions of the Act.

Pursuant to the terms of the Act, a voluntary fund-raising campaign is conducted annually in the fall among public employees, who may authorize contributions to be deducted from their paychecks during the following year. Participation in the Campaign is the sole means through which charitable organizations can engage in the direct solicitation of funds from State employees at State work sites. N.J.A.C. 17:28-1.5(a). For-profit entities are not permitted to engage in the direct solicitation of funds from State employees at State work sites.

Chapter 28 became effective on July 15, 1985 as an Emergency Rule, with an expiration date of September 13, 1985. The Chapter was readopted numerous times in subsequent years and the Campaign has remained in operation continuously since July 15, 1985. Pursuant to the sunset provision of Executive Order No. 66 (1978), Chapter 28 expired on November 17, 2000. Although the regulations expired, the Campaign has continued to operate under the standards set forth in the prior regulations.

The State Treasurer proposes Chapter 28 as new rules in substantially the same form as that Chapter existed at the time that it expired. Some minor changes from the prior regulations are proposed.

Expired N.J.A.C. 17:28-1.5(e) permitted charitable organizations participating in the Campaign to solicit funds from State employees through printed materials accompanying State payroll checks. Those materials are commonly known as payroll inserts. Only those payroll inserts approved by the Campaign Steering Committee are permitted to be circulated.

In recent years, the State Treasurer has received an increasing number of requests for permission to solicit funds from State employees through payroll inserts from charitable organizations, community groups, professional athletic organizations, and for-profit entities. Although some of the entities requesting the use of payroll inserts participate in the Campaign, many do not.

Each organization permitted to solicit funds from State employees through a payroll insert is required to bear the cost of producing its printed material. However, a significant investment of State resources and State employee time is required to review each proposed insert and to sort, bundle, route and distribute those inserts which are approved for circulation. The State Treasurer has determined that the administrative burden imposed by the mounting number of payroll insert requests outweighs the benefits of such inserts, particularly in light of the availability and success of the Campaign as a method for soliciting funds from State employees. Thus, the State Treasurer has concluded that the administration of the Department of the Treasury and the operation of the Charitable Fund-Raising Campaign would be better facilitated through the elimination of the use of payroll inserts to solicit funds from State employees.

Therefore, the State Treasurer proposes to change the language of N.J.A.C. 17:28-1.5(e) to prohibit the use of payroll inserts by charitable agencies, charitable fund-raising organizations and any other entity to solicit funds from State employees. In addition, the State Treasurer proposes to allow payroll inserts only for the purpose of distributing announcements by the Governor or the heads of the principal departments in the Executive Branch of State Government, as allowed by the State Treasurer, and for the distribution of printed materials related to the charitable fund-raising Campaign, as allowed by the Campaign Steering Committee.

In addition, the State Treasurer proposes changes to Chapter 28 suggested by the Campaign Steering Committee to clarify vague or inconsistent provisions in the regulations. Statutory citations are also corrected, the term Chairman is rendered gender neutral, and the time for performing some tasks associated with the Campaign is extended.

Finally, at the suggestion of the Campaign Steering Committee, the State Treasurer proposes to permit representatives of the Campaign, at the invitation of authorized persons, to engage in educational activities at the State workplace during the Campaign period. However, educational activities of this type may not be conducted in a way that can be construed as a direct or indirect request for a contribution and must promote a unified educational message, without criticizing or promoting any charitable fund-raising organization or charitable agency. Authorized educational activities must be carried out in such a way as to minimize disruption to the State workplace and its employees.

As the State Treasurer has provided a 60-day comment period for this notice of proposal, this notice is excepted from the rulemaking calendar requirement, pursuant to N.J.A.C. 1:30-3.3(a)5.

### Social Impact

The proposed new rules would have a positive social impact in light of the prior success of the Campaign as a method for soliciting funds from State employees. The Campaign provides access to the public workplace to a variety of charitable organizations and agencies in order that these groups may solicit and collect contributions to further their respective missions. The Campaign affords State employees a broad avenue of expression and freedom in designating recipients of their charitable contributions. Elimination of payroll inserts as a method of soliciting funds from State employees will not inhibit the beneficial social impact of the Campaign, as the fund-raising activities of participating organizations through payroll deductions authorized by State employees will not be curbed. In addition, allowing representatives of the Campaign to conduct educational activities in limited circumstances is likely to advance participation in the Campaign and promote charitable donations.

