

Title 695. Oversight Committee for State Employee Charitable Contributions

TITLE 695. OVERSIGHT COMMITTEE FOR STATE EMPLOYEE CHARITABLE CONTRIBUTIONS

Editor's Note: Effective 11-1-06, the name of the State Agency Review Committee was changed to the Oversight Committee for State Employee Charitable Contributions. [Laws 2006, c. 121]

CHAPTER 10. OKLAHOMA STATE CHARITABLE CAMPAIGN RULES

[Authority: 74 O.S., §§ 7001 through 7010; 75 O.S., §§ 302, 305, and 307

[Source: Codified 5-26-92]

SUBCHAPTER 1. GENERAL PROVISIONS

695:10-1-1. Purpose

(a) The rules in this Chapter are intended to establish policies and procedures to:

- (1) aid in the orderly administration of the Oklahoma State Employee Charitable Contribution Act;
- (2) facilitate a successful annual charitable contribution campaign;
- (3) ensure effective and coordinated program implementation through coordination of Oversight Committee for State Employee Charitable Contributions, local advisory review committees and principal combined fund raising organizations;
- (4) provide for voluntary payroll deductions for gifts to eligible charitable organizations made in connection with the charitable contribution campaign;
- (5) provide meaningful avenues for realizing and enforcing statutory rights and obligations of certain non-profit agencies, federations, state agencies and state employees.

(b) The authority for the rules in this Chapter is the Oklahoma State Employee Charitable Contribution Act, Sections 7001 through 7010 of Title 74 of the **Oklahoma Statutes**. The Oversight Committee for State Employee Charitable Contributions is the rulemaking authority.

[Source: Added at 9 Ok Reg 1877, eff 5-26-92; Amended at 12 Ok Reg 2917, eff 7-13-95; Amended at 24 Ok Reg 2498, eff 5-24-07 (emergency); Amended at 25 Ok Reg 1704, eff 6-12-08]

695:10-1-2. Definitions

The following words and terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise.

"Act" means the Oklahoma State Employee Charitable Contribution Act, Sections 7001 through 7010 of Title 74 of the Oklahoma Statutes.

"Appointing Authority" means the chief executive officer of a state agency.

"Campaign" means the annual combined State Charitable Campaign ("SCC"). "Local campaign" refers to the annual Oklahoma State Charitable Campaign in a geographic area.

"Campaign proceeds" means the amount of money pledged by employees during a campaign. It does not mean the amount of money actually deducted during the following calendar year.

"Designated funds" means contributions which the contributor has designated to a specific voluntary agency or federation.

"Federation" means a legally constituted grouping of at least five health and social service agencies that are bound together to raise and distribute charitable contributions [74:7003(1)]. "Legally constituted grouping" means the organizational relationship among the agencies is recognized by law.

"Geographic area" means a county or the area encompassed by counties or portions of counties which have been combined for the purpose of conducting a local State Charitable Campaign.

"International social service agency" means a voluntary agency that provides the majority of its services to needy persons overseas.

"LARC" means local advisory review committee.

"Licensed by the Oklahoma Tax Commission" means registered with the Oklahoma Tax Commission in accordance with Section 552.3 et seq. of Title 18 of the Oklahoma Statutes.

"Local advisory review committee" means a group of state employees in a facility or agency assisting in the local involvement of state employees in the campaign [74:7003(3)]. The committee is authorized by the OCSECC to implement the local campaign in their geographic area; the committee performs purely administrative or ministerial tasks and does not exercise actual or de facto decision-making authority for the OCSECC.

"Local federation" means a federation that provides direct service in a specific geographic area in this state.

"Local presence" means a test to determine whether the agency actually provides service to people in the geographic area and whether said geographic area has any input into the service provisions process.

"OCSECC" means Oversight Committee for the State Employee Charitable Contributions.

"Pacesetter" means a campaign that begins prior to August 1.

"PCFRO" means the principal combined fund raising organization.

"Principal combined fund raising organization" means the organization in State of Oklahoma responsible for the charitable contribution campaign [74:7003(4)]. "State PCFRO" (SPCFRO) refers to the organization which is selected by the OCSECC to assist them statewide with the campaign. "Local PCFRO" (LPCFRO) refers to the organization which is selected by the OCSECC to assist the LARC with the local campaign.

"Rules" means the State Charitable Campaign Rules in this Chapter.

"State agency" means any office, department, board, commission or institution of the state government.

"State employee" means an elected or appointed officer or employee of the executive, judicial or legislative branch of government.

"State presence" means a test to determine whether the agency actually provides service to people in the State of Oklahoma [74:7003(2)].

"Statewide Federation" means a federation that provides direct service to a majority of the counties in the State of Oklahoma.

"Statewide Presence" means a test to determine whether that agency actually provides direct service to a majority of the counties in the State of Oklahoma and whether said geographic area has any input into the service provision process.

"Undesignated funds" means those contributions which the contributor has not designated to a specific voluntary agency or federation.

