

SUBCHAPTER 35B – STATE EMPLOYEES COMBINED CAMPAIGN

SECTION .0100 - ORGANIZATION

01 NCAC 35B .0101 DEFINITIONS

The following definitions shall apply:

- (1) "Administrative Expenses" means costs for reporting and informational activities related to business management that are neither educational, direct conduct of program services, nor fund-raising services.
- (2) "Audit" or "Audited Financial Statement" shall mean an examination of financial statements of an organization by a Certified Public Accountant ("CPA"), conducted in accordance with generally accepted auditing standards, to determine whether, in the CPA's opinion, the statements conform with generally accepted accounting principles or, if applicable, another comprehensive basis of accounting.
- (3) "Campaign Contribution" means the amount of funds received from a contributor.
- (4) "Campaign Fiscal Year" shall be January 1 through December 31 of each year.
- (5) "Campaign Solicitation Organization" or "Solicitation Organization" means the regional contacts for fund-raising.
- (6) "Campaign Solicitation Period" means the period between August 1 and December 31 of each year in which solicitations will be conducted.
- (7) "Charitable Organizations" means any Independent Organization or Federation approved to solicit contributions in accordance with the rules of this Subchapter.
- (8) "Federation" or "Federated Group" means a group of voluntary charitable human health and welfare agencies organized for purposes of supplying common fund-raising, administrative, and management services to its constituent members.
- (9) "Fund-raising" or "Solicitation Activities" means the act of soliciting contributions, gifts, and grants; participating in federated campaigns; maintaining donor mailing lists; and preparing and distributing fund-raising manuals, instructions and other materials.
- (10) "Fund-raising Consultant" means a consultant as defined in G.S. 131F-2(10).
- (11) "Fund-raising Expenses" means the total cost incurred from all activities that constitute, or are an integral and inseparable part of, an appeal for financial support.
- (12) "Fund-raising Solicitor" means a solicitor as defined in G.S. 131F-2(19).
- (13) "Independent Organization" or "Independent Charitable Organization" means a singular voluntary charitable agency.
- (14) "Member Charitable Organization" means an Independent Organization that is organized under a Federation or Federated Group.
- (15) "Program Services Expenses" means costs for those activities that the reporting organization was created to conduct which fulfill the purpose or mission for which the organization exists, exclusive of fund-raising and administrative expenses, and which, along with any activities commenced subsequently, form the basis of the organization's current exemption from tax.
- (16) "SECC Advisory Committee" or "Advisory Committee" means an appointed committee that serves as an application point for all Charitable Organizations applying to participate in the SECC.
- (17) "State Employee Combined Campaign" or "SECC" shall be the official name of the state employee charitable fund-raising drive.
- (18) "Statewide Campaign Organization" means the organization contracted to manage the SECC's administrative operations.
- (19) "Undesignated Funds" means solicited funds received in which the designee is not stated or that has not been approved through the SECC application process.

History Note: Authority G.S. 143-340(26);
Eff. April 1, 2020.

01 NCAC 35B .0102 PURPOSE AND ORGANIZATION

(a) The purpose of the State Employee Combined Campaign ("SECC") is to provide a single charitable campaign for all state employees to voluntarily contribute to Independent Organizations or Federations approved in accordance with the rules of this Subchapter.

- (b) The SECC shall be comprised as follows:
- (1) a Statewide Campaign Chair;
 - (2) an Advisory Committee;
 - (3) a Statewide Campaign Organization; and
 - (4) a Campaign Solicitation Organization.

*History Note: Authority G.S. 143-340(26);
Eff. April 1, 2020.*

01 NCAC 35B .0103 STATEWIDE CAMPAIGN CHAIR

(a) The Statewide Campaign Chair shall be appointed each year by the Governor from one of the Executive Cabinet, Council of State, System of Community Colleges, or University Administration agencies.

(b) The Statewide Campaign Chair shall:

- (1) serve as director of the campaign;
- (2) enlist the support and cooperation of the head of each State department and university to promote the SECC's purpose;
- (3) set the dates of and approve the published materials for the SECC in accordance with Rule .0108 of this Section;
- (4) contract for the designation of the Statewide Campaign Organization;
- (5) appoint members the Advisory Committee; and
- (6) serve as Chair over Advisory Committee meetings.

*History Note: Authority G.S. 143-340(26);
Eff. April 1, 2020.*

01 NCAC 35B .0104 SECC ADVISORY COMMITTEE

(a) The SECC Advisory Committee members shall serve four-year staggered terms and shall serve no more than two consecutive terms. In the event of a vacancy, the Statewide Campaign Chair shall appoint a replacement to fill an unexpired term.

