

Chapter 434-750 WAC

COMBINED FUND DRIVE

WAC 434-750-020 Intent. The combined fund drive is the only formal authorized solicitation of Washington state employees in the workplace. The intent of the combined fund drive is to:

(1) Lessen the burdens of government and of local communities in meeting the needs of human health and welfare;

(2) Provide a convenient channel through which state employees, higher education employees and public agency retirees may contribute to the efforts of the participating organizations and federations providing services in Washington state and around the world and;

(3) Minimize the disruption of the state workplace caused by multiple charitable fund drives.

WAC 434-750-030 Exemptions. The rules in this chapter do not apply to the collection of gifts-in-kind, such as food, clothing and toys.

WAC 434-750-040 Definitions. The following definitions apply to chapter 434-750 WAC:

"CFD" means Washington state combined fund drive.

"Beneficiaries of the CFD" means any nonprofit organization that receives funds disbursed from the CFD.

"CFD campaign" means the period of organized solicitation of state employees, higher education employees and public agency retirees. This solicitation is conducted to obtain voluntary contributions, donations and charitable commitments to be allocated to participating organizations and federations. State agencies and higher education institutions have the flexibility to conduct a CFD campaign once a year at any time during the year.

"Federation" means a public or private not-for-profit umbrella organization made up of five or more individual member organizations approved by the CFD to participate in the CFD campaign.

"Participating employer" means Washington state agencies, higher education institutions, government-related entities and related boards.

"Participating organization" means a public or private not-for-profit organization designated as tax-exempt under the Internal Revenue Code 26 USC §501(c)(3) or §170(c)(1) and approved by the CFD to participate in the CFD campaign.

"Volunteer" means a state employee or higher education employee chosen to represent the CFD and run the CFD campaign at their respective agency or higher education institution. Volunteers may be referred to as "volunteer," "campaign leader" or "local coordinator."

WAC 434-750-050 Handling and depositing contributions.

Contributions may be accepted in the form of payroll deduction, checks, money orders, credit cards, cash or electronic methods. Contributions from fundraising efforts will be deposited into the CFD account in the custody of the state treasurer according to state laws. The office of the secretary of state must follow established procedures to process and deposit payroll deductions and individual contributions.

WAC 434-750-060 Staff and volunteer positions. The office of the secretary of state may establish staff positions, and volunteer positions and committees to administer the CFD campaign.

WAC 434-750-090 Contracts. The office of the secretary of state may enter into contracts and partnerships with private institutions, persons, firms or corporations for the benefit of the beneficiaries of the CFD. The office of the secretary of state may authorize CFD staff or volunteers, on a case by case basis, to enter into contracts and partnerships with private institutions,

persons, firms or corporations for the benefit of the beneficiaries of the CFD. The CFD and its volunteers may also engage in advertising activities for the support of the administrative duties of the CFD. However, CFD activities must not result in the direct commercial solicitation of state employees, higher education employees or public agency retirees or in a benefit or advantage that would violate one or more provisions of chapter 42.52 RCW, the state ethics law.

WAC 434-750-100 Campaign leaders and local coordinators.

Agency directors, elected officials and higher education presidents are authorized and encouraged to designate employees to serve as CFD campaign leaders and local coordinators to assist in the conduct of the CFD campaign. CFD campaign leaders and local coordinators remain on the payroll of their employing organization during this assignment.

WAC 434-750-110 CFD campaign support. State agencies and higher education institutions, at their discretion, are authorized to use reasonable state resources to support, promote, communicate information and conduct the annual combined fund drive campaign within their organization in compliance with state ethics laws and ethics board opinions, including but not limited to Executive Ethics Board Advisory Opinion 00-09. Reasonable uses are not excessive in volume or frequency as determined by the agency director or institution president.

WAC 434-750-120 Local CFD campaigns. Each participating employer may establish local CFD campaigns within the geographical area it covers. Each participating employer and local county committee may develop promotional and fundraising events, provide training and recognition to CFD local coordinators, develop marketing plans, supervise CFD campaign leaders and local coordinators, and expend reasonable state resources or CFD funds to conduct the local CFD campaign.

WAC 434-750-130 CFD campaign duration. Each year the director of each participating agency and president of each higher education institution may determine the time period of the agency's or institution's CFD campaign.

WAC 434-750-140 Equal opportunity for participating organizations and federations. All CFD participating organizations and federations must be given an equal opportunity for communication in a participating employer's local CFD campaign.

This section may not be construed to require a participating employer to distribute or arrange for oral or written information other than the official CFD campaign and publicity material.

