

Title 240 WAC

GOVERNOR, OFFICE OF THE

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Chapter 240-06 WAC

INSPECTION AND COPYING OF PUBLIC RECORDS OF THE OFFICE OF THE GOVERNOR

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WAC 240-06-010 Purpose. The purpose of this chapter shall be to ensure compliance by the office of the governor with the provisions of chapter 1, Laws of 1973 (Initiative 276), Disclosure—Campaign finances—Lobbying—Records; and in particular with sections 25-32 of the act, dealing with public records.

[Order 73-1, § 240-06-010, filed 8/31/73.]

WAC 240-06-020 Definitions. (1) "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics.

(2) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds; or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents.

[Order 73-1, § 240-06-020, filed 8/31/73.]

WAC 240-06-030 Description of organization of the office of the governor. (1) The office of the governor is an administrative and staff support agency consisting of the governor and the governor's personal professional

staff, whose mission is to assist the governor in the exercise of his duties, responsibilities, and authority as provided in the constitution and the laws of the state of Washington. The office of the governor shall hereinafter be referred to as the "office." Where appropriate, the term "office" shall also refer to the staff and employees of the office of the governor.

(2) The office is located in the legislative building in Olympia, Washington. It also maintains an office facility in Spokane, Washington, and a part-time facility at 306 North 1st Avenue in Seattle, Washington. For purposes of this chapter, the term "administrative office" shall refer to the Olympia location.

(3) The head of the office is the governor of the state of Washington who is elected by the people pursuant to Article III of the constitution of the state of Washington. The governor is charged by constitution and statutes with a broad range of implicit and explicit authority, duties, and responsibilities, among which, but not exclusively, are those related to the execution of laws, management of the executive branch, representation of the state and the state's interests within and beyond its borders, submission of messages and proposals to the legislature, approval of legislation, review and alteration of sentences of convicted persons, and various and sundry appointments to public positions.

(4) The structure of the office under the governor consists of an administrative assistant responsible for overall management of the office, a number of professional staff assistants generally responsible for executive agency affairs, legal affairs, legislative affairs, public information, appointments, correspondence, and business management of the office, and supportive services personnel. In addition, a number of agencies, task forces, commissions, and similar entities may be created from time to time by executive order and are ultimately responsible to the governor and may be designated as part of the office of the governor. While such entities are not specifically included under the provisions of this chapter, general information and assistance regarding such entities may be obtained at the office. For purposes of this chapter, the term "office of the governor" is to be strictly construed in accordance with the intent of this section.

[Order 73-1, § 240-06-030, filed 8/31/73.]

WAC 240-06-040 Operations and procedures. The governor is ultimately responsible for decisions, policies and operations of the office. Procedures of the office are both formal and informal and may or may not directly involve the governor at any one time. Staff personnel operate in generally defined spheres of activity, but lines of responsibility and operational procedures are flexible

in order to more effectively respond to situational requirements.

[Order 73-1, § 240-06-040, filed 8/31/73.]

WAC 240-06-050 Public records available. All public records of the office as defined in WAC 240-06-020 are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by section 31, chapter 1, Laws of 1973 and WAC 240-06-100.

[Order 73-1, § 240-06-050, filed 8/31/73.]

WAC 240-06-060 Public records officer. The office's public records shall be in charge of the public records officer designated by the office. The public records officer shall be responsible for the following: The implementation of the office's rules and regulations regarding release of public records, coordinating the staff of the office in this regard, and generally insuring compliance by the staff with the public records disclosure requirements of chapter 1, Laws of 1973. In the absence of the public records officer, the responsibilities of such officer may be delegated to or assumed by another member of the staff and such responsibilities shall be deemed to be properly exercised by such officer.

[Order 73-1, § 240-06-060, filed 8/31/73.]

WAC 240-06-070 Office hours. Public records shall be available for inspection and copying during the customary office hours of the office. For the purposes of this chapter, the customary office hours shall be from 9:00 a.m. to noon and from 1:00 p.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

[Order 73-1, § 240-06-070, filed 8/31/73.]

WAC 240-06-080 Requests for public records. In accordance with requirements of chapter 1, Laws of 1973, that agencies prevent unreasonable invasions of privacy, protect the public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records may be inspected or copied or copies of such records may be obtained, by members of the public, upon compliance with the following procedures:

(1) A request shall be made in writing upon a form prescribed by the office which shall be available at its administrative office. The form shall be presented to the public records officer, or to any member of the office's staff if the public records officer is not available, at the administrative office of the office during customary office hours. The request shall include the following information:

- (a) The name of the person requesting the record;
- (b) The time of day and calendar date on which the request was made;
- (c) The nature of the request; and
- (d) An appropriate description of the record requested.