### Economic Impact

The proposed new rules would have a positive economic impact on State finances by eliminating the expenditure of State resources and State employee time on the administration of payroll insert applications and the sorting, bundling, routing, and distribution of payroll inserts approved for circulation.

### Federal Standards Statement

The proposed new rules are not subject to Federal standards or requirements.

### Jobs Impact

The proposed new rules are not expected to have an effect on the generation or loss of jobs in the State.

### Agriculture Industry Impact

The proposed new rules will not have an impact on the agriculture industry.

### Regulatory Flexibility Statement

As defined under the Regulatory Flexibility Act, N.J.S.A. 52:14B-16, et seq., the term "small business" may apply to some charitable agencies wishing to

participate in the Campaign. However, the proposed new rules impose no record keeping requirements on such entities. The financial documents that must be provided to participate in the Campaign are already likely to be maintained by participating entities.

### Smart Growth Impact

The proposed new rules will not have an impact on the achievement of smart growth or the implementation of the State Development and Redevelopment Plan.

Full text of the proposed new rules follows:

#### SUBCHAPTER 1. GENERAL PROVISIONS

##### **17:28-1.1 Purpose**

(a) The purpose of the regulations in this chapter is to:

1. Provide a convenient channel through which State employees may support the efforts of charitable fund-raising organizations and charitable agencies while minimizing disruption to the workplace and cost to the taxpayers that fund-raising may entail;
2. Establish a system for the planning and conduct of charitable fund-raising campaigns among State employees in order to ensure that the funds will be collected and distributed in a reasonable manner; and
3. Provide eligible charitable organizations and charitable agencies access to the public workplace for soliciting and collecting such contributions.

##### **17:28-1.2 Scope**

No deductions shall be made from compensation payable to State employees by the State Treasurer or his agents, or from compensation payable to employees of any instrumentality of the State, not payable by the State Treasurer, for the payment of contributions to any charitable fund-raising organization or charitable agency pursuant to N.J.S.A. 52:14-15.9c1, unless such organization or agency complies with the requirements of this chapter.

### **17:28-1.3 Definitions**

The following words and terms, when used in this chapter shall have, unless the context clearly indicates otherwise, the following meanings:

"Affiliated charitable agency" means a charitable agency which is affiliated with a charitable fund-raising organization participating in the Campaign for the purpose of directly sharing in funds raised by the organization.

"Campaign manager" means a charitable fund-raising organization which manages a charitable fund-raising campaign.

"Campaign Steering Committee" means the operational unit of the State Campaign, as further described in N.J.A.C. 17:28-2.

"Campaign volunteer" means a public employee who volunteers to assist the Campaign Manager in the administration of the Campaign.

"Charitable agency" means a volunteer, not-for-profit organization which provides health, welfare, or human care services to individuals.

"Charitable fund-raising campaign" (Campaign) means an annual payroll deduction campaign organized pursuant to the Public Employee Charitable Fund-Raising Act, N.J.S.A. 52:14-15.9c1, to receive and distribute the voluntary charitable contributions of public employees.

"Charitable fund-raising organization" means a volunteer, not-for-profit organization which receives and distributes voluntary charitable contributions.

"Compensation" means compensation payable by the State Treasurer to a State employee.

"Day" means a working day.

"Health, welfare or human care services" means services, provided directly or indirectly, meeting the human needs of health, welfare or care, including, but not limited to, the relief of human suffering and poverty, public education and welfare, education, civil and human rights, and environmental restoration and conservation.

"Payroll deduction" means a contribution deducted from a State employee's compensation pursuant to N.J.S.A. 52:14-15.9cl.

"State" means the State of New Jersey or any instrumentality thereof.

"State employee" means any person employed by, or holding a public office, or position of, the State or any board, body, agency or commission thereof, whose compensation is payable by the State Treasurer.

"State Treasurer" means the Treasurer of the State of New Jersey.

"Unaffiliated charitable agency" means a charitable agency which provides health, welfare, or human care services within New Jersey and which is not affiliated with a charitable fund-raising organization.

"Undesignated contribution" means funds contributed to a charitable fund-raising campaign with no designation by the contributor as to the recipient charitable fund-raising organization or charitable agency.