(b) The SECC Advisory Committee shall meet at the discretion of the Statewide Campaign Chair and no fewer than four meetings per year shall be held. The Advisory Committee shall conduct business only when a quorum of one-third of the Committee membership, including the Statewide Campaign Chair, is present.

(c) The SECC Advisory Committee shall review the recommendations made by the Statewide Campaign Organization and shall accept or reject its recommendations in accordance with Rules .0202 and .0203 of this Subchapter.

(d) The SECC Advisory Committee shall review the Statewide Campaign Organization's annual work plan and a budget to cover all of the costs related to the SECC.

(e) An SECC Advisory Committee member shall not participate in any decision where that Committee member may have a personal or financial interest resulting in a conflict of interest or the appearance of a conflict of interest, either of a personal nature or with regard to the agency in which members is employed.

*History Note: Authority G.S. 143-340(26);
Eff. April 1, 2020.*

01 NCAC 35B .0105 STATEWIDE CAMPAIGN ORGANIZATION

(a) To be eligible for consideration as a potential Statewide Campaign Organization, the applicant shall:

- (1) demonstrate the ability to manage a state-wide fund-raising campaign in the form of experience and references;
- (2) have an Audit to demonstrate a history of financial accountability;
- (3) be a tax-exempt organization under the Internal Revenue Code;
- (4) have the means to verify a bond or obtain proof of insurance in an amount that covers the total amount of funds to be allocated to each of the respective Charitable Organizations based on the previous campaign year contributions; and
- (5) agree to comply with the terms of the Statewide Campaign Organization contract.

(b) The Statewide Campaign Organization shall conduct its own organization operations separately from their duties performed as the Statewide Campaign Organization for the SECC.

(c) The Statewide Campaign Organization shall:

- (1) serve as the financial administrator of the SECC;
- (2) provide staff to administer, maintain records, and provide central management functions such as review applications, arrange meetings, and answer questions for the SECC in consultation with the SECC Advisory Committee;
- (3) review Independent Organization and Federation applications for compliance with Rules .0202 and .0203 of this Subchapter;
- (4) provide a centralized pledge processing service in order to process all pledge forms of state employees;
- (5) compile reports for the SECC Advisory Committee including:
 - (A) a list of all Independent Organizations and Federations approved in accordance with these Rules;
 - (B) a budget of anticipated Fund-raising, Administrative, and Program Services expenses; and
 - (C) an annual work plan of goals and objectives.
- (6) print and distribute pledge forms, campaign report forms and collection envelopes to each Campaign Solicitation Organization;
- (7) collect pledge reports and envelopes from each Campaign Solicitation Organization;
- (8) notify the Independent Organization and Federation of contributions they are to receive no later than March 1 following the Campaign Solicitation Period;
- (9) transmit quarterly to the Independent Organization and Federation its portion of the charitable contributions;
- (10) maintain an accounting of all Campaign Contributions and submit an audited end of campaign report of the following:
 - (A) amounts contributed and pledged;
 - (B) number of contributions; and
 - (C) amounts distributed to the participating Independent Organization or Federation.
- (11) coordinate annual statewide or regional training sessions for all Campaign Solicitation Organizations;
- (12) serve as liaison to all participating Independent Organizations and Federations;
- (13) educate state employees in the services provided through their support;
- (14) deduct, before disbursements are made, direct costs of operating the SECC from the gross contributions and charge each Independent Organization or Federation its proportionate share of the operational costs as determined in Rule .0107 of this Section; and
- (15) document the total actual costs of the SECC, which shall not exceed 20 percent of gross contributions.

History Note: Authority G.S. 143-340(26);
Eff. April 1, 2020.

01 NCAC 35B .0106 CAMPAIGN SOLICITATION ORGANIZATION

(a) Each State department or university shall have a Campaign Solicitation Organization within their agency. The Campaign Solicitation Organization shall ensure that solicitation activities are organized and conducted in accordance with Rule .0302 of this Subchapter and shall:

- (1) assist in planning solicitation activities for their department or university;
- (2) act as liaison between state employees and the Statewide Campaign Organization by soliciting employees in their assigned area;
- (3) report all pledges and contributions to their campaign coordinators or department leaders; and
- (4) distribute and collect pledge forms.

(b) The Campaign Solicitation Organization shall ensure that all donations are made on a voluntary basis, allow free choice, and prevent an impression of required giving. The Campaign Solicitation Organization may solicit contributions at employee meetings, events, through written or email communication, and individual contact. Solicitation Activities may be conducted during working hours.

