

CHAPTER 29**CHARITABLE FUND-RAISING AMONG
EMPLOYEES OF LOCAL UNITS
OF GOVERNMENT****Authority**

N.J.S.A. 52:14-15.9c13, 52:18A-30, 52:27B-40.

Source and Effective Date

R.2004 d.210, effective June 7, 2004.
See: 36 N.J.R. 24(a), 36 N.J.R. 2790(a).

Chapter Expiration Date

Chapter 29, Charitable Fund-Raising Among Employees of Local Units of Government, expires on June 7, 2009.

Chapter Historical Note

Chapter 29, Charitable Fund-Raising Among Employees of Local Units of Government, was adopted as emergency new rules by R.1985 d.469, effective August 16, 1985 (to expire January 31, 1996). See: 17 N.J.R. 2294(a). The concurrent proposal was adopted as R.1985 d.577, effective October 18, 1985. See: 17 N.J.R. 2294(a), 17 N.J.R. 2785(a).

Pursuant to Executive Order No. 66(1978), Chapter 29, Charitable Fund-Raising Among Employees of Local Units of Government, was readopted as R.1990 d.519, effective September 26, 1990. See: 22 N.J.R. 2248(a), 22 N.J.R. 3386(d).

The Executive Order No. 66(1978) expiration date for Chapter 29, Charitable Fund-Raising Among Employees of Local Units of Government, was extended by gubernatorial directive from September 26, 1995 to January 31, 1996. See: 27 N.J.R. 3379(a).

Pursuant to Executive Order No. 66(1978), Chapter 29, Charitable Fund-Raising Among Employees of Local Units of Government, was readopted as R.1995 d.649, effective November 17, 1995. See: 27 N.J.R. 3586(a), 27 N.J.R. 5041(b).

Pursuant to Executive Order No. 66(1978), Chapter 29, Charitable Fund-Raising Among Employees of Local Units of Government, expired on November 17, 2000.

Chapter 29, Charitable Fund-Raising Among Employees of Local Units of Government, was adopted as R.2004 d.210, effective June 7, 2004. See: Source and Effective date.

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SUBCHAPTER 1. GENERAL PROVISIONS**17:29-1.1 Purpose**

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

1. Provide a convenient channel through which employees of local units of government 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 employees of local units of government 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 workplace of employees of local units of government for soliciting and collecting such contributions.

17:29-1.2 Scope

No deductions shall be made from compensation payable by disbursing officers of local units of government or their agents, or from compensation payable to employees of any local unit of government, 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.

17:29-1.3 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 a local unit of government Campaign for the purpose of directly sharing in funds raised by the organization.

“Appropriate disbursing officer” means that individual or individuals, in the case of a local unit of government, who is responsible for employee payroll of that unit of government.

“Campaign manager” means a charitable fund-raising organization which manages a local unit of government charitable fund-raising Campaign.

“Campaign volunteer” means a public employee who volunteers to assist the Campaign manager in the administration of a local unit of government Campaign.

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

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

“Compensation” means compensation payable by the appropriate disbursing officer to an employee of a local unit of government.

“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.

“Local unit of government” means any county, municipality, board of education or instrumentality thereof.

“Local Unit of Government Charitable fund-raising campaign” means an annual payroll deduction campaign among employees of a local unit of government, 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 employees of local units of government.

“Payroll deduction” means a contribution deducted from the compensation of an employee of a local unit of government pursuant to N.J.S.A. 52:14-15.9c1.

“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.

17:29-1.4 Forms

In order to carry out its functions, the Chief Executive Officer of a local unit of government shall use such forms as he or she shall deem appropriate. Such forms may be amended, supplemented and/or replaced at the discretion of the Chief Executive Officer of the local unit of government.

17:29-1.5 Campaign management

(a) No charitable agency or charitable fund-raising organization shall engage in any direct solicitation activity at the work site of employees of local units of government, except as a participant in a local unit of government Campaign and in accordance with this chapter.

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

(c) All activities of a local unit of government 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 a local Campaign for informational purposes, no person affiliated with a local Campaign shall engage in any local Campaign activity that is construed to either advocate or criticize any specific charitable fund-raising organization or charitable agency.

(d) No official or employee of a local unit of government shall assume the duties and responsibilities of the local Campaign Steering Committee, the local Campaign Steering Committee Chair, or the local 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 Chief Executive Officer of a local unit of government shall have the right to cancel the local Campaign. The Chief Executive Officer shall designate a local employee coordinator to assist the local Campaign Steering Committee.

(e) No charitable agency, charitable fund-raising organization, or any other entity shall be permitted to solicit funds from employees of local units of government 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 payroll check or other official communication from the local unit of government. Distribution of printed materials related to the charitable fund-raising campaign, as approved by the Campaign Steering Committee, shall be permitted.