(2) In all cases in which a member of the public is making a request for a public record of the office, it

shall be the obligation of the public records officer or staff member to whom the request was made, to assist the member of the public by making available the public record requested with reasonable promptness.

[Order 73-1, § 240-06-080, filed 8/31/73.]

WAC 240-06-090 Copying. No fee shall be charged for the inspection of public records. The office may charge a fee for providing copies of public records and for use of the office copy equipment. This charge shall be the amount necessary to reimburse the office for its actual equipment and manpower costs incident to such copying.

[Order 73-1, § 240-06-090, filed 8/31/73.]

WAC 240-06-100 Exemptions. (1) The office reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 240-06-050 is exempt under the provisions of section 31, chapter 1, Laws of 1973.

(2) In addition, pursuant to section 26, chapter 1, Laws of 1973, the office reserves the right to delete identifying details when it makes available or publishes any public record, in any cases when there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 1, Laws of 1973. The public records officer shall fully justify such deletion in writing.

(3) Each denial of a request for a public record must be accompanied by a written statement specifying the reason for the denial, including if appropriate a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld.

[Order 73-1, § 240-06-100, filed 8/31/73.]

WAC 240-06-110 Review of denials of public records requests. (1) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by tendering a written request for review to the public records officer. The written request shall specifically refer to the written statement by the public records officer or other staff member which constituted or accompanied the denial.

(2) Immediately after receiving a written request for review of a decision denying a public record, the public records officer shall refer it to the administrative assistant to the governor. The administrative assistant, or such member of the staff designated to so act in the absence of the administrative assistant, shall promptly consider the matter and either affirm or reverse such denial or refer the matter to the governor to review the denial. In any case, if possible, the request shall be returned with a final decision within two business days following the original denial.

(3) Administrative remedies shall not be considered exhausted until the office has returned the petition with a decision or until the close of the second business day following the denial of inspection, whichever occurs first.

[Order 73-1, § 240-06-110, filed 8/31/73.]

WAC 240-06-120 Protection of public records. The public records officer shall take all reasonable steps and impose appropriate conditions on the inspection and copying of public records so as to protect such records and to preserve the integrity of other proper activities of the office. Inspection or copying shall be denied and records shall be withdrawn if the person inspecting or copying the records in engaging in conduct likely to damage or substantially disorganize them or so as to interfere excessively with other essential functions of the office or in disregard of conditions imposed by the public records officer.

[Order 73-1, § 240-06-120, filed 8/31/73.]

WAC 240-06-130 Exemption from requirement to maintain a current records index. (1) As authorized by section 26(3) of chapter 1, Laws of 1973 (Initiative 276), the office claims an exemption from the requirement to maintain an index of current records. The scope of constitutional and statutory responsibilities of the governor may embrace the complete range of public policy, including certain aspects of national, international, interstate, and local policy, and the activities of all agencies and organs of state government. To maintain an index covering the appropriate records as defined in sections 2(24) and 26(2) of chapter 1, Laws of 1973, would impose an undue burden on the office.

(2) All indexes maintained for use of the office shall be made available for public inspection according to the provisions of this chapter.

[Order 73-1, § 240-06-130, filed 8/31/73.]

Chapter 240-10 WAC

STATE EMPLOYEE COMBINED CHARITABLE CONTRIBUTIONS PROGRAM

WAC	
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WAC 240-10-010 Committee established. (1) In accordance with RCW 41.04.035, 41.04.036 and 41.04.230 and in order to implement Executive Orders EO 84-13 and EO 84-15 a committee is established to conduct a single, annual, consolidated effort to secure funds for distribution to agencies engaged in charitable and public health, welfare and service purposes.

(2) The committee shall be known as the Washington state employee combined fund drive committee.

(3) The committee shall be composed of not more than eight state employees appointed by the governor for three year terms, except that the terms of those first appointed shall be staggered with two persons appointed for one year, three persons appointed for two years, and

three persons appointed for three years, as determined by the governor. The members shall be selected from the following groups:

- (a) One member from an employee organization;
- (b) One member from the legislative branch;
- (c) One member from the judicial branch;
- (d) Three members from state agencies;
- (e) Two members from higher education.

