

(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 through 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 this chapter;
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.

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 background 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 (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 through 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 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 is not required to submit an audit to the Division of Consumer Affairs in order to remain in compliance with the Charitable Registration and Investigation Act, N.J.S.A. 45:17A-18 et seq.;

i. Each agency not required to submit an audit to the Division of Consumer Affairs in order to remain in compliance with the Charitable Registration and Investigation Act, N.J.S.A. 45:17A-18 et seq., in the agency's 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 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 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 (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 1986 and of any new officers or bylaw within 45 days of such change.

#### 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.

##### 17:28-4.5 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 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.