#### **17:28-1.4 Forms**

In order to carry out its functions, the Department of Treasury shall use such forms as it shall deem appropriate. Such forms may be amended, supplemented and/or replaced at the discretion of the State Treasurer.

#### **17:28-1.5 General provisions**

(a) No charitable agency or charitable fund-raising organization shall engage in any direct solicitation activity at the work site of State employees, except as a participant in a Campaign and in accordance with N.J.A.C. 17:28.

(b) No charitable agency shall participate in a Campaign as both an affiliated and an unaffiliated agency.

(c) All activities of the Campaign shall be conducted in a manner that promotes a unified solicitation on the behalf of all participants. While it is permissible to individually identify, describe or explain the charitable fund-raising organizations or charitable agencies in the Campaign for informational purposes, no person affiliated with the Campaign shall engage in any Campaign activity that is construed to either advocate or criticize any specific charitable fund-raising organization or charitable agency.

(d) No State official or employee shall assume the duties and responsibilities of the Campaign Steering Committee, the Campaign Steering Committee Chair, or the Campaign Manager. In the event of the inability of the Committee to function, or a continuing vacancy in the position of Chair or Manager, the State Treasurer reserves the right to cancel the Campaign. The State

Treasurer shall designate a State employee coordinator to assist the Campaign Steering Committee.

(e) No charitable agency, charitable fund-raising organization, or any other entity, shall be permitted to solicit funds from State employees through the use of a circular, notice, advertisement, solicitation, inquiry, or other communication of any type, purpose or design distributed with, or at the same time as, an envelope or other container having within it a State payroll check or other State official communication. The distribution of any type of printed communication with any envelope or other container having within it a State payroll check or other State official communication shall be limited to the distribution of announcements by the Governor or the head of a principal department in the Executive Branch of State Government for governmental purposes and not in conjunction with any charitable agency or charitable fund-raising organization, as approved by the State Treasurer, and to the distribution of printed materials related to the charitable fund-raising campaign, as approved by the Campaign Steering Committee.

## SUBCHAPTER 2. CHARITABLE FUND-RAISING CAMPAIGN STEERING COMMITTEE

### **17:28-2.1 General provisions**

(a) The Campaign Steering Committee is the operational unit of the State Campaign. Its actions on behalf of the member charitable fund-raising organizations shall be binding; it may assign functions, organize subgroups, and enlist others in its activities as it deems necessary in order to carry out its responsibilities.

(b) The underlying philosophy that shall govern the actions of the Campaign Steering Committee and the relationship among participating charitable fund-raising organizations is that no one organization shall function in a manner that will be detrimental to other participating organizations or to agencies participating in the Campaign.

(c) The Campaign Steering Committee shall convene on or before March 1, at the call of the State Treasurer, except in 2002 when the Committee shall convene on such date as is established by the State Treasurer.

(d) Each member shall have one vote.



(e) No action can be taken if objected to by at least five members of the Campaign Steering Committee:

**17:28-2.2 Membership**

The Campaign Steering Committee shall consist of one representative of each of the charitable fund-raising organizations eligible to participate in the State Campaign pursuant to N.J.S.A. 52:14-15.9c7a-f, one representative of a State public employee labor union to be chosen by the presidents of the various labor unions which represent State employees and one representative of the executive branch of State Government to be appointed by the Governor.

**17:28-2.3 Term of membership**

The term of membership for each member of the Campaign Steering Committee shall be for one year. The representative of a State employee labor union and the executive branch of State Government shall be eligible for reappointment by the presidents of the various labor unions representing State employees and the Governor, respectively. A charitable fund-raising organization shall be eligible to renew its membership, annually, contingent upon the successful completion of the application process.

**17:28-2.4 Duties of Campaign Steering Committee**

(a) The Campaign Steering Committee shall:

1. Elect a Campaign Steering Committee Chair to conduct the meetings of the Campaign Steering Committee, who shall serve for one year and until the election of a successor, and who shall be eligible for re-election;
2. Recommend a campaign Chair to be appointed by the Governor;
3. Elect and oversee a Campaign Manager, who shall demonstrate to the satisfaction of the Campaign Steering Committee the administrative, financial, technical and management capability to organize, publicize and operate an extensive fund-raising campaign in an efficient and equitable manner in accordance with N.J.A.C. 17:28;
4. Review the applications of charitable agencies wishing to participate in the Campaign; and

5. Establish policies and procedures for the operation and administration of the Campaign, including the hearing of any grievances concerning the operation and administration of the Campaign.