(4) The committee shall elect a chairperson annually, and such other officers as may be needed.

(5) Members of the committee shall serve without additional salary, but shall be reimbursed by their employing agencies for travel, lodging and meals in accordance with state law and regulations.

(6) The committee shall be a policy committee which shall organize and effect one solicitation effort each year.

(7) The committee shall establish standards and criteria for participation in the fund drive. (WAC 240-10-040 and 240-10-050.)

(8) The committee shall annually print and distribute an application form which agencies shall use to apply for participation in the fund drive.

(9) The committee shall evaluate each application, based on its criteria, and determine which agencies engaged in charitable and public health, welfare and social service purposes shall participate in one annual combined effort to secure funds from state employees through payroll deduction or other payment method.

(10) The committee may establish departmental combined fund drive coordinators, local combined fund drive coordinators, local campaign steering committees and local campaign managers to assist in the fund drive.

(11) The department of personnel shall provide the administrative support for the operation of the committee.

(12) All costs such as printing of brochures, preparation of slide presentations, and other promotional costs shall be the responsibility of those organizations designated to participate in the distribution of all funds collected. In circumstances where promotional costs cannot be associated with an individual charitable service organization, the costs shall be shared in a percentage relating to the total funds distributed.

[Statutory Authority: RCW 41.04.035, 41.04.036 and 41.04.230. 86-08-070 (Order 86-1), § 240-10-010, filed 4/1/86; 86-02-015 (Order 85-2), § 240-10-010, filed 12/23/85.]

WAC 240-10-020 Purposes. (1) The following rules are promulgated to implement a payroll deduction plan for the efficient, long-term collection of voluntary employee contributions to qualifying charitable, human health and welfare organizations. By establishing a uniform policy toward charitable fund raising efforts among state employees, the state hopes to encourage generosity in voluntary financial support for the charitable services of the qualified organizations.

(2) The intent of these regulations is to:

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

(b) Provide a convenient channel through which state employees may contribute to the efforts of the qualifying voluntary health and welfare organizations providing services in the community or region where the employees live and work and overseas;

(c) Minimize both the disruption of the state work place and the costs to taxpayers that multiple charitable fund drives have caused; and

(d) Ensure that recipient agencies are fiscally responsible in the uses of the moneys so raised.

[Statutory Authority: RCW 41.04.035, 41.04.036 and 41.04.230. 86-02-015 (Order 85-2), § 240-10-020, filed 12/23/85.]

WAC 240-10-030 Definitions. (1) Committee – The Washington state employee combined fund drive committee described in WAC 240-10-010.

(2) State employee combined fund drive campaign – An arrangement by which the committee provides one or more other participating organizations with the opportunity to receive funds contributed to them in the annual campaign, based on their compliance with the regulations herein.

(3) Participating organization – A health and welfare agency whose application has been accepted by the committee.

(4) Annual campaign – The once-a-year period of organized solicitation of state employees conducted annually in the month of October to obtain voluntary contributions from state employees for charitable commitments to be allocated during the ensuing year of contributions.

(5) Year of contributions – The annual calendar year for collection of the voluntary payroll deductions for charitable contributions authorized by state employees pursuant to these regulations. The normal, full annual calendar year shall begin with January and end with the ensuing December.

(6) Health and welfare agency – The terms "voluntary agency," "voluntary health and welfare agency," "voluntary charitable agency," and "voluntary charitable health and welfare agency" mean an organization that is organized and operated for the purpose of rendering, or of materially or financially supporting the rendering of, one or more of the following services directly to, and for the direct benefit of, human beings:

(a) Delivery of health care to ill or infirm individuals;

(b) Education and training of personnel for the delivery of health care to ill or infirm individuals;

(c) Health research for the benefit of ill or infirm individuals;

(d) Delivery of education, training, and care to physically and mentally handicapped individuals;

(e) Treatment, care, rehabilitation, and counseling of juvenile delinquents, criminals, released convicts, persons who abuse drugs or alcohol, persons who are victims of intra-family violence or abuse, persons who are otherwise in need of social adjustment and rehabilitation, and the families of such persons;

(f) Relief of victims of crime, war, casualty, famine, natural disasters, and other catastrophes and emergencies;

(g) Neighborhood and community-wide social services that directly assist needy, poor, and indigent individuals, including provision of emergency relief and shelter, recreation, transportation, the preparation and delivery of meals, educational opportunities, and job training;

(h) Protection of families that, on account of economic or other need, poverty, indigence, or emergency, are in long-term or short-term need of family, child-care, and maternity services, child and marriage counseling, foster care, and guidance or assistance in the management and maintenance of the home and household;

(i) Relief of needy, poor, and indigent infants and children, and of orphans, including the provision of adoption services;

(j) Relief of needy, poor, and indigent adults and of the elderly.

