

**MISSOULA COUNTY
CHARITABLE GIVING IN THE WORKPLACE**

During the past several years there has been an evolving case law relative to charitable giving in the public work place. This evolution basically requires public employers to open their doors to all charitable organizations for solicitation of employees if the practice has been to open the doors to one. Since Missoula County has participated in the United Way campaign for many years, this change is now applicable to our operation. Therefore, the Board of County Commissioners has adopted the following policy (see below) governing how this will be structured.

If you have any questions regarding this matter, please don't hesitate to contact our office.

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Missoula County Employees' Combined Campaign

The annual Missoula County Employee's Combined Campaign shall be the only County-sponsored charitable fund raising appeal conducted by and among County Employees at the work-site in order to:

1. To minimize the disruption in the work place.
2. To minimize the administration required to conduct the campaign.
3. To provide a range of choices to all County Employees.

The Missoula County Employee's combined Campaign shall solicit contributions to primarily benefit Missoula County and/or the people living within the county.

1. The organizations participating in the campaign shall have a substantial presence in Missoula County.
2. The predominate amount of the funds raised through the Missoula County Employee's shall remain in Missoula County.

County Employees Participating in Campaign Activities

County employees who are participating as volunteers in the combined campaign shall be permitted a reasonable amount of time to perform their duties related to the campaign. Employees shall coordinate the time requirements needed to perform their combined campaign duties with their supervisors so as not to conflict with their other required job duties.

Solicitation Methods

Employee solicitation shall be conducted during working hours using methods that permit true voluntary giving.

Coercion Prohibited

True voluntary giving is the essence of fund-raising activities. Actions that do not allow free choices or create the appearance that employees do not have a free choice to give or not to give, or to publicize their gifts or to keep them confidential, are contrary to the nature of Missoula County Employee's Combined Campaign. Goals should emphasize total giving and increased participation among employees.

Eligibility and Application Procedures

1. For the purpose of this policy an eligible organization is a charitable, non-profit organization which is either a single organization or a federation which is recognized by the Internal Revenue Service as tax-exempt under 26 U.S.C. 501(c) (3) and to which contributions are tax-deductible pursuant to 26 U.S.C. 170. Federations must be composed of at least five eligible charitable organizations, each of which is recognized by the Internal Revenue Service as tax-exempt under 26 U.S.C. 501(c)(3) and to which contributions are tax-deductible pursuant to 26 U.S.C. 170.
2. Have filed an IRS 990 Form for the most current fiscal year.
3. Has a substantial presence and provides direct services, benefits, or assistance within Missoula County and expends at least 75 percent of the organization funds within Missoula County, and has a board of directors from Missoula County.
4. Is accounting for its funds in accordance with generally accepted accounting principles, including as audit, review or management review conducted by an independent CPA.
5. Has a written policy and procedure of nondiscrimination in regard to race, color, religion, national origin, handicap, age, marital status or sex applicable to persons served by the organizations; applicable to the organization's staff; and applicable to membership on the charitable organization's board of directors; and provides full disclosure of administrative and funding raising costs and distribution contributions.
6. Provides full disclosure of administrative and fund-raising costs and distribution of contributions.
 - a. The totals from Columns (C) and (D) in the Statement of Functional Expenses in the IRS Form 990 will be used to determine the fund-raising and administrative expenses.
7. For Federations, individual member organizations may be excluded because they do not meet all of the eligibility requirements. The exclusion of a specific member organization will not automatically exclude the federation and its eligible member organizations from participating.
8. Sectarian activities must not be the primary focus of any charitable organization, including activities aimed at promoting the adoption of one or more religious viewpoints. Sectarian activities that are only incidental to the primary focus of the organization will not disqualify the organization on that basis.
9. A federation is also required to affirm annually that its member organizations are in compliance with the requirements of this policy.

10. Organizations or Federations participation in prior campaigns is not a guarantee of participation in subsequent campaigns. Application for participation is required each year by all organizations or federations wanting to participate. Organizations or federations may be denied access to participate based on failing to meet any of the eligibility requirements or by failing to adhere to the eligibility requirements or to the policies and procedures in the prior campaign.

Probationary Status

1. Probationary status may be used to put organizations or federations on notice that changes need to be made. Failure to make required changes may result in exclusion from participation in future campaigns.
2. Organizations or federations may be placed on probation by the County for not complying with any of the requirements as stated in this policy statement.
3. The probationary status will not automatically disqualify an organization or federation from further participation, but the County reserves the right to exclude an organization or federation from future participation for failure to comply with the requirements as determined by the County.

Application

1. An organization or federation which seeks authorization to conduct a funding raising campaign must apply with the Board of County Commissioners of its interest.
2. All materials required for eligibility consideration must be received by May 14th for the 1993 campaign and by the first work day in April for subsequent campaign years.
3. Authorization to conduct the campaign shall be given by the Board of County Commissioners.
4. The authorization is effective for only the year in which it is given.
5. Upon request, an applicant must provide documentation to substantiate the criteria and conditions noted above.
6. To insure that the organizations or federations that wish to solicit donations from Missoula County employees in the work-place are accurately portraying their programs and benefits, each organization or federation applying to participate must affirm annually that the organization substantiates they meet the above stated criteria and conditions of this policy.

Application Requirements

Payroll Deductions

If an organization or federation is authorized to conduct a fund-raising campaign and wishes to utilize Missoula County's payroll process for employee-initiated, voluntary payroll deductions, then the following conditions must be satisfied on an annual basis:

- a. Utilize a payroll deduction authorization form that has been approved by the Missoula County Fiscal Officer.
- b. Payroll deductions will be effective on a calendar year basis and initiated in January of the year following the campaign.

- c. A minimum of 25 employees must request payroll deduction for a specific federation.

Solicitation

Solicitation parameters will be established by the Board of County Commissioners and will be subject to the following minimum guidelines:

- a. There will be a single solicitation of County Employees. Organizations or federations authorized to conduct a fund raising campaign will be responsible for coordinating the time and materials for the solicitation and the training of campaigners.

A single appeal letter, brochure and payroll deduction pledge card will be permitted.

One (1) set of mailing labels for all current County Employees will be provided by the Office of Personnel.

The combined campaign may utilize County Mail Services for the distribution of one (1) County-wide mailing.

- b. The Board of County Commissioners will be responsible for appointing the employee committee to:
 - 1) reviewing and recommending applicants;
 - 2) approval of campaign materials, and
 - 3) over-all coordination of the charitable giving campaign.
- c. Appeals on decisions of the employee committee will be heard by the Board of County Commissioners within two weeks of receipt.
- d. All county-wide presentations/meetings will be conducted with a cooperative approach. The County reserves the right to limit the number and length of such meetings.
- e. A single deadline for turning in a pledge form will be established. Pledge forms will be delivered to the County Payroll Office. Pledge cards will be audited by a Committee representing authorized federations participating in the Charitable Campaign.

The Board of County Commissioners is the final authority in the interpretation or determination of any rules, policies, contracts, etc.