"Voluntary agency" means a nonprofit organization which meets the requirements for participation in the State Charitable Campaign which are provided in Section 7009 of Title 74 of the Oklahoma Statutes.

[Source: Added at 9 Ok Reg 1877, eff 5-26-92; Amended at 12 Ok Reg 2917, eff 7-13-95; Amended at 22 Ok Reg 633, eff 1-28-05 (emergency); Amended at 23 Ok Reg 1115, eff 5-11-06; Amended at 24 Ok Reg 2498, eff 5-24-07 (emergency); Amended at 25 Ok Reg 1704, eff 6-12-08]

695:10-1-3. Legal references

(a) References to "Title" in this Chapter refers to Titles of the **Oklahoma Statutes**. References refer to the most recent version of the law unless another edition is specifically cited.

(b) Some of the rules in this Chapter restate or exactly repeat language from laws. Italic type means the language exactly repeats language from a law or other legal instrument. The specific reference appears in brackets following the language in Italics. Language from laws or other legal instruments which is restated in other words is also followed by a reference in brackets. But, it is not printed in Italics.

[Source: Added at 9 Ok Reg 1877, eff 5-26-92]

695:10-1-4. Severability

If any rule, or part of a rule, in this Chapter is found to be unenforceable by a court of competent jurisdiction, the remainder of the rules will not be impaired or invalidated; the remaining rules in this Chapter will be valid and enforceable to the fullest extent permitted by law.

[Source: Added at 9 Ok Reg 1877, eff 5-26-92]

695:10-1-5. Oversight Committee for State Employee Charitable Contributions (OCSECC); organization and meetings

(a) The membership of the OCSECC consists of 7 state employees. Section 7005 of Title 74 of the **Oklahoma Statutes** provides for the appointment and service of the membership of the OCSECC. The officers of the OCSECC are the chairman and the vice-chairman.

(1) At least annually, the OCSECC shall elect a chairman and a vice-chairman from among its members. A member may be elected for succeeding terms of office.

(2) The chairman shall call and preside at meetings and may represent the OCSECC in other matters as it may lawfully authorize. In the absence of the chairman, the vice-chairman shall assume the chairman's duties and have the chairman's authority. The vice-chairman shall also perform such duties as may be assigned by the chairman.

(b) All meetings of the OCSECC shall be held and conducted in accordance with the Open Meeting Act, Sections 301 through 314 of Title 25 of the Oklahoma Statutes.

(1) The chairman of the OCSECC may call special meetings or emergency meetings.

(2) Special or emergency OCSECC meetings shall also be called at the written request of a majority of the appointed members of the committee.

(3) A majority of the appointed members of the OCSECC shall constitute a quorum.

(4) A quorum of the members of the OCSECC shall be present to transact any business.

(5) An affirmative vote from a majority of a quorum is required for action by the OCSECC.

(6) Regularly scheduled meetings shall be held on the 2nd Wednesday of each of the following months: January, February, April, May, August, and November.

(c) The Office of Personnel Management shall provide the following support as is required by the OCSECC and pursuant to Section 7005(D) of Title 74 of the Oklahoma Statutes.

(1) Prepare meeting notices and agendas for submission to the chairman;

(2) Upon approval of the chairman, file, post and distribute meeting notices and agendas;

(3) Take and prepare minutes of meetings of the OCSECC; and,

(4) Provide necessary clerical support for OCSECC during its meetings

[Source: Added at 9 Ok Reg 1877, eff 5-26-92; Amended at 12 Ok Reg 2917, eff 7-13-95; Amended at 22 Ok Reg 633, eff 1-28-05 (emergency); Amended at 23 Ok Reg 1115, eff 5-11-06; Amended at 24 Ok Reg 2498, eff 5-24-07 (emergency); Amended at 25 Ok Reg 1704, eff 6-12-08; Amended at 26 Ok Reg 1333, eff 5-25-09]

695:10-1-6. Local Advisory Review Committee (LARC); organization

Each year, the local PCFRO shall identify and contact the LARC from each state agency or facility within the appropriate SCC geographic area. The SPCFRO shall provide the LCPFRO with any and all materials and information needed to help identify state agencies or facilities within the LARCS geographic area.

(1) The team leader of each LARC shall be the local state agency employee who is administratively in charge of a state agency or facility in a campaign assigned to work in the LARC's geographic campaign area or his or her designee. The team leader shall assist the LARC members in organizing the local campaign and may represent them in other matters.

(2) The local PCFRO is responsible for submitting the following information in writing to the SPCFRO no later than July 31, and again whenever any of the information is changed.

(A) The name and employing agency of each LARC member;

(B) The mailing address and location for submissions to the LARC;

(C) The telephone number used by the LARC;

(D) The SPCFRO shall provide this information to the OCSECC one week prior to the regularly scheduled August meeting.

