CONSOLIDATED CITY OF INDIANAPOLIS
COUNTY OF MARION

STATE OF INDIANA

EXECUTIVE ORDER NO. 2, 1998

GUIDELINES FOR CHARITABLE SOLICITATION
OF CITY-COUNTY EMPLOYEES

WHEREAS, the Consolidated City of Indianapolis and Marion County, Indiana, desire to provide their employees with an opportunity to contribute to worthy charitable organizations and at the same time accommodate the needs of City-County government; and

WHEREAS, the Consolidated City of Indianapolis and Marion County, Indiana, recognize that employee solicitation by charitable organizations must be conducted in a fair and non-discriminatory time, place, and manner which minimize distractions and interruptions in the City-County workplace; and

WHEREAS, the City-County Administrative Board has developed guidelines for charitable solicitation of City-County employees; and

WHEREAS, on December 19, 1991 the City-County Administrative Board recommended adoption of certain guidelines for the charitable solicitation of City-County employees and those guidelines were adopted by Executive Order No. 8, 1991, on December 31, 1991; and

WHEREAS, on December 17, 1992 the City-County Administrative Board recommended certain modifications to the guidelines for the charitable solicitation of City-County employees and those modified guidelines were adopted by Executive Order No. 22, 1992, on December 30, 1992; and

WHEREAS, on January 6, 1994 the City-County Administrative Board recommended certain modifications to the guidelines for the charitable solicitation of City-County employees and those modified guidelines were adopted by Executive Order No. 8, 1994, on January 13, 1994; and

WHEREAS, on Janauary 19, 1995 the City-County Administrative Board recommended certain modifications to the guidelines for the charitable solication of City-County employees and those modified guidelines were adopted by Executive Order No. 1, 1995, on January 23, 1995; and

WHEREAS, on January 25, 1996 the City-County Administrative Board recommended adoption of certain guidelines for the charitable solicitation of City-County employees and those guidelines were adopted by Executive Order No. 1, 1996, on January 31, 1996; and

WHEREAS, on January 30, 1997 the City-County Administrative Board recommended adoption of certain guidelines for the charitable solicitation of City-County employees and those guidelines were adopted by Executive Order No. 1, 1997, on February 7, 1997; and

WHEREAS, this Administration, having conducted City-County Employee Campaigns in accordance with those guidelines, now desires to make certain changes to the guidelines in order to increase the ease and efficiency of conducting Employee Campaigns.

NOW, THEREFORE, by virtue of the authority vested in me as Mayor of the City of Indianapolis and successor at law to the Board of Commissioners of Marion County, it is hereby ordered as follows:

1.0 The Consolidated City of Indianapolis and Marion County, Indiana, adopt the following guidelines for charitable solicitation of City-County employees for payroll deductions, beginning on or after January 1, 1998.

2.0 The purposes of the City-County Employee Campaigns are to:

2.1. Recognize the donation of time and money to charitable organizations as a worthy endeavor, and to provide City-County employees an opportunity to contribute financially to those organizations.

2.2. Present one or more campaigns which minimize distractions and interruptions in the City-County workplace.

2.3. Maximize voluntary City-County employee participation by focusing the resources of both the employees and the charitable organizations on one or more unified campaigns.

2.4. Assure solicitation in a fair and non-discriminatory time, place, and manner.

3.0 Definitions

3.1 The term Agency or Charitable Organization shall mean a private, non-profit, self-governing group financed primarily by contributions from the public and organized and operated for the purpose of rendering, or of materially or financially supporting the rendering of health and welfare services directly to, or for the direct benefit of, human beings, including one or more of the following:

(a) Care, research, and education in the delivery and care of ill or infirm individuals or persons with mental and/or physical disabilities;

(b) 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 families of such persons;

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

(d) Relief of needy, poor, and indigent individuals and families, including provision of food, clothing, shelter, and other basic human welfare services;

(e) Support of education and training of personnel for the delivery of services in any of the above areas; or

(f) Lessening of the burdens on government in any of the above areas.