**17:28-2.5 Eligibility of charitable fund-raising organizations**

(a) The requirements for eligibility of a charitable fund-raising organization are set forth in N.J.S.A. 52:14-15.9c7.

(b) The burden of demonstrating eligibility shall rest with the applicant.

**17:28-2.6 Membership procedure Campaign Steering Committee**

(a) The State Treasurer shall publish in the New Jersey Register a Public Notice of application for charitable fund-raising organizations wishing to participate on the Campaign Steering Committee at least 30 days prior to the application due date. These applications are due by the close of business on the date and at the location specified in the notice.

(b) Within 30 days of the close of the application due date, the current Campaign Steering Committee, through the State employee coordinator, shall notify each applicant of its eligibility or ineligibility for the Campaign Steering Committee. In cases of ineligibility, the notice shall set forth the reason for such ineligibility.

**17:28-2.7 Appeal procedure**

(a) Any charitable fund-raising organization receiving notice of ineligibility shall have 15 days from receipt of such notice to file an appeal and to submit to the State Treasurer any additional information.

(b) Within 45 days of receipt of any additional information, the State Treasurer shall convene a special appeal panel consisting of the Chair of the Campaign Steering Committee, the representative of the various labor unions representing State employees and the representative of the executive branch of State government to review the charitable fund-raising organization's appeal and any additional documentation or information submitted by the charitable fund-raising organization.

(c) The special appeal panel shall conduct its review in a timely manner and shall make its decision in writing to the State Treasurer regarding the eligibility of the charitable fund-raising organization to participate on the

Campaign Steering Committee. The State Treasurer shall in a timely manner adopt, modify or reject the decision of the panel. The State Treasurer's action shall be final.

**17:28-2.8 Application form for charitable fund-raising organizations**

(a) The State Treasurer shall prepare an application form for charitable fund-raising organizations wishing to participate on the Campaign Steering Committee.

(b) In addition to the completed application form, the applicant must submit:

1. With respect to the requirements set forth in N.J.S.A. 52:14-15.9c7(a), 15.9c7(b) and 15.9c7(c), an Internal Revenue Service Letter of Determination or other proof from the Internal Revenue Service that the applicant:

i. Is exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code;

ii. Qualifies for tax deductible contributions under section 170(b)(1)(A)(vi) or (viii) of the Internal Revenue Code; and

iii. Is not a private foundation as defined in section 509(a) of the Internal Revenue Code; and

2. With respect to the requirements set forth in N.J.S.A. 52:14-15.9e, annual financial reports which demonstrate that the organization raised, in each of its two fiscal years preceding its application to participate in a Campaign, at least \$35,000 from individual citizens of New Jersey;

3. With respect to N.J.S.A. 52:14-15.9f, annual financial reports which demonstrate that the organization raised at least \$60,000 and distributed that sum among a minimum of 15 affiliated charitable agencies in each of its two fiscal years, preceding its application to participate in a State Campaign;

4. A copy of the organization's Internal Revenue Service form 990 for each of the organization's two fiscal years preceding its application;

5. Documentary evidence that the organization is registered or exempt from registration pursuant to the provisions of Title 15 of the Revised

Statutes or Title 15A of the New Jersey Statutes and the "Charitable Registration and Investigation Act," N.J.S.A. 45:17A-18 et seq.;

6. A copy of the organization's independent auditor's report for each of the organization's two fiscal years preceding its application;

7. A copy of the organization's annual report for each of the organization's two fiscal years preceding its application;

8. A statement affirming that the organization is directed by a governing body whose members have no material conflict of interest in their service on the governing body, and list of the members of the governing body and the identification of its officers;

9. A list of the affiliated charitable agencies to which the organization gave funds in its two fiscal years prior to the application and a list of at least 15 affiliated agencies to which it expects to give funds received in the Campaign, and a description of the health, welfare or human care services that each provides;

10. A statement affirming that the charitable fund-raising organization will give funds to at least 15 affiliated charitable agencies in the Campaign and that each of the organization's affiliated charitable agencies is:

i. Registered pursuant to the provisions of Title 15 of the Revised Statutes or Title 15A of the New Jersey Statutes and the "Charitable Registration and Investigation Act," N.J.S.A. 45:17A-18 et seq., except for an agency exempt from registration under the law; and

ii. Engaged in the provision of health, welfare or human care services; and

11. A statement affirming that the organization will be represented at meetings of the Campaign Steering Committee and providing the name of the representative.