(3) The primary responsibility of the LARC is to work together with their local PCFRO to ensure that the State Charitable Campaign for state employees is a convenient, informative and responsible program. To help the local campaign meet these goals the LARC and local PCFRO should:

(A) develop the campaign materials and publicity for the local State Charitable Campaign;

(B) ensure that each state employee receives informational material and a pledge card;

(C) recruit and train volunteers, departmental coordinators and solicitors to distribute material, conduct meetings, answer questions and collect pledge cards;

(D) ensure that all informational materials are fair and equitable;

(E) ensure that each state employee is given the opportunity to make a gift and the option to designate the gift.

[Source: Added at 9 Ok Reg 1877, eff 5-26-92; Amended at 12 Ok Reg 2917, eff 7-13-95; Amended at 22 Ok Reg 633, eff 1-28-05 (emergency); Amended at 23 Ok Reg 1115, eff 5-11-06; Amended at 24 Ok Reg 2498, eff 5-24-07 (emergency); Amended at 25 Ok Reg 1704, eff 6-12-08]

695:10-1-7. General provisions for meetings of the SARC and LSARC [REVOKED]

[Source: Added at 9 Ok Reg 1877, eff 5-26-92; Revoked at 12 Ok Reg 2917, eff 7-13-95]

695:10-1-8. Locations for information and for filing

(a) **OCSECC.** Any person may obtain information from, make a submission to, or make a request of the OCSECC by submitting a written request. Papers may be mailed to the OCSECC, or they may be hand delivered during normal business hours. Normal business hours are 8:00 a.m. to 4:45 p.m., Monday through Friday. The mailing address and location for filing is: Office of Personnel Management, ATTENTION: OVERSIGHT COMMITTEE FOR STATE EMPLOYEE CHARITABLE CONTRIBUTIONS, Jim Thorpe Building, Room G-80, 2101 North Lincoln Boulevard, Oklahoma City, OK 73105, Telephone Number: (405) 521-2177. You may e-mail to: OCSECC@opm.ok.gov. The date on which the papers are actually received at the Office of Personnel Management shall be recorded as the date of filing.

(b) **LARCS.** Any person may obtain a list of the LARCS from the OCSECC. This list shall include the information listed in 695:10-1-6(2).

(c) **Address of Record.** It is the responsibility of each participating charity and federation to provide contact information by December 15 of each year to the OCSECC. The information should include, but not be limited to, the name and title of the individual responsible for

submitting an application to OCSECC for the next year's campaign, mailing address, phone number, and e-mail address.

[Source: Added at 9 Ok Reg 1877, eff 5-26-92; Amended at 12 Ok Reg 2917, eff 7-13-95; Amended at 22 Ok Reg 633, eff 1-28-05 (emergency); Amended at 23 Ok Reg 1115, eff 5-11-06; Amended at 24 Ok Reg 2498, eff 5-24-07 (emergency); Amended at 25 Ok Reg 1704, eff 6-12-08]

695:10-1-9. Retention and public inspection of documents and release of records

(a) All documents filed with or presented to the OCSECC will be retained in the files of the OCSECC located at the Office of Personnel Management for the length of time required by state and federal laws. Documents will be disposed of in a manner consistent with the Records Management Act, Sections 201 through 216 of Title 67 of the **Oklahoma Statutes**, and rules promulgated by the Archives and Records Commission pursuant to Section 564 through 576 of Title 74 of the **Oklahoma Statutes**.

(b) Individual employee contribution records are confidential as defined by Section 24A.7 (A)(2) of Title 51 of the **Oklahoma Statutes**. Except for records required by law to be kept confidential, all other records of the OCSECC are available for inspection in accordance with the Oklahoma Open Records Act, Sections 24A.1 through 24A.18 of Title 51 of the **Oklahoma Statutes**.

(c) Records may be released during the normal business hours of the Office of Personnel Management.

(d) Fees will be assessed pursuant to Section 24A.3 of Title 51 of the Oklahoma Statutes.

(1) **Search charges.** In the event a request is solely for commercial purposes or clearly would cause excessive disruption of the Office of Personnel Management's essential functions, the OCSECC may charge the hourly rate, including any fraction of an hour, of the person doing the search.

(2) **Transcript charges.** When materials from meetings or hearings are transcribed from tapes or notes, the charge will be calculated at a rate charged by a court reporter; or if done by Office of Personnel Management staff, will be at a rate established by the Office of Personnel Management. Copies of transcripts will be \$0.25 per page.

[Source: Added at 9 Ok Reg 1877, eff 5-26-92; Amended at 22 Ok Reg 633, eff 1-28-05 (emergency); Amended at 23 Ok Reg 1115, eff 5-11-06; Amended at 24 Ok Reg 2498, eff 5-24-07 (emergency); Amended at 25 Ok Reg 1704, eff 6-12-08]

695:10-1-10. Declaratory rulings

Any person may request the OCSECC to issue a declaratory ruling as to the applicability of any rule or order of the OCSECC. The purpose of a declaratory ruling is to explain, or clarify, a rule or an order of the OCSECC in relation to a particular matter.