3.2 The term Agency or Charitable Organization shall not include:

(a) Certificate-granting educational institutions.

(b) Litigation activities on behalf of parties other than the Agency itself. (Legal Advocacy) Personal advocacy services for individuals who are elderly or poor are allowable human welfare services.

(c) Lobbying for the passage or defeat of legislation. (Political Advocacy)

(d) Sectarian activities, including activities aimed at promoting one or more religious, political, or philosophical viewpoints.

3.3 If an Agency's participation in any of the activities listed in Section 3.2 is incidental to activities listed in Section 3.1, and is not the primary focus of the Agency, the Agency will not be disqualified from participation in the City-County Charitable Campaigns on that basis. Activities considered to be incidental and not substantial to the primary focus of an Agency are those which account for 5% or less of the Agency's operating expenses.

3.4 The term Federation shall mean a grouping of at least ten (10) Agencies or Charitable Organizations joined contractually into a single organization for fund-raising purposes.

3.5 The term Director shall mean the Director of the Department of Administration, City of Indianapolis.

3.6 The term Administrative Board shall mean the City-County Administrative Board.

3.7 The term Employee shall mean any permanent part-time or permanent full-time employee, of the Consolidated City of Indianapolis or Marion County, Indiana. It may include temporary part-time and seasonal employees and pensioners.

3.8 The term City-County Employee Campaign or Campaigns shall mean the fund-raising program authorized by the Director and

Administrative Board whereby Employees may support charitable providers of health and welfare services with payroll deductions, cash contributions, or both.

3.9 The term Campaign Manager shall mean a Federation selected by the Administrative Board to conduct and manage each City-County Employee Campaign and serve as the Campaign's fiscal manager.

4.0 Summary Description of the City-County Employee Campaigns.

4.1 The City-County shall conduct one or more City-County Employee Campaigns each year at times designated by the Director.

4.2 The Campaigns will be directed and managed by the Director or his or her designee(s) with the assistance of a Campaign Manager. The Campaigns are subject to the approval of the Administrative Board as to the compatibility of each Campaign with the intended use of the City-County facilities and its Employees, which is to conduct City-County business. Each Campaign will be conducted under administrative arrangements that provide for the allocation of contributions in accordance with specific designations by donors. Only Employees will be solicited. The Director shall determine the time, place, and manner of Employee solicitation.

4.3 Employee solicitation shall be conducted during on-duty hours using methods approved by the Director that permit true voluntary giving and reserve to each Employee the option of disclosing any gift or keeping it confidential. Actions that do

not allow free choice (or even create an 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 City-County policy. The following activities are not in accord with the intent of the City-County policy and, in the interest of preventing coercive activities, are not permitted in the City-County Employee Campaigns:

(a) supervisory solicitation of Employees supervised;

(b) setting 100% participation goals;

(c) providing and using contributor lists for purposes other than the routine collection of Campaign pledges;

(d) establishing personal dollar goals and quotas;

(e) developing and using lists of non-contributors; and

(f) influence exerted by Campaign Coordinators or other City-County Employees to give to a particular Agency in the Campaign.

4.4 The Campaigns are a means for promoting true voluntary charity among City-County Employees. Because of the City-County's participation in the Campaigns, all kinds of discrimination, which the City and County are prohibited by law from engaging in, must be proscribed in the Campaigns. Accordingly, discrimination for or against any individual or group on account of race, color, religion, sex, national origin, age, disability, or political affiliation is prohibited in all aspects of the management and execution of the Campaigns. Nothing herein denies eligibility to any Agency, which is otherwise eligible under these guidelines to

participate in the Campaigns, merely because the Agency is organized by and on behalf of, or to serve, persons of a particular race, color, religion, sex, national origin, age, or disability.