(7) Local presence – Demonstration of direct and substantial presence in the local campaign community:

(a) The availability of services, such as examinations, treatments, inoculations, preventive care, counseling, training, scholarship assistance, transportation, feeding, institutionalization, shelter, and clothing to persons working or residing in the local campaign community.

(b) The presence within the local campaign community, or within reasonable commuting distance thereof, of a facility at which services may be obtained, such as an office, clinic, mobile unit, field agency, or direct provider, or specific demonstrable effects of research, such as personnel or facilities engaged therein or specific local applications thereof.

(c) The availability to persons working or residing in the local campaign community of communication with the voluntary charitable agency by means of home visits, transportation, or telephone calls, provided by the voluntary agency at no charge to the recipient or beneficiary of the service.

(8) Overseas – Areas outside of the District of Columbia and the fifty states of the United States.

[Statutory Authority: RCW 41.04.035, 41.04.036 and 41.04.230. 86-08-070 (Order 86-1), § 240-10-030, filed 4/1/86; 86-02-015 (Order 85-2), § 240-10-030, filed 12/23/85.]

WAC 240-10-040 Basic standards and criteria for agency membership applicable to all agencies. (1) Basic standards.

(a) Federal exemption. Each charitable organization must submit a copy of the Internal Revenue Service determination letter indicating that it is an exempt organization under Internal Revenue Code Section 501(c)(3). An advance ruling on its exempt status shall meet this requirement.

(b) Registration and reporting. Each charitable organization shall have registered as a charitable organization with the secretary of state under the provisions of chapter 19.09 RCW (charitable solicitations) and with the attorney general under the provisions of chapter 11-.110 RCW (charitable trusts) unless specifically exempt from registration by state law, and shall have filed all required reports within any established time limits.

(c) Integrity of operations. Each charitable organization must have at least a minimal history of service and demonstrate a real capability to serve. Funds contributed to charitable organizations by state employees must be used for their announced purposes. There shall be no payment of commissions for fund-raising, no mailing of commercial merchandise, and no paid general telephone solicitors.

(d) Finances. The charitable organization must use standards of accounting and a financial system based on generally accepted accounting principles which includes accounting procedures that would be acceptable to the American Institute of Certified Public Accountants. The committee may require an independent audit by a certified public accountant. The charitable organization must conduct its fiscal operations in accordance with a detailed annual program budget which is prepared and approved at the beginning of each fiscal year by the board of directors. Prior authorizations by the board of directors shall be required for any significant variation from the approved budget. The committee may require that the charitable organization prepare and make available to the general public an annual financial report.

(e) Nondiscrimination. The charitable organization shall have a policy and procedure of nondiscrimination in regard to race, color, religion, national origin, handicap, age, or sex applicable to persons served by the charitable organization.

(f) Annual reports. The charitable organization shall prepare an annual report available to the general public which includes a full description of the charitable organization's activities including types of solicitation for contributions, the names of its chief administrative personnel, and a full disclosure of the source and use of contributions.

(g) Agency organization. The charitable organization must maintain an active local volunteer board of directors, serving without compensation through regular meetings and exercising satisfactory administrative controls in accordance with the agency's articles of incorporation, bylaws, and, preferably, standards adopted by its national or state affiliate: *Provided*, That the "local volunteer board" is exempted for those voluntary charitable health and welfare agencies whose services are rendered exclusively or in substantial preponderance overseas, and which meet all the criteria set forth except for the requirement of direct and substantial presence in the local campaign community.

(h) Fund-raising costs. Each organization shall disclose to the committee the estimated percentages of the money collected which will be applied to the cost of solicitation and to the charitable purpose. The information thus provided will be disclosed to state employees during the campaign.

(i) Application deadline. Completed applications must be received before the closing date established annually by the committee.

(2) Criteria.