(1) A request for a declaratory ruling must be in writing and must include the following information:

(A) Name, address and telephone number of the person making the request;

(B) Name, address and telephone number of the organization the person represents, if applicable;

(C) Date of the request;

(D) A description of the problem or issue which made it necessary to request a declaratory ruling; and

(E) The number and heading used to identify the rule or the order on which the declaratory ruling is sought.

(2) The OCSECC will consider each request submitted and, within a reasonable time after the submission thereof, either deny the request in writing, stating its reasons for such denial, or issue a declaratory order on the matters contained in the request.

[Source: Added at 9 Ok Reg 1877, eff 5-26-92; Amended at 22 Ok Reg 633, eff 1-28-05 (emergency); Amended at 23 Ok Reg 1115, eff 5-11-06; Amended at 24 Ok Reg 2498, eff 5-24-07 (emergency); Amended at 25 Ok Reg 1704, eff 6-12-08]

695:10-1-11. Rulemaking

(a) Any person may request the OCSECC to amend or revoke an existing rule or establish a new rule. The request must be in writing, and it must include the following information.

- (1) Name, address and telephone number of the person making the request;
- (2) Name, address and telephone number of the organization the person represents, if applicable;
- (3) Date of the request;
- (4) The requested action, that is: change to existing rule, revocation of existing rule, addition of new rule;
- (5) The number and heading used to identify existing rule if the request is to change or revoke existing rule;
- (6) The proposed language if the request is to change existing rule or for new rule;
- (7) The circumstances which created the need for the action; and
- (8) The intended effect of the rule.

(b) If the OCSECC does not take action to initiate rulemaking procedures no later than the next regularly scheduled meeting, the request will be deemed to have been denied.

[Source: Added at 9 Ok Reg 1877, eff 5-26-92; Amended at 22 Ok Reg 633, eff 1-28-05 (emergency); Amended at 23 Ok Reg 1115, eff 5-11-06; Amended at 24 Ok Reg 2498, eff 5-24-07 (emergency); Amended at 25 Ok Reg 1704, eff 6-12-08]

695:10-1-12. Computation of time

In this Chapter, the word "day" means a calendar day. In computing any period of time prescribed or allowed by the rules in this Chapter, the day of the act, or event, from which the period of time begins to run will not be included. The last day of the period will be included, unless it is a Saturday, Sunday, legal holiday, or other day when the Office of Personnel Management does not remain open for public business until 4:30 p.m. In such case, the period will run through the end of the next day the Office of Personnel Management is open until at least 4:30 p.m.

[Source: Added at 9 Ok Reg 1877, eff 5-26-92]

695:10-1-13. Forms and instructions

In addition to forms and instructions described elsewhere in this Chapter, other forms and instructions for their use may be issued by the OCSECC. Additions, changes and deletions to forms and instructions may be made without notice. Copies of all forms and instructions issued by the OCSECC may be obtained as provided in 695:10-1-9.

[Source: Added at 9 Ok Reg 1877, eff 5-26-92; Amended at 24 Ok Reg 2498, eff 5-24-07 (emergency); Amended at 25 Ok Reg 1704, eff 6-12-08]

SUBCHAPTER 3. PRINCIPAL COMBINED FUND RAISING ORGANIZATION PART 1. STATE PRINCIPAL COMBINED FUND RAISING ORGANIZATION (STATE PCFRO)

695:10-3-1. [RESERVED]

695:10-3-2. Selection of the state PCFRO

(a) The OCSECC shall select the state principal combined fund raising organization [74:7005(C)(7)].

(b) To apply to become the state principal combined fund raising organization (PCFRO), a federation shall submit 7 copies of each of the following documents to the OCSECC on or before January 31:

- (1) A completed state PCFRO application form which contains the following information:

- (A) the name of the federation applying;
 - (B) the name of the administrator or agent authorized to represent the federation;
 - (C) the business mailing address of the federation;
 - (D) the primary business telephone number of the federation; and
 - (E) a list of the nonprofit organizations which the federation represents.
- (2) An organization chart and staffing table for the federation and a description of any additional staffing requirements if the federation is selected as the state PCFRO.
 - (3) A separate statement signed by the federation's local director, or equivalent, pledging to administer the duties fairly and equitably.
 - (4) A copy of articles of incorporation or other documents authorizing the federation to do business in this state as a private, nonprofit corporation.
 - (5) A copy of an audit of the federation, conducted by an accounting firm or individual holding a permit to practice public accounting in this state according to the generally accepted standards of accounting for nonprofit organizations for the immediately preceding year.
 - (6) A copy of the last annual report issued by the federation.
 - (7) A separate certification affirming the federation prepares and makes available to the public an annual report that includes a full description of the federation's activities and supporting services and identifies its directors and chief administrative personnel.
 - (8) A proposed budget of overall costs of administration of the campaign.
- [Source: Added at 9 Ok Reg 1877, eff 5-26-92; Amended at 12 Ok Reg 2917, eff 7-13-95; Amended at 22 Ok Reg 633, eff 1-28-05 (emergency); Amended at 23 Ok Reg 1115, eff 5-11-06; Amended at 24 Ok Reg 2498, eff 5-24-07 (emergency); Amended at 25 Ok Reg 1704, eff 6-12-08]

695:10-3-3. Terms and conditions of service of the state PCFRO

The state PCFRO will be selected by the OCSECC and will serve at its pleasure, normally for the period beginning March 1 and ending January 31 of the following year.