(c) The application may also require any general back-ground information of the applicant charitable fund-raising organization which may aid the State Treasurer in his or her determination of an organization's eligibility.

(d) Those wishing to receive an application can do so by making a request either orally or in writing to the address and telephone number as

published in the New Jersey Register in the annual Public Notice for Applications for the State Employee Charitable Campaign.

(e) Charitable fund-raising organizations, which were found eligible to participate on the Campaign Steering Committee for Campaign immediately prior to the Campaign being applied for, shall be required only to submit to the State Treasurer its most recent information which shall specifically update the requirements of subsection (b) above.

### SUBCHAPTER 3. CHARITABLE FUND-RAISING CAMPAIGN

#### **17:28-3.1 Eligibility**

(a) A charitable fund-raising organization eligible for membership on the Campaign Steering Committee shall be eligible to participate in the Campaign.

(b) A charitable agency shall be eligible to participate in the Campaign if

1. it is affiliated with a charitable fund-raising organization which is participating in the Campaign; or
2. the charitable agency meets the requirements of N.J.S.A. 52:14-15.9c7a-e.

(c) The burden of demonstrating eligibility shall rest with the applying charitable fund-raising organization or applying unaffiliated charitable agency.

#### **17:28-3.2 Application procedure for unaffiliated agencies**

(a) See N.J.A.C. 17:28-2.6 for the application procedure of charitable fund-raising organizations.

(b) The application procedure for charitable agencies is as follows:

1. The State Treasurer shall publish in the New Jersey Register a Public Notice of application for charitable agencies wishing to participate in the Campaign at least 30 days prior to the application due date. These applications are due by the close of business on the date and at the location specified in the notice. The

current Campaign Steering Committee shall review the applications.

2. Within 30 days of the close of the application due date, the Campaign Steering Committee, through the State employee coordinator, shall notify each agency of its eligibility or ineligibility to participate in the Campaign. In cases of ineligibility, the notice shall set forth the reasons for such ineligibility.

3. Any charitable agency receiving notice of ineligibility shall have 15 days from receipt of such notice to file an appeal and to submit to the State Treasurer any additional information.

4. Within 45 days of receipt of any additional information, the State Treasurer shall convene a special appeal panel consisting of the Chair of the Campaign Steering Committee, the representative of the various labor unions representing State employees and the representative of the executive branch of State government to review the charitable agency's appeal and any documentation or information submitted by the charitable agency.

5. The special appeal panel shall conduct its review in a timely manner and shall make its decision in writing to the State Treasurer regarding the eligibility of the charitable agency to participate in the Campaign, and shall notify the charitable agency of its decision. The State Treasurer shall in a timely manner adopt, modify or reject the decision of the panel. The State Treasurer's action shall be final.

### **17:28-3.3 (Reserved)**

### **17:28-3.4 Application form; unaffiliated charitable agency**

(a) The State Treasurer shall prepare an application form for unaffiliated charitable agencies wishing to participate in the Campaign.

(b) In addition to the completed application form, the applicant must submit:

1. With respect to the requirements set forth in N.J.S.A 52:14-15.9c7(a), 15.9c7(b) and 15.9c7(c), an Internal Revenue Service Letter of

Determination or other proof from the Internal Revenue Service that the applicant:

- i. Is exempt from Federal income tax under section 501(c)(3) of the Internal revenue Code;
  - ii. Qualifies for tax deductible contributions under section 170(b)(1)(A)(vi) or (viii) of the Internal Revenue Code; and
  - iii. Is not a private foundation as defined in section 509(a) of the Internal Revenue Code;
2. With respect to the requirements set forth in N.J.S.A. 52:14-15.9c7e, annual financial reports which demonstrate that the agency raised, in each of its two fiscal years preceding its application to participate in a Campaign, at least \$15,000 from individual citizens of New Jersey;
3. A copy of the agency's Internal Revenue Service form 990 for each of the agency's two fiscal years preceding its application;
4. Documentary evidence that the agency is registered or exempt from registration pursuant to the provisions of Title 15 of the Revised Statutes or Title 15A of the New Jersey Statutes and the "Charitable Registration and Investigation Act," (N.J.S.A. 45:17A-18 et seq.;
5. A copy of the agency's independent auditor's report for each of the agency's two fiscal years preceding its application unless the agency raised less than \$100,000 in gross revenue during that period;
  - i. An agency that raised less than \$100,000 in gross revenue in its two fiscal years preceding its application must submit the two previous years' certified financial statements signed by an authorized officer.
6. A copy of the agency's annual report for each of the agency's two fiscal years preceding its application;
7. A statement affirming that the agency provides health, welfare or human care services within New Jersey, and a description of the services; and
8. A statement affirming that the agency is directed by a governing body whose members have no material conflict of interest in their service on the governing body, and a list of the members of the governing body and the identification of its officers.

