

(f) Charitable fund-raising organizations found eligible to participate on the Campaign Steering Committee, under (e) above, shall be required to notify the State Treasurer of any change in the organization's status under the Internal Revenue Code of 1954 and of any new officers or bylaw within 45 days of any such change.

Amended by R.1990 d.464, effective September 17, 1990.

See: 22 N.J.R. 1994(a), 22 N.J.R. 3001(b).

Address in (d) amended.

Amended by R.1991 d.436, effective August 19, 1991.

See: 23 N.J.R. 1897(a), 23 N.J.R. 2522(b).

Submission requirements increased at (b)4-10.

Administrative change to (d).

See: 24 N.J.R. 3534(c).

Amended by R.1995 d.648, effective December 18, 1995.

See: 27 N.J.R. 3585(a), 27 N.J.R. 5041(a).

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

1. The burden of demonstrating eligibility shall rest with the applicant.

#### 17:28-3.2 Application procedure

(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 30 days of receipt of any additional information, the State Treasurer shall convene a special appeal panel consisting of the Chairman 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.

Public Notice: Department of the Treasury will be accepting applications from charitable organizations no later than December 5, 1985.

See: 17 N.J.R. 2692(c).

Public Notice: Deadline is extended through January 2, 1986 for application due to lateness of notice.

See: 17 N.J.R. 2792(c).

Public Notice: Application for Public Employees Charitable Fund Raising Campaign will be accepted until December 1, 1987.

See: 19 N.J.R. 1661(b).

Public Notice: The Department of the Treasury, Division of Consumer Affairs, will accept applications from charitable organizations until December 1, 1989 for the 1990-1991 campaign.

See: 21 N.J.R. 3187(b).

Amended by R.1991 d.436, effective August 19, 1991.

See: 23 N.J.R. 1897(a), 23 N.J.R. 2522(b).

Deadline dates changed; (b)6 deleted.

Public Notice

See: 24 N.J.R. 3564(a).

Public Notice: Acceptance of applications for participation in State employees charitable fund-raising for Fall, 1996.

See: 27 N.J.R. 4019(b).

Public Notice: Acceptance of applications for participation in State employees charitable fund-raising for Fall, 1997.

See: 28 N.J.R. 4533(a).

Public Notice: Acceptance of applications for participation in State employees charitable fund-raising for Fall, 1998.

See: 29 N.J.R. 4350(a).

Public Notice: Acceptance of applications for participation in State employees charitable fund-raising for Fall, 1999.

See: 30 N.J.R. 3341(a).

#### 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 Fund Raising Act of 1971" (P.L. 1971, c. 469; N.J.S.A. 45:17A-1 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;

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 background 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 Division of Consumer Affairs, P.O. Box 45021, 124 Halsey Street, Newark New Jersey 07101, (201) 504-6550.

(e) Unaffiliated charitable agencies, which were 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.

(f) Unaffiliated charitable agencies found eligible to participate in the Campaign under (e) above, shall be required to notify the State Treasurer of any change in the agency's status under the Internal Revenue Code of 1954 and of any new officers or bylaw within 45 days of any such change.

Amended by R.1990 d.464, effective September 17, 1990.  
See: 22 N.J.R. 1994(a), 22 N.J.R. 3001(b).

Address in (d) amended.

Amended by R.1991 d.436, effective August 19, 1991.

See: 23 N.J.R. 1897(a), 23 N.J.R. 2522(b).

Amended by R.1995 d.648, effective December 18, 1995.

See: 27 N.J.R. 3585(a), 27 N.J.R. 5041(a).

Administrative change.

See: 28 N.J.R. 4234(a).

## 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 educational activities among State employees at the work site of the State employees during the Campaign period.

(c) 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.

**17:28-4.5 Form of contribution**

Employees may contribute to eligible charitable fund-raising organizations and/or charitable agencies either cash or a specified amount to be deducted from their compensation each pay period.

**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, and/or may select the undesignated option. Designated contributions through the payroll deduction or in cash shall be a minimum contribution of \$.50 per week (\$1.00 per pay period, \$26.00 per year) per organization or agency designated. The minimum contribution requirement shall be met for each additional 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.

Amended by R.1991 d.436, effective August 19, 1991.

See: 23 N.J.R. 1897(a), 23 N.J.R. 2522(b).

Pledge card valid for one campaign only.

**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 shall be distributed to participating campaign organizations in the same proportion that these 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.

**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 cancelling 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 provision**

For the purposes of this subchapter, boards, commissions and authorities shall mean State-level public boards, com-

missions 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 cancelling 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.