[Source: Added at 9 Ok Reg 1877, eff 5-26-92; Amended at 22 Ok Reg 633, eff 1-28-05 (emergency); Amended at 23 Ok Reg 1115, eff 5-11-06; Amended at 24 Ok Reg 2498, eff 5-24-07 (emergency); Amended at 25 Ok Reg 1704, eff 6-12-08]

695:10-3-4. Duties and responsibilities of the state PCFRO

The duties and responsibilities of the state PCFRO, at the direction and with the approval of the OCSECC and as provided by the Act and elsewhere in the rules in this Chapter, include:

- (1) Responsibility for the staffing of and the financial obligations necessary for the OCSECC;
- (2) *Working with the [OCSECC] to develop the charitable contribution campaign plan for the [Campaign] [74:7007(B)(1)];*
- (3) *Developing the charitable contribution campaign materials and publicity for the [Campaign] [74:7007(B)(2)];*
- (4) *Recruiting and training the volunteers, departmental coordinators and solicitors in a bipartisan manner; develop and keep records on all the accounts to be solicited; and cultivate the accounts to encourage participation in the charitable contribution campaign [74:7007(B)(3)];*
- (5) *Keeping all fiscal and financial records of the activities and submit to the [OCSECC] a separate accounting of all proceeds of the [Campaign] [74:7007(B)(4)];*
- (6) *Submitting to the participating federations a detailed accounting of the amount of money designated to the federation and to each of its member agencies [74:7007(B)(5)];*
- (7) *Dispersing the allocation checks to the participating agencies [74:7007(B)(6)].* For purposes of this section, participating agencies are identified as LPCFROs;
- (8) Arranging for publication of information about the application process for federations seeking to participate in the campaign;

- (9) Assisting the OCSECC in gathering and accumulating the applications;
- (10) Reviewing applications of federations electing to participate in the State Charitable Campaign and certify that a federation and each of its member agencies meet the eligibility criteria in Section 7009 of the Act;
- (11) Notifying each of the applying federations of its acceptance or rejection by the OCSECC, including, if applicable, the reason for rejection of each of the member agencies of the federation;
- (12) Notifying each LARC of the federations approved for its area by the OCSECC;
- (13) Developing a pledge card to be used throughout the SCC;
- (14) Attending to correspondence as required;
- (15) Maintaining accurate and complete records of all business transactions of the SCC;
- (16) Upon the conclusion of its service as the state PCFRO, transmission of all records created or received in connection with the Act or the rules in this Chapter to its successor state PCFRO or to OCSECC if there is no successor;
- (17) Making all records, as defined in the Oklahoma Open Records Act, Sections 24A.1 through 24A.18 of Title 51 of the **Oklahoma Statutes**, available to the OCSECC and to the public in accordance with the provisions of the Open Records Act; and
- (18) Absorbing the cost of any reprinting, embezzlement, loss of funds, or cost overrun connected with the campaign as a result of its action or inaction.

[Source: Added at 9 Ok Reg 1877, eff 5-26-92; Amended at 12 Ok Reg 2917, eff 7-13-95; Amended at 22 Ok Reg 633, eff 1-28-05 (emergency); Amended at 23 Ok Reg 1115, eff 5-11-06; Amended at 24 Ok Reg 2498, eff 5-24-07 (emergency); Amended at 25 Ok Reg 1704, eff 6-12-08]

PART 3. LOCAL PRINCIPAL COMBINED FUND RAISING ORGANIZATION (LOCAL PCFRO)

695:10-3-32. Selection of the local PCFRO

The local PCFRO shall be the local federation in each geographic area that provides through one specific annual public solicitation for funds, the greatest financial support for charitable agencies that depend on public subscription for support in that geographic area and that has the necessary staff and volunteer support to administer the charitable contribution campaign.

[Source: Added at 9 Ok Reg 1877, eff 5-26-92; Amended at 12 Ok Reg 2917, eff 7-13-95]

695:10-3-33. Terms and conditions of service of the local PCFRO

The local PCFRO shall serve at the pleasure of the OCSECC, normally for the period beginning May 1 and ending April 30 of the following

[Source: Added at 9 Ok Reg 1877, eff 5-26-92; Amended at 12 Ok Reg 2917, eff 7-13-95; Amended at 26 Ok Reg 1333, eff 5-25-09]

695:10-3-34. Duties and responsibilities of the local PCFRO

Duties and responsibilities of local PCFROs are specified in the Act and elsewhere in the rules in this Chapter.

