

# Chapter 434-750 WAC

## COMBINED FUND DRIVE

### WAC

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**WAC 434-750-010 Purpose.** The combined fund drive is the only authorized formal solicitation of Washington state employees in the workplace on behalf of participating not-for-profit organization and federations.

[Statutory Authority: RCW 41.04.033. 10-16-017, § 434-750-010, filed 7/22/10, effective 8/22/10.]

**WAC 434-750-020 Intent.** 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 and public agency retirees may contribute to the efforts of the participating organizations and federations providing services in Washington state and around the world;
- (3) Minimize both the disruption of the state workplace and the costs to taxpayers caused by multiple charitable fund drives; and
- (4) Ensure that participating organizations and federations are fiscally responsible in the uses of the moneys so raised.

[Statutory Authority: RCW 41.04.033. 10-16-017, § 434-750-020, filed 7/22/10, effective 8/22/10.]

**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.

[Statutory Authority: RCW 41.04.033. 10-16-017, § 434-750-030, filed 7/22/10, effective 8/22/10.]

(7/22/10)

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

"CFD" means Washington state combined fund drive.

"CFD campaign" means the period of organized solicitation of state employees and public agency retirees. This solicitation is conducted to obtain voluntary contributions, donations and charitable commitments to be allocated to approved, not-for-profit participating organizations and federations. State agencies or institutions of higher education 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 committee to participate in the CFD campaign.

"Participating organization" means a public 170 (c)(1) or private 501 (c)(3) not-for-profit organization whose application is approved by the CFD to participate in the CFD campaign.

"State employer" means Washington state agencies and higher education institutions and related boards.

"Year of contributions" means the annual calendar year for collection of the voluntary payroll deductions for charitable contributions authorized by state employees and public agency retirees pursuant to these rules. The normal, full annual calendar year of contributions will begin with January and end with the ensuing December.

[Statutory Authority: RCW 41.04.033. 10-16-017, § 434-750-040, filed 7/22/10, effective 8/22/10.]

**WAC 434-750-050 Handling and depositing contributions.** The office of the secretary of state will establish a procedure for CFD staff to collect, process and deposit individual employee contributions. Contributions from fund-raising efforts will be deposited into the CFD account in the custody of the state treasurer according to state laws.

[Statutory Authority: RCW 41.04.033. 10-16-017, § 434-750-050, filed 7/22/10, effective 8/22/10.]

**WAC 434-750-060 Staff and volunteer positions.** The office of the secretary of state will establish staff and volunteer positions and committees as necessary to assist in the annual CFD campaign.

[Statutory Authority: RCW 41.04.033. 10-16-017, § 434-750-060, filed 7/22/10, effective 8/22/10.]

**WAC 434-750-070 Responsibilities of CFD program manager.** The CFD program manager exercises general supervision over all operations of the CFD and strives to take necessary steps for the achievement of CFD campaign objectives. The CFD program manager establishes and maintains the official list of agency, higher education institutions and

local CFD campaign committee volunteers and the geographical area each covers.

[Statutory Authority: RCW 41.04.033. 10-16-017, § 434-750-070, filed 7/22/10, effective 8/22/10.]

**WAC 434-750-090 Contracts.** The CFD may enter into contracts and partnerships with a private institution, persons, firms or corporations for the benefit of the beneficiaries of the CFD. The CFD may also engage in advertising activities for the support of the administrative duties of the CFD. However, CFD activities will not result in the direct commercial solicitation of state employees or in a benefit or advantage that would violate one or more provisions of chapter 42.52 RCW, the state ethics law.

[Statutory Authority: RCW 41.04.033. 10-16-017, § 434-750-090, filed 7/22/10, effective 8/22/10.]

**WAC 434-750-100 Campaign executives.** Agency directors, elected officials and higher education presidents are authorized and encouraged to designate employees the opportunity to serve as CFD campaign executives to assist in the conduct of the CFD campaign. The CFD campaign executive opportunity is a rotational assignment that develops leadership, communication, and teamwork skills that will benefit the employing organization upon the employee's return. Those appointed as CFD campaign executives remain on the payroll of their employing organization during this assignment.

[Statutory Authority: RCW 41.04.033. 10-16-017, § 434-750-100, filed 7/22/10, effective 8/22/10.]

**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, and conduct the annual combined fund drive campaign within their organization. Reasonable uses are not excessive in volume or frequency as determined by the agency director or institution president.

[Statutory Authority: RCW 41.04.033. 10-16-017, § 434-750-110, filed 7/22/10, effective 8/22/10.]

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

[Statutory Authority: RCW 41.04.033. 10-16-017, § 434-750-120, filed 7/22/10, effective 8/22/10.]

**WAC 434-750-130 CFD campaign occurrence.** Each year the director of each state agency and president of each higher education institution may determine the time period of the agency's or institution's CFD campaign. Each annual CFD campaign normally is conducted for a seven-week period. However, in unusual circumstances, the individual state employers may extend the seven-week period as local conditions require.

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[Statutory Authority: RCW 41.04.033. 10-16-017, § 434-750-130, filed 7/22/10, effective 8/22/10.]

**WAC 434-750-140 Permission to share information during work hours.** The local state employer may grant sharing of information during the CFD campaign, by participating organizations if the agency or institution determines such communication is not disruptive to the local state office or institution. All CFD participating organizations must be given an equal opportunity for communication in a state employer's local CFD campaign.

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

[Statutory Authority: RCW 41.04.033. 10-16-017, § 434-750-140, filed 7/22/10, effective 8/22/10.]