(c) The application may also require any general back-ground information of the applicant charitable agency which may aid the State Treasurer in his or her determination of an agency's eligibility.

(d) Those wishing to receive an application can do so by making a request either orally or in writing to the address and telephone number as published in the New Jersey Register in the annual Public Notice for Applications for the State Employee Charitable Campaign.

(e) An unaffiliated charitable agency, that was found eligible by the State Treasurer to participate in the Campaign immediately prior to the Campaign being applied for, shall be required only to submit to the State Treasurer its most recent information which shall specifically update the requirements of subsection (b) above.

#### SUBCHAPTER 4. CAMPAIGN ADMINISTRATION

##### **17:28-4.1 General provisions**

The provisions of this subchapter shall apply to State employees whose compensation is payable by the State Treasurer.

##### **17:28-4.2 Campaign period**

(a) The campaign solicitation period will be scheduled for a continuous 10 week period during the months of September, October, November and December; but, in any event it shall not extend beyond December 10.

(b) Participating charitable fund-raising organizations and charitable agencies may not engage in solicitation activities among State employees at the work site of the State employee during the non-Campaign period.

##### **17:28-4.3 Campaign literature**

(a) The Campaign Steering Committee shall be responsible for the design, printing and distribution of Campaign pledge/designation cards and other Campaign literature.

(b) The State Treasurer shall approve, prior to distribution, the content of any Campaign pledge/designation card, Campaign literature and/or other materials to be distributed to State employees during the course of a Campaign to ensure that the information contained in these materials is accurate and fair. The



State Treasurer shall also approve, prior to distribution, the form of any Campaign materials to ensure compliance with administrative requirements of the Campaign.

#### **17:28-4.4 Distribution of campaign literature**

During working hours, Campaign volunteers shall distribute at the request of the Campaign Manager, only Campaign information or literature approved by the State Treasurer for distribution in the annual Campaign.

#### **17:28-4.6 Designated contribution**

(a) Employees may designate, on a Campaign pledge/designation card, their contribution to a specific charitable fund-raising organization and/or charitable agency participating in the Campaign, and/or may select the undesignated option. Designated contributions through the payroll deduction or in cash shall be a minimum contribution of \$1.00 per week (\$2.00 per pay period, or \$52.00 per year) per charitable fund-raising organization or agency designated. The minimum contribution requirement shall be met for each additional charitable fund-raising organization or agency designated.

(b) A Campaign pledge/designation card shall be valid only for the calendar year of the campaign. An employee who wishes to participate in a subsequent Campaign must file a new Campaign pledge/designation card valid for the subsequent Campaign.

#### **17:28-4.7 Distribution of contributions**

(a) Designated contributions shall be distributed in a manner established by the Campaign Steering Committee and in accordance with the wishes of the designating State employee.

(b) Undesignated contributions and designations to charitable agencies not approved to participate in the Campaign shall be distributed to participating charitable fund-raising organizations in the same proportion that these charitable fund-raising organizations received designated funds.

#### **17:28-4.8 Selection and use of campaign volunteers**

(a) The Campaign Manager shall designate at least one campaign volunteer to represent each payroll account.

(b) At the close of the Campaign, the campaign volunteers shall:

1. Collect from State employees the completed pledge/designation cards and any cash contributions; and
2. Return to Centralized Payroll the completed pledge portion of the pledge/designation cards; and
3. Return to the Campaign Manager the designation portion of the pledge/designation cards and all cash contributions received by the campaign volunteers.