[Source: Added at 9 Ok Reg 1877, eff 5-26-92]

SUBCHAPTER 5. CONDUCT OF THE CHARITABLE CAMPAIGN

695:10-5-1. [RESERVED]

695:10-5-2. Geographic areas for the charitable contribution campaign

The OCSECC will establish the geographic areas for the charitable campaign annually by March 1.

[Source: Added at 9 Ok Reg 1877, eff 5-26-92; Amended at 24 Ok Reg 2498, eff 5-24-07 (emergency); Amended at 25 Ok Reg 1704, eff 6-12-08]

695:10-5-3. Applications for participation in the campaign

By March 1, the OCSECC shall set an application deadline and arrange for publication of information about the process by which federations may apply to participate in the campaign [74:7005(C)(1)]. Federations wishing to participate in the campaign shall submit an application to the OCSECC [74:7009(D)]. The application shall include:

- (1) Proof of eligibility for participation in the campaign in accordance with Section 7009 of the Act;
- (2) A 25-word or less description of each member agency; and
- (3) The local campaign or campaigns in which the federation seeks to participate.
- (4) Proof of meeting the state presence test as required in Subsection A of Section 7010 of the Act; or
- (5) Proof of eligibility for exemption from the state presence test as provided in Subsection B of Section 7010 of the Act.

[Source: Added at 9 Ok Reg 1877, eff 5-26-92; Amended at 12 Ok Reg 2917, eff 7-13-95; Amended at 22 Ok Reg 633, eff 1-28-05 (emergency); Amended at 23 Ok Reg 1115, eff 5-11-06; Amended at 24 Ok Reg 2498, eff 5-24-07 (emergency); Amended at 25 Ok Reg 1704, eff 6-12-08]

695:10-5-4. Campaign period

The annual campaign period in each geographic area shall be established by the LARC and/or the LPCFRO for that district in accordance with this Section. It shall be set within the period beginning August 1 and ending November 30 unless designated by the OCSECC as part of a pacesetter campaign. The announced local campaign period may be up to 8 weeks in length.

[Source: Added at 9 Ok Reg 1877, eff 5-26-92; Amended at 12 Ok Reg 2917, eff 7-13-95; Amended at 22 Ok Reg 633, eff 1-28-05 (emergency); Amended at 23 Ok Reg 1115, eff 5-11-06; Amended at 24 Ok Reg 2498, eff 5-24-07 through 7-14-08 (emergency)¹; Amended at 26 Ok Reg 1333, eff 5-25-09]

EDITOR'S NOTE: ¹This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency amendatory action, the last effective permanent text is reinstated. Therefore, on 7-15-08 (after the 7-14-08 expiration of the emergency action), the text of 695:10-5-4 reverted back to the permanent text that became effective 5-11-06, as was last published in the 2006 Edition of the OAC, and remained as such until amended by permanent action on 5-25-09.

695:10-5-5. Employee solicitation

Solicitations are to be conducted using only methods that encourage voluntary giving. Actions that do not allow free choice or that even create the appearance that employees may not have a free choice to give or not give, and to designate gifts, are prohibited. This should in no way be interpreted as restricting the need for an effective, well organized education program among employees. Employees should be free to publicize their gifts or keep them confidential. Individual employee contribution records are confidential in the meaning of Section 24A.7

(A)(2) of Title 51 of the **Oklahoma Statutes**.

[Source: Added at 9 Ok Reg 1877, eff 5-26-92]

695:10-5-6. Workplace solicitation

(a) Workplace solicitation shall be approved by the Appointing Authority. Appointing Authorities are encouraged to permit time and provide space during the working day sufficient for all employees to be given information which will allow employees to make informed decisions about giving.

(b) Individual voluntary agencies or federations shall not, on their own, solicit state employees at their workplace. No more than one on-the-job solicitation shall be made in any calendar year at any location in connection with the Act or the rules in this Chapter. Workplace solicitation of employees in connection with this Act and these Rules shall occur only during the campaign

period, only in accordance with the procedures outlined in the rules in this Chapter and only under the direction of the LARCs.

(c) Appointing Authorities may authorize workplace solicitation by individual charitable agencies outside the scope of the State Charitable Campaign for the purpose of assisting relief efforts undertaken on behalf of a Presidentially Declared National Disaster. Solicitations pursuant to this section shall not be considered "on-the-job solicitation".

[Source: Added at 9 Ok Reg 1877, eff 5-26-92; Amended at 12 Ok Reg 2917, eff 7-13-95; Amended at 22 Ok Reg 633, eff 1-28-05 (emergency); Amended at 23 Ok Reg 638, eff 9-13-05 (emergency); Amended at 23 Ok Reg 1115, eff 5-11-06]

SUBCHAPTER 7. PLEDGE CARDS, PAYROLL AUTHORIZATIONS AND MAILING LISTS

695:10-7-1. [RESERVED]

695:10-7-2. Pledge cards

(a) The OCSECC shall make available a model pledge card which may be reproduced. This shall be the only authorized pledge card for use in the campaign. The use of a pledge card other than the one that faithfully reproduces the OCSECC's authorized format is prohibited. The pledge card shall include instructions for its completion and return, the duration of the payroll deduction, if any, and other information about the campaign, participating agencies, federations, and allow the utilization of logos.