WAC 434-750-150 Campaign events during work hours. State employees and higher education employees are permitted to conduct CFD events, communications and solicitations per the Ethics Board ruling. Solicitations of state employees or higher education employees conducted during work hours must use methods that permit true voluntary giving. Solicitations must reserve to the individual the option of disclosing any contribution or maintaining confidentiality to the extent confidentiality is permitted by law. Campaign kick-offs, recognition events, trainings, meetings, awards and other non-solicitation events to build support for the CFD are encouraged. CFD fundraising events, such as raffles (as permitted by RCW 9.46.0209 and 42.52.805), drawings, auctions, bake sales, carnivals, athletic events, or other activities not specifically provided for in these rules are permitted when approved, in advance, by the participating employer. At the discretion of each participating employer, state employees or higher education employees may be authorized to attend CFD promotional and fundraising events on state work time.

WAC 434-750-170 Recovery of campaign expenses. The CFD must recover its reasonable administrative expenses to conduct the CFD campaign either from state appropriations, or from the gross receipts of the CFD campaign through an administrative fee assessed on participating organizations. The secretary of state

must approve an annual budget to determine the administrative fee to be charged to the beneficiaries of the CFD.

WAC 434-750-180 Deduction of fundraising expenses. Fundraising expenses must not be taken or deducted from donations collected during a fundraising event. Fundraising expenses may be paid by the participating employer and upon request and submission of proper documentation, reimbursed by the CFD.

WAC 434-750-190 Division of campaign expenses. The CFD campaign expenses must be shared proportionately by all participating organizations and federations reflecting their individual percentage share of gross CFD campaign receipts.

WAC 434-750-200 Eligibility. Participating organizations or federations must meet three requirements in order to become a participating organization or federation with the CFD:

- (1) Must have an approved federal tax-exempt status under the Internal Revenue Code 26 USC §501(c)(3) or §170(c)(1);
- (2) Must be registered with the Washington state office of the secretary of state charities program. Registrations must be kept in an active status; and
- (3) Must submit a CFD membership application.

WAC 434-750-210 Organizations not eligible. If a participating organization or federation is determined not to be eligible by the secretary of state charities program, the CFD must provide written notice to the participating organization or federation of this status and the steps needed to correct non-eligibility.

WAC 434-750-220 Reestablishment of eligibility. Requests for reestablishment of eligibility must be submitted by the

participating organization or federation to the secretary of state charities program. The affected participating organization or federation must make any required changes by the requirements set forth for eligibility in WAC 434-750-200. The secretary of state charities program will notify the CFD if the participating organization or federation has been deemed eligible.

WAC 434-750-230 Decertification or disqualification. Once approved for participation, any participating organization or federation may be decertified and disqualified from participation in the combined fund drive campaign by the CFD for one or more of the following reasons:

(1) Failing to comply with the rules contained in this chapter;

(2) Filing an application to participate in the combined fund drive campaign which contains false or intentionally misleading information;

(3) Failing to deposit four CFD disbursement payments within a year;

(4) Failing to comply with terms of CFD certification statements;

(5) Entering into receivership, filing for or being placed in bankruptcy, or being in the process of being dissolved; or

(6) Failing to follow the requirements set forth for eligibility in WAC 434-750-200.

WAC 434-750-240 Notice of decertification decisions. The CFD must provide written notice of the decertification decision, including a description of the determination made, by whom it was made, the basis for the determination, and the procedure for requesting reconsideration.

WAC 434-750-250 Decertification effective date. Decertification is effective thirty calendar days following notice of decertification under WAC 434-750-240 unless the participating organization or federation complies with WAC 434-750-270 below.

A decertified participating organization or federation is disqualified from participating in the CFD campaign as of that effective date.

WAC 434-750-270 Reconsideration of decertification decisions.

Requests for reconsideration of a decertification decision must be submitted to the combined fund drive. The participating organization or federation must provide proof that material steps have been taken to correct the violations.

WAC 434-750-290 Decertified contributions. The CFD must work directly with its donors to determine where to direct donations originally pledged to a participating organization or federation that has been deemed non-eligible or decertified. The CFD must provide the donor with options to disburse the pledged and collected donations to other participating organizations or federations or provide a refund of collected donations for the open quarter. If a donor does not respond to the CFD regarding redirecting donations, the CFD must issue a refund of all donations collected for the open quarter and cancel the donation. If the CFD determines it is not feasible to return such funds to donors, it must determine the appropriate disposition of the funds.

WAC 434-750-300 Combined fund drive advisory council. The secretary of state may create a CFD advisory council to provide advice and guidance on matters pertaining to operating the CFD. The council must consist of no more than ten members chosen by the secretary of state to represent a broad variety of charities, higher education institutions, and state agencies.

Members serve at the pleasure of the secretary. Vacancies may be filled by the secretary upon notice of a vacancy from the member. Council members are not compensated for their service, but may be reimbursed for expenses incurred in the conduct of their official duties. Reimbursement is at current state rates for travel and all reimbursement requests must be received within thirty days of incurring the expense.

NEW SECTION

WAC 434-750-310 Special campaigns and disbursements. The CFD is authorized to conduct special campaigns and disbursements for disaster relief or events with extraordinary circumstances as determined by the Secretary of State.