History Note: Authority G.S. 143-340(26);
Eff. April 1, 2020.

01 NCAC 35B .0107 CONTRACT

(a) The SECC and Statewide Campaign Organization shall execute a three-year contract for services. The contract shall allow a charge for Fund-raising Expenses, Administrative Expenses, and Program Services Expenses for the Statewide Campaign Organization. The Statewide Campaign Chair shall approve the contract based upon the criteria provided in Rule .0105 of this Section.

(b) The Statewide Campaign Organization shall recover from gross receipts of the SECC its expenses that shall reflect the actual costs of administering the campaign. Total actual costs of the campaign to be recovered pursuant to the contract shall be documented and shall not exceed 20 percent of budgeted gross receipts. The campaign expenses shall be shared proportionately by all the recipient organizations reflecting their percentage share of gross campaign receipts. No costs associated with the campaign shall be borne by the State. All costs shall be borne by the proceeds from the campaign.

*History Note: Authority G.S. 143-340(26);
Eff. April 1, 2020.*

01 NCAC 35B .0108 CAMPAIGN LITERATURE

(a) The SECC shall distribute a campaign resource guide designed by the SECC Advisory Committee subject to approval by the Statewide Campaign Chair. The campaign resource guide shall not favor one Independent Organization or Federation over another.

(b) The Statewide Campaign Chair shall approve, prior to distribution, the content of any campaign pledge or distribution card to ensure compliance with the State Controller's requirements for format and substance.

(c) The Independent Organization or Federation approved for inclusion in the SECC shall be listed in campaign literature no more than one time unless:

- (1) it is in the Independent Organization or Federation's interest to more specifically direct their gifts to separate geographic locations; and
- (2) the Independent Organization or Federation maintains records that determine that contributions are designated to that geographic area accrue only to the benefit and purposes of the designated area.

*History Note: Authority G.S. 143-340(26);
Eff. April 1, 2020.*

SECTION .0200 - APPLICATION PROCESS AND SCHEDULE

01 NCAC 35B .0201 APPLICATIONS

The Independent Organization or Federation shall apply annually in accordance with the requirements set forth in Rules .0202 and .0203 of this Section to the Statewide Campaign Organization. Applications may be obtained via the SECC website at www.ncsecc.org. A Federation may submit an application on behalf of a Member Charitable Organization. Applications for inclusion into the SECC current Campaign Solicitation Period shall be received or postmarked by the Statewide Campaign Organization no later than March 1st to be included in the following fall campaign. If March 1st falls on a Sunday or federal holiday, the application shall be postmarked or received by the Statewide Campaign Organization by the end of the next day not a Sunday or federal holiday.

*History Note: Authority G.S. 143-340(26);
Eff. April 1, 2020.*

01 NCAC 35B .0202 CONTENT OF APPLICATION

(a) The Independent Organization or Federation seeking inclusion in the SECC shall submit an application to the Statewide Campaign Organization. The application shall include:

- (1) the name of the Independent Organization or Federation;
- (2) name and title of a contact person;
- (3) contact person's telephone number and email address;
- (4) calculation of fund-raising and administrative costs; and
- (5) a signed certification of compliance with the eligibility standards listed in Rule .0203 of this Section.

(b) The Independent Organization or Federation seeking inclusion in the SECC shall submit with the application the attached documentation:

- (1) a letter from the Independent Organization or Federation signed by a voting member of the Board of Directors requesting inclusion in the SECC;
- (2) a certification of compliance from the Independent Organization or Federation signed by Board of Director or agent authorized to sign documents on behalf of the organization. A Federation shall submit certifications for each of a Member Charitable Organization;
- (2) a description of services provided and service area of the organization;
- (3) documentation showing the percentage of the organization's total support and revenue that is allocated to administration and fund-raising, to include:
 - (A) copies of the organization's annual report;
 - (B) newsletters;
 - (C) brochures; or
 - (D) fact sheets.
- (4) a signed copy of the Independent Organization or Federation's IRS 990 form. If the Independent Organization or Federation is not required to file the form with the IRS, they shall submit pages one and two of the completed form with an annotation on the document that it is for SECC purposes only. The IRS 990 form shall cover the same fiscal year and, if revenue and expenses on the two documents differ, these amounts shall be reconciled on an accompanying statement by the CPA who completed the financial audit or review. The SECC shall reject any application from the Independent Organization or Federation with fund-raising and administrative expenses in excess of 25 percent of the total revenue, unless the organization demonstrates to the SECC Advisory Committee that its actual expenses for those purposes are reasonable under all the circumstances of the case and specifies steps the organization shall take to accomplish a reduction within the next fiscal year. The percentage shall be computed from the information on the IRS 990 form by adding the amount spent on management and general expenses to the amount spent on fund-raising and dividing the resulting total by total revenue;
- (5) a current copy of the Independent Organization or Federation's Charitable License issued by the NC Secretary of State; and
- (6) a current copy of the certificate of existence, for domestic corporations, or certificate of authorization, for foreign corporations, issued by the NC Secretary of State.