#### **17:28-4.9 Campaign education**

Participating charitable fund-raising organizations and charitable agencies may not engage in educational activities among State employees at the workplace at any time, except during the Campaign period and except as detailed in this subchapter. Educational activities may take place only by a representative of the Campaign and when an authorized person at the workplace either requests or invites a representative of the Campaign to speak to and educate State employees about the Campaign. The representative of the Campaign may only:

- (a) Identify, describe or explain the Campaign, without engaging in activity which could be construed as a direct or indirect request for a contribution;
- (b) Promote a unified educational message, without criticizing or advocating for any specific charitable fund-raising organization and/or charitable agency; and
- (c) Conduct the educational activities in such a way as to minimize disruption to the workplace and its employees.

### **SUBCHAPTER 5. CAMPAIGN ACCOUNTS**

#### **17:28-5.1 General provisions**

The provisions of this subchapter shall apply to State employees whose compensation is handled through Centralized Payroll.

#### **17:28-5.2 Payroll deductions**

(a) Upon receipt of the completed pledge cards, and for each pay period, Centralized Payroll shall deduct the total amount of contribution, as requested by each State employee, from the employee's payroll check.

(b) At the end of each pay period Centralized Payroll shall determine and the Office of Management and Budget shall certify the total amount deducted by State employees for charitable fund-raising.

(c) The State Treasurer shall issue a check for the total amount of contribution to the Campaign Manager.

(d) An employee may exercise his or her option of canceling his or her deduction for charitable contributions by submitting a completed cancellation card to his or her payroll clerk.

### **17:28-5.3 Campaign accounting**

At the end of each pay period Centralized Payroll shall provide to the Campaign Manager information containing the total amount contributed by each employee to charitable fund-raising organizations and charitable agencies participating in the Campaign.

### **17:28-5.4 Costs**

(a) The operation of the payroll deduction system will be provided by State Government as a service to its employees in the same manner that other authorized deductions are provided.

(b) Other Campaign costs including, but not limited to the design, printing or preparation, and distribution of Campaign materials and Campaign accounting and administration to be conducted by the Campaign Manager shall be payable by the Campaign Steering Committee from contributions. These costs shall not exceed ten percent of the total amount of contributions.

## **SUBCHAPTER 6. BOARDS, COMMISSIONS AND AUTHORITIES**

### **17:28-6.1 General provisions**

For the purposes of this subchapter, boards, commissions and authorities shall mean State-level public boards, commissions and authorities in the State having paid staffs whose compensation is not payable by the State Treasurer.

## **17:28-6.2 Procedure for boards, commissions and authorities**

(a) The State Treasurer shall provide to the Campaign Manager a listing of boards, commissions and authorities.

(b) The State Treasurer shall notify each board, commission and authority on such list of the existence of a State Campaign. Such notification shall direct each board, commission, authority to allow its employees to participate in the Campaign.

(c) The provisions of Subchapter 4, except for N.J.A.C. 17:28-4.1 and 4.8, shall apply to employees of boards, commissions and authorities.

(d) In order to facilitate charitable fund-raising among employees of the boards, commissions and authorities, the Campaign Manager shall select Campaign volunteers in the manner described in Subchapter 4.

(e) At the close of the Campaign, the Campaign volunteers shall:

1. Collect from employees of the boards, commissions and authorities the completed pledge designation cards and any cash contributions;

2. Return to the appropriate payroll clerk or fiscal officer of each board, commission and authority the completed pledge portion of the pledge/designation cards; and

3. Return to the Campaign Manager the designation portion of the pledge/designation cards and all cash contributions received by the campaign volunteers.

(f) The payroll or fiscal officer of each board, commission and authority shall prepare a statement for the Campaign Manager exhibiting the total amount contributed by employees of the boards, commissions and authorities through the use of the payroll deduction.

(g) The payroll or fiscal officer of each board, commission and authority shall be responsible for deducting from compensation paid to its employees the amount requested and to remit that amount to the campaign manager.

(h) An employee may exercise his or her option of canceling his or her deduction for charitable contributions by submitting a completed cancellation card to his or her payroll clerk.

**17:28-6.3 Costs**

(a) The operation of the payroll deduction system will be provided by each board, commission and authority as a service to its employees in the same manner that other authorized deductions are provided.

(b) Other Campaign costs including, but not limited to the design, printing or preparation, and distribution of campaign materials and Campaign accounting and administration to be conducted by the Campaign Manager shall be payable by the Campaign Steering Committee from contributions. These costs shall not exceed 10 percent of the total amount of contributions.