(b) The pledge card shall solicit information from the employee such as: name; residence county; social security number and/or employee identification number; employing agency and work location; amount of pledge; method of payment; designation of gift, if any; whether the donor wishes to remain anonymous; and describe how undesignated funds shall be distributed.

(c) Employees making gifts shall return completed pledge cards to the LARC and/or the local PCFRO. The local PCFRO shall retain a copy, and shall give a copy to the employing agency by December 15.

[Source: Added at 9 Ok Reg 1877, eff 5-26-92; Amended at 12 Ok Reg 2917, eff 7-13-95; Amended at 22 Ok Reg 633, eff 1-28-05 (emergency); Amended at 23 Ok Reg 1115, eff 5-11-06; Amended at 24 Ok Reg 2498, eff 5-24-07 (emergency); Amended at 25 Ok Reg 1704, eff 6-12-08]

695:10-7-3. Payroll deductions

(a) Payroll deductions for charitable contributions are based upon individual state agency pay periods for one calendar year. Payroll deductions shall start with the first pay period beginning in January and end with the last pay period that begins in December.

(b) Payroll deductions shall be made in each pay period during the calendar year.

(c) No change in the amount of the payroll deduction or designated nonprofit agencies shall be permitted during the term of authorization.

(d) No deduction shall be made in any pay period which is insufficient to cover the deduction because of other legal or previously authorized deductions. No adjustments shall be made in subsequent pay periods to make up missed deductions.

(e) The minimum payroll deduction shall be \$1.00 per pay period.

(f) Payroll deduction shall be permanently discontinued when the:

(1) Term of authorization expires at the end of one calendar year, i.e. December 31;

(2) Employee retires, dies, or is otherwise separated from employment; or

(3) Employee revokes authorization for deduction. Any revocation shall be in writing and presented to the payroll office. Discontinuance shall be effective on the next available pay period after receipt of the written request.

(g) Once an employee's payroll deduction has been canceled, it can not be reinstated for the calendar year.

[Source: Added at 9 Ok Reg 1877, eff 5-26-92; Amended at 12 Ok Reg 2917, eff 7-13-95; Amended at 22 Ok Reg 633, eff 1-28-05 (emergency); Amended at 23 Ok Reg 1115, eff 5-11-06]

SUBCHAPTER 9. REMITTANCE, ALLOCATION AND DISTRIBUTION OF FUNDS

695:10-9-1. [RESERVED]

695:10-9-2. Remittance to the state PCFRO

(a) Each state agency with contributing employees shall send a check to the state PCFRO after the end of each pay period. The check shall be for the gross amount of deductions on the basis of current authorizations.

(b) The check shall be accompanied by a list of the social security numbers and/or employee identification numbers of contributors and the dollar amount of each contribution. There shall be no listing of the related LARCs, local PCFROs, federations or member agencies.

[Source: Added at 9 Ok Reg 1877, eff 5-26-92; Amended at 12 Ok Reg 2917, eff 7-13-95; Amended at 22 Ok Reg 633, eff 1-28-05 (emergency); Amended at 23 Ok Reg 1115, eff 5-11-06]

695:10-9-3. Remittance to the local PCFROS [REVOKED]

[Source: Added at 9 Ok Reg 1877, eff 5-26-92; Amended at 12 Ok Reg 2917, eff 7-13-95]

695:10-9-4. Allocation of dollars to participating agencies

The state PCFRO shall allocate and distribute dollars to participating member agencies within **60** days after receipt in accordance with the provisions of the Act.

[Source: Added at 9 Ok Reg 1877, eff 5-26-92; Amended at 12 Ok Reg 2917, eff 7-13-95]

SUBCHAPTER 11. STATE AND LOCAL PCFRO PROCEEDS AND COSTS

695:10-11-1. [RESERVED]

695:10-11-2. Report of campaign proceeds

By January 1, each local PCFRO shall submit to the OCSECC a full accounting of all pledges of the completed campaign, together with the actual costs for developing the campaign materials, training the solicitors and the overall administration of the campaign. The cost, including costs incurred by the SPCFRO, shall be borne by each of the federations proportionally and shall be no greater than **10%** of the campaign proceeds or actual costs, whichever is less [74:7008].