**WAC 434-750-150 Campaign events during work hours.** Solicitations of employees will be conducted during work hours using methods that permit true voluntary giving. Solicitations will reserve to the individual the option of disclosing any gift or keeping it confidential to the extent confidentiality is permitted by law. Campaign kick-offs, recognition events, awards and other nonsolicitation events to build support for the CFD are encouraged. CFD fund-raising 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 state employer. At the discretion of each state employer, state employees may be authorized to attend CFD promotional and fund-raising events on state work time.

[Statutory Authority: RCW 41.04.033. 10-16-017, § 434-750-150, filed 7/22/10, effective 8/22/10.]

**WAC 434-750-160 Solicitation.** Employees and public agency retirees may be solicited for contributions using payroll deduction, checks, money orders, credit cards, cash or electronic methods.

[Statutory Authority: RCW 41.04.033. 10-16-017, § 434-750-160, filed 7/22/10, effective 8/22/10.]

**WAC 434-750-170 Recovery of campaign expenses.** The CFD will recover from the gross receipts of the CFD campaign, or state appropriations, its reasonable administrative expenses to conduct the CFD campaign. The secretary of state will approve an annual budget to determine the administrative fee to be charged to the beneficiaries of the CFD.

[Statutory Authority: RCW 41.04.033. 10-16-017, § 434-750-170, filed 7/22/10, effective 8/22/10.]

**WAC 434-750-180 Deduction of fund-raising expenses.** Fund-raising expenses will not be taken or deducted from donations collected during a fund-raising event. These fund-raising expenses may be paid by the state agency or higher education institution and, then, upon request and submission of proper documentation, reimbursed by the CFD.

[Statutory Authority: RCW 41.04.033. 10-16-017, § 434-750-180, filed 7/22/10, effective 8/22/10.]

**WAC 434-750-190 Division of campaign expenses.**

The CFD campaign expenses will be shared proportionately by all the participating not-for-profit organizations and federations reflecting their individual percentage share of gross CFD campaign receipts.

[Statutory Authority: RCW 41.04.033. 10-16-017, § 434-750-190, filed 7/22/10, effective 8/22/10.]

**WAC 434-750-200 Eligibility.** Not-for-profit organizations must meet three requirements in order to be a member with the CFD:

- (1) Must have an approved federal IRS 501 (c)(3) or 170 (c)(1) status;
- (2) Must submit a CFD membership application; and
- (3) Must be registered with the Washington state office of the secretary of state. Registrations must be kept in an active status.

[Statutory Authority: RCW 41.04.033. 10-16-017, § 434-750-200, filed 7/22/10, effective 8/22/10.]

**WAC 434-750-210 Organizations not eligible.** If a not-for-profit organization or federation is determined not to be eligible, the CFD will provide written notice of its determination, including a description of the determination made, the date and by whom it was made, the basis for the determination, and the procedure for requesting reconsideration.

[Statutory Authority: RCW 41.04.033. 10-16-017, § 434-750-210, filed 7/22/10, effective 8/22/10.]

**WAC 434-750-220 Reconsideration of noneligibility.** The following process will be used for requests for reconsideration of noneligibility:

(1) Within fifteen calendar days after receiving notice of noneligibility, an affected organization or federation may submit a written request for reconsideration to the CFD. Requests for reconsideration and any supporting materials must be based solely on new or additional information that was not available to the CFD at the time the initial determination was made.

(2) Within thirty calendar days of receiving the request for reconsideration, the CFD will issue a written decision. The CFD reconsideration decision is final.

(3) The CFD may extend the time periods established in this section if it determines there is good cause to do so.

(4) Any written requests or notices made under this section will be deemed received three business days after deposited in the United States mail, properly stamped and addressed.

[Statutory Authority: RCW 41.04.033. 10-16-017, § 434-750-220, filed 7/22/10, effective 8/22/10.]

**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 state combined fund drive campaign which contains false or intentionally misleading information; or

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(3) Receiving less than two hundred dollars in total CFD contributions in a calendar year.

[Statutory Authority: RCW 41.04.033. 10-16-017, § 434-750-230, filed 7/22/10, effective 8/22/10.]

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

[Statutory Authority: RCW 41.04.033. 10-16-017, § 434-750-240, filed 7/22/10, effective 8/22/10.]

**WAC 434-750-250 Decertification effective date.** Decertification is effective on the first day of the quarter following notice of decertification under WAC 434-750-240. Quarters begin on the first day of January, April, July, or October of each year. A decertified organization or federation is disqualified from participating in the CFD campaign as of that effective date.

[Statutory Authority: RCW 41.04.033. 10-16-017, § 434-750-250, filed 7/22/10, effective 8/22/10.]

**WAC 434-750-270 Reconsideration of decertification decisions.** Requests for reconsideration of a decertification decision will be governed by the procedures set forth for reconsideration of eligibility in WAC 434-750-220.

[Statutory Authority: RCW 41.04.033. 10-16-017, § 434-750-270, filed 7/22/10, effective 8/22/10.]

**WAC 434-750-290 Decertified contributions.** The CFD will direct payments originally pledged to an organization or federation that has been decertified, is in receivership, has filed for or been placed in bankruptcy, or has been or is in the process of being dissolved, be returned to donors. If the CFD determines it is not feasible to return such funds to donors, it will determine the appropriate disposition of the funds.

[Statutory Authority: RCW 41.04.033. 10-16-017, § 434-750-290, filed 7/22/10, effective 8/22/10.]

**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 will 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. Terms are staggered, with the original board drawing for two- and three-year terms. All following terms are three years but all terms expire no later than when the appointing secretary leaves office. Vacancies may be filled by the secretary upon notice of a vacancy from the member. The council will elect a chairperson from its members annually. The frequency of meetings will be at least once a year but additional meetings may be called by the secretary or council. 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.

[Statutory Authority: RCW 41.04.033. 10-16-017, § 434-750-300, filed 7/22/10, effective 8/22/10.]