History Note: Authority G.S. 143-340(26);
Eff. April 1, 2020.

01 NCAC 35B .0203 CRITERIA FOR APPLICANTS

The SECC Advisory Committee shall approve an Independent Organization or Federation for inclusion if the following criteria is met:

- (1) be licensed through the North Carolina Secretary of State to solicit funds, if required;
- (2) be able to maintain the confidentiality of the contributor list;
- (3) not permit payments of commissions, kickbacks, finders fees, percentages, bonuses, or overrides for fund-raising, and permit no paid solicitation by a fund-raising consultant or solicitor in the SECC;
- (4) have a written board policy that assures compliance with all State and Federal laws. Nothing herein denies eligibility to any organization that is otherwise eligible because it is organized by, on behalf of, or to serve persons of a particular race, color, religion, sex, age, national origin or physical or mental disability;
- (5) have contact information available to respond to inquiries from state employees, via email, telephone, or messaging;
- (6) not use SECC contributions for lobbying activities; and
- (7) have a board of directors that contains no less than three persons who meet at least three times a year. The board of directors shall maintain records of all decisions made and make those decisions available to the SECC for inspections if requested.

History Note: Authority G.S. 143-340(26);
Eff. April 1, 2020.

01 NCAC 35B .0204 APPLICATION REVIEW PROCESS

- (a) The Statewide Campaign Organization shall review the application materials for compliance with Rule .0202 of this Chapter and report to the SECC Advisory Committee the status of this review within four weeks of the submission deadline provided in Rule .0201 of this Section.
- (b) The SECC Advisory Committee shall review the recommendations of the Statewide Campaign Organization and shall either approve or reject the recommendations based on compliance with Rule .0202 of this Section.
- (c) The SECC Advisory Committee may request additional information if necessary to make an eligibility determination under Rule .0203 of this Section. The Independent Organization or Federation shall submit the requested additional information within 10 days of the notification date. Failure to do so may result in the denial of eligibility.
- (d) The Statewide Campaign Organization shall notify all Independent Organizations and Federations of the SECC Advisory Committee's decision within 60 days of the submission deadline.
- (e) The Independent Organization or Federation may submit a written request for reconsideration to the Statewide Campaign Organization within 10 business days of receipt of notification of rejection by the SECC Advisory Committee.
- (f) If after reconsideration, the SECC Advisory Committee upholds its rejection, the Independent Organization or Federation may commence a contested case by filing a petition under G.S. 150B-23.

History Note: Authority G.S. 143-340(26);
Eff. April 1, 2020.

SECTION .0300 - GENERAL PROVISIONS

01 NCAC 35B .0301 OPERATING REQUIREMENTS

- (a) The Independent Organization or Federation that receives the names and addresses of state employees shall segregate this information from all other lists of contributors and use the lists only for acknowledgement purposes. This segregated list shall not be sold or released to anyone outside of the recipient organization.
- (b) The Independent Organization or Federation shall disburse contribution amounts on the basis of actual funds received rather than the amount pledged.
- (c) The Federation shall disburse contributions quarterly to their Member Charitable Organizations on the basis of actual funds received, rather than amounts pledged.
- (d) In the event the Independent Organization or Federation or any of its directors, officers, or employees are the subject of any investigation or legal proceeding by any federal, state or local law enforcement authority based upon its charitable solicitation activities, delivery program services, or use of funds, the organization shall inform the SECC within 10 days of its learning or being notified of the investigation or proceeding. The Independent Organization or Federation shall also inform the SECC of any investigation or proceeding within 10 days of the outcome.
- (f) Any Independent Organization or Federation that fails to comply with this Rule or Rule .0203 of this Subchapter may be declared ineligible by the SECC Advisory Committee and the remainder of the contributions shall be classified as Undesignated Funds and distributed pursuant to Rule .0305 of this Section. Any Member Charitable Organization that fails to comply with this Rule or Rule .0203 of this Subchapter may be declared ineligible by the SECC Advisory Committee and the remainder of the contributions shall be redistributed in accordance with the Federation's policies. A declaration of ineligibility shall be based on factors including the following:
- (1) the type and severity of the failure to comply;
 - (2) the period of time or duration that the failure to comply occurred; and
 - (3) the amount of financial implications of the failure to comply.