(a) Service programs. Each charitable agency must have a substantial local presence in a Washington state

community with a history of providing programs aimed toward direct services, research, and education in an effort to meet human health, welfare, or social service needs within a Washington state community: *Provided*, That voluntary charitable health and welfare agencies whose services are rendered exclusively or in substantial preponderance overseas, and that meet all the criteria set forth except for the requirement of direct and substantial presence in the local campaign community, shall be eligible for agency membership; and each must be able to comply with integrity and other applicable standards that such services are indeed provided.

(b) Participation in eligible federations.

(i) No charitable organization may participate in more than one eligible federation (umbrella organization) in a county.

(ii) No charitable organization may participate both individually and as a member of an eligible federation (umbrella organization) within a county.

[Statutory Authority: RCW 41.04.035, 41.04.036 and 41.04.230. 86-08-070 (Order 86-1), § 240-10-040, filed 4/1/86; 86-02-015 (Order 85-2), § 240-10-040, filed 12/23/85.]

WAC 240-10-050 Required characteristics of eligible federations (umbrella organizations). In addition to meeting the requirements set out in WAC 240-10-040, each federated organization (umbrella organization) must demonstrate the following:

(1) Scope. It is representative of its constituent parts. While it may not accept responsibility for the exact nature of program objectives and administrative and financial procedures of its affiliates, it must be in a position to affirm that the operations and fund-raising of its affiliates comply with the standards and criteria set out in WAC 240-10-040.

(2) It has good will and acceptability within this state, including ability to demonstrate a well recognized service to or in behalf of citizens of this state: *Provided*, That voluntary charitable health and welfare agencies whose services are rendered exclusively or in substantial preponderance overseas, and that meet all the criteria set forth except for the requirement of direct and substantial presence in the local campaign community, shall be eligible for agency membership.

(3) It has sufficient volunteers or staff, or both, to contribute to the organization and conduct of the Washington state employee combined fund drive and has at least six months of prior operation within this state.

(4) It has registered and been approved under chapter 19.09 RCW (Charitable solicitations).

(5) It has at least five organizational members.

(6) It adheres to high standards in services, management and public accountability as required by the standards and criteria set out in WAC 240-10-040.

[Statutory Authority: RCW 41.04.035, 41.04.036 and 41.04.230. 86-02-015 (Order 85-2), § 240-10-050, filed 12/23/85.]

WAC 240-10-055 Determination of eligibility-- Procedure for reconsideration. Using the information supplied under this chapter and the standards set forth in WAC 240-10-040 and 240-10-050, the committee

will determine which agencies and which federated organizations are eligible to participate in annual state employee combined fund drive campaigns. Any agency or federated organization determined not to be eligible may, within fifteen days after receiving notice of noneligibility, request reconsideration in writing, submitting responsive materials relating to the noneligibility notice in support of the request at the same time. The committee will duly reconsider the eligibility of the requesting agency or federated organization and will issue written notice of its final decision on eligibility within thirty days of receiving the request. Any decision on reconsideration will be a final determination of eligibility.

For the purposes of this section, any written requests or notices will be presumed to be received no more than three business days after mailing.

[Statutory Authority: RCW 41.04.035, 41.04.036 and 41.04.230. 86-08-070 (Order 86-1), § 240-10-055, filed 4/1/86.]

WAC 240-10-060 Qualifications for local campaign manager. In selecting a local campaign manager, the local steering committee must assess the following qualities of an applicant to determine the applicant's capability to manage a successful charitable campaign:

(1) The local manager shall demonstrate the administrative and financial capability to manage and operate a fund-raising campaign with integrity and in an efficient manner yielding contributions comparable to those made by state employees in the past.

(2) The local manager shall demonstrate that a broad base of community support has been established within the state and demonstrate continuing positive relationships with a significant number of the state's charitable organizations.

(3) The local manager shall demonstrate the ability to effectively promote and publicize a charitable fund-raising campaign among the state employee work force.

(4) The local manager shall demonstrate the ability to give guidance to, train, and supervise volunteer solicitors and other state employee volunteers in the campaign.

(5) The local manager shall demonstrate the ability to publish and distribute informational literature and other material relative to the programs of participating agencies in a fair and equitable manner.

(6) The local manager shall demonstrate a history of integrity, and a direct and substantial presence in the local (or regional) community.

(7) The local manager shall demonstrate the intent to cooperate fully with the local steering committee and with state officials.

[Statutory Authority: RCW 41.04.035, 41.04.036 and 41.04.230. 86-02-015 (Order 85-2), § 240-10-060, filed 12/23/85.]