[Source: Added at 9 Ok Reg 1877, eff 5-26-92; Amended at 12 Ok Reg 2917, eff 7-13-95; Amended at 22 Ok Reg 633, eff 1-28-05 (emergency); Amended at 23 Ok Reg 1115, eff 5-11-06; Amended at 24 Ok Reg 2498, eff 5-24-07 (emergency); Amended at 25 Ok Reg 1704, eff 6-12-08]

SUBCHAPTER 13. NOTICES, COMPLAINTS, APPEALS AND HEARINGS

695:10-13-1. [RESERVED]

695:10-13-2. Notice of certification and rejection of federations and member agencies

(a) The instructions for the application process issued by the OCSECC shall include the dates of the meetings at which the OCSECC shall:

- (1) Announce eligibility certification or rejection of applications of federations and member agencies to participate in the campaign; and
- (2) Reconsider the applications of rejected federations and member agencies who submit new information.

(b) Federations and member agencies are encouraged to attend the meeting during which the OCSECC is scheduled to announce its acceptance or rejection of federations and agencies, but

they are not required to do so. After the meeting, notices shall be mailed to federations [74:7005(C)(3)].

[Source: Added at 9 Ok Reg 1877, eff 5-26-92; Amended at 12 Ok Reg 2917, eff 7-13-95; Amended at 24 Ok Reg 2498, eff 5-24-07 (emergency); Amended at 25 Ok Reg 1704, eff 6-12-08]

695:10-13-3. Appeal from rejection by OCSECC

Rejected federations and member agencies may appeal to the OCSECC for reconsideration on the basis of new proof of their eligibility to participate in the campaign. Appeals must be postmarked or received no later than 20 days after the OCSECC's mailing date of the decision. Such appeal shall be made by submission of new information before the meeting during which the OCSECC is scheduled to reconsider applications. A special meeting shall be convened in which the OCSECC shall review the new information and hear staff recommendations and hear public comment, if any. The appealing agency or federation is not required to attend the meeting but may do so. Oral presentations by the appealing agency or federation, or both, may be limited to **10** minutes. The OCSECC shall notify the appealing federation and agency of its final decision in writing.

[Source: Added at 9 Ok Reg 1877, eff 5-26-92; Amended at 12 Ok Reg 2917, eff 7-13-95; Amended at 22 Ok Reg 633, eff 1-28-05 (emergency); Amended at 23 Ok Reg 1115, eff 5-11-06; Amended at 24 Ok Reg 2498, eff 5-24-07 (emergency); Amended at 25 Ok Reg 1704, eff 6-12-08]

695:10-13-4. Appeal from rejection by LSARC [REVOKED]

[Source: Added at 9 Ok Reg 1877, eff 5-26-92; Amended at 12 Ok Reg 2917, eff 7-13-95]

695:10-13-5. Complaints

(a) A complaint about any matter relating to the administration of the Act or the rules in this Chapter may be made to the OCSECC. A complaint must be in writing, and it must include the following information.

(1) The name and address and organizational affiliation, if any, of the complainant, and the name and title of any representative filing the complaint; and

(2) A clear and concise statement of the nature of the complaint, including such facts, names, citations of law and administrative rules that may be relevant to the matter, and the relief, if any, requested.

(b) If a complaint names another party, such other party shall be given written notice and an opportunity to respond in writing to the complaint. Any response must be postmarked or received no later than **15** days after the mailing date.

(c) The OCSECC shall consider a complaint and issue a decision within **60** days after receipt, unless additional time is necessary, in which event the complainant shall be so advised and given the reasons therefore. If the complaint is repetitive, concerns a matter that has previously been resolved, or concerns a matter beyond the OCSECC's scope of authority, the complaint may be rejected and the complainant so advised. Unless the OCSECC determines a hearing is necessary, its decision shall be based solely upon the complaint, any responses to the complaint, accompanying information, staff recommendations, and records in the OCSECC's control.

[Source: Added at 9 Ok Reg 1877, eff 5-26-92; Amended at 24 Ok Reg 2498, eff 5-24-07 (emergency); Amended at 25 Ok Reg 1704, eff 6-12-08]

695:10-13-6. Notice of hearing.

The OCSECC shall issue and serve upon all affected parties a notice of hearing scheduled by the OCSECC. The notice shall set out the time and place for the hearing. Except by agreement of the parties, or for good cause shown, the hearing shall be scheduled at a time not

less than **20** days after service of the notice. A copy of the complaint or appeal shall be mailed with the notice. If a response is required, the deadline for such response shall be included.

[Source: Added at 9 Ok Reg 1877, eff 5-26-92; Amended at 12 Ok Reg 2917, eff 7-13-95; Amended at 24 Ok Reg 2498, eff 5-24-07 (emergency); Amended at 25 Ok Reg 1704, eff 6-12-08]

695:10-13-7. Hearings.

The OCSECC shall follow the provisions of Article II of the Administrative Procedures Act, Sections 308a through 323 of Title 75 of the **Oklahoma Statutes**, in individual proceedings. Hearings shall be conducted by the OCSECC, or it may appoint a hearing officer.

[Source: Added at 9 Ok Reg 1877, eff 5-26-92; Amended at 12 Ok Reg 2917, eff 7-13-95; Amended at 24 Ok Reg 2498, eff 5-24-07 (emergency); Amended at 25 Ok Reg 1704, eff 6-12-08]