History Note: Authority G.S. 143-340(26);
Eff. April 1, 2020.

01 NCAC 35B .0302 AUTHORIZED SOLICITATION METHODS

- (a) All activities of the campaign shall be conducted in a manner that promotes a unified solicitation on behalf of all participants. While it is permissible to individually identify, describe or explain the Independent Organization or Federation in the campaign for informational purposes, no person affiliated with the campaign shall engage in any campaign activity that is construed to either advocate or criticize specific Charitable Organizations. The Independent

Organization or Federation shall not engage in any solicitation activities at any state employee work site. Bloodmobiles or employee member associations shall be excluded from this restriction.

(b) No Campaign Solicitation Organization representative shall:

- (1) provide or use contributor lists for purposes other than collection, forwarding, and acknowledgment of contributions;
- (2) set mandatory employee participation goals;
- (3) establish personal dollar goals or quotas; and
- (4) develop nor use lists of non-contributors.

History Note: Authority G.S. 143-340(26);
Eff. April 1, 2020.

01 NCAC 35B .0303 REVOCATION OF ELIGIBILITY

(a) Violations of Rules .0203 and .0301 of this Subchapter by the Individual Organization or Federation may result in the revocation of eligibility of the organization. The Independent Organization or Federation shall be given notice of the violation and an opportunity to respond prior to any action being taken by the SECC Advisory Committee. A revocation of ineligibility shall be based on factors including the following:

- (1) the type and severity of the failure to comply;
- (2) the period of time or duration that the failure to comply occurred; and
- (3) the amount of financial implications of the failure to comply.

(b) The Independent Organization or Federation that is dissatisfied with the revocation of its eligibility may file an appeal to the SECC Advisory Committee within 10 days of the notification postmark date.

(c) The Independent Organization or Federation that is dissatisfied with the appeal determination of the SECC Advisory Committee may commence a contested case by filing a petition under G.S. 150B-23.

History Note: Authority G.S. 143-340(26);
Eff. April 1, 2020.

01 NCAC 35B .0304 TERMS OF CONTRIBUTIONS/DESIGNATED CAMPAIGN

(a) If an employee chooses to contribute to an Independent Organization or Federation through the SECC, he or she shall designate an Independent Organization or Federation to receive the contribution that has been approved in accordance with Rule .0204 of this Subchapter. A list of approved Charitable Organizations shall be provided to each employee by the SECC. Any funds designated to an organization that has not been approved shall be treated as Undesignated Funds and be distributed in accordance with Rule .0305 of this Section.

(b) Campaign Contributions may be made by payroll deduction, personal check, or credit card. If an employee chooses to use the payroll deduction method of contribution, he or she shall agree to have the deduction continued for one year with equal amounts deducted from each pay period. If the employee authorized payroll deduction or credit card, the minimum amount of the deduction is five dollars per month. Payroll deductions shall be processed pursuant to G.S. 143B-426.40A.

(c) All one time contributions shall be a minimum of ten dollars (\$10.00) annually per Independent Organization or Federation. If a designation does not comply with the minimum contribution it shall be treated as Undesignated Funds and be distributed in accordance with Rule .0305 of this Section.

(d) An employee shall not change the Independent Organization or Federation designated contribution outside of the Campaign Solicitation Period.

(e) When the total contribution for the Independent Organization or Federation is two hundred fifty dollars (\$250.00) or less, the SECC Advisory Committee shall direct the contribution be made in a lump sum the first quarter to the recipient Independent Organization or Federation. Interest earnings shall be disbursed to the Independent Organization or Federation based on its proportionate share of the total gross contributions if an interest-bearing account is established.

History Note: Authority G.S. 143-340(26);
Eff. April 1, 2020.

01 NCAC 35B .0305 DISTRIBUTION OF UNDESIGNATED FUNDS

Any monies not designated to an Independent Organization or Federation that has been approved to received contributions through the SECC shall be deemed Undesignated Funds. Undesignated Funds shall be distributed to an

Independent Organization or Federation based on its percentage of total designated funds during the current Campaign Solicitation Period after total actual costs of the campaign are recovered pursuant to Rule .0107(b) of this Subchapter.

History Note: Authority G.S. 143-340(26);
Eff. April 1, 2020.