5.0 Campaign functional responsibilities.

5.1 Campaign Manager. The responsibilities of the Campaign Manager are to:

(a) provide professional fundraising assistance to the Director or Designee;

(b) obtain Campaign materials from Federations participating in the Campaign;

(c) assist the Director or Designee in developing Campaign materials and goals;

(d) schedule and supervise the training of Employee solicitors;

(e) conduct the Campaign;

(f) compile Campaign reports, establish audit trails, and assure proper distribution of Campaign receipts;

(g) pay for the Director-approved expenses from Campaign receipts;

(h) receive payroll deduction contributions from the City Controller's and County Auditor's offices and disburse them to qualified Agencies and Federations; and

(i) produce and provide copies of minutes of all planning meetings, within five (5) business days, to all Federations and City-County Campaign Coordinators.

5.2 Director. The responsibilities of the Director or Designee are to:

(a) review applications by Federations to participate in each City-County Campaign and recommend to the Administrative Board those eligible under the guidelines to participate;

(b) maintain an updated listing of Federations eligible to participate for each City-County Campaign;

(c) review applications by Federations to serve as the Campaign Manager and recommend one to the Administrative Board for appointment as the Campaign Manager for each Campaign;

(d) approve Campaign expenses;

(e) approve Campaign materials, brochures, goals, and Employee solicitor training developed and organized by the Campaign Manager;

(f) with the Campaign Manager's assistance, establish the time, place, and manner of soliciting Employees;

(g) with the Campaign Manager's assistance, develop a Campaign calendar for each Campaign each year;

(h) recruit and organize Employee solicitors;

(i) receive and investigate complaints alleging violations of these guidelines; and

(j) maintain direct liaison with the Administrative Board in the development and conduct of each Campaign and in the administration of these guidelines.

The Director or Designee may also establish committees to support the Campaign such as: Public Relations/Promotions Committee and Awards Committee.

6.0 Application for and Selection of Campaign Manager.

6.1 Any Federation interested in being the Campaign Manager shall apply to be the Manager at the same time it applies to participate in each City-County Employee Campaign.

6.2 The Director shall recommend a Campaign Manager to the Administrative Board for each Campaign each year. In recommending a Campaign Manager, the Director shall consider the following factors:

(a) the Federation's direct and substantial presence in the Indianapolis and Marion County area. "Direct and substantial presence" is defined as a staff facility or office dedicated exclusively to that Federation which is open on a full-time basis. The facility or office may be staffed by volunteers. Those that also provide services on a regional or statewide basis (excluding merely the provision of a "800" telephone number) may be eligible for consideration.

(b) the Federation's experience in developing and organizing employee campaigns similar to the City-County Employee Campaigns, including past experience in conducting the City-County Employee Campaigns;

(c) the Federation's ability to conduct the Campaigns without disruption to the workplace and without additional cost to the City and County;

(d) the Federation's demonstrated experience and ability in collecting, recording, and distributing funds in accordance with the State of Indiana and American Institute of Certified Public Accounts audit standards for not-for-profit corporations;

(e) the Federation's demonstrated reasonable fundraising and administrative expenses that, in no case, are in excess of 20% of the Campaigns' actual total support and revenue; and

(f) the Federation's ability to meet all requirements of these guidelines to participate in City-County Employee Campaigns.

7.0 Selection of Participants in the Campaigns.

7.1 Specific requirements for Federations. In addition to satisfying the definition of a Federation in Section 3.4 above, the Federation must submit evidence to the Director on each of the following factors to be eligible to participate in City-County Employee Campaigns:

(a) that it is composed of at least ten (10) charitable Agencies or organizations as defined in Section 3.1;

(b) that it has been incorporated or registered and is in good standing as a not-for-profit corporation in Indiana;

(c) that it has been in existence for at least twenty-four (24) months;

(d) that it and each of its member Agencies is currently classified as tax exempt under 26 U.S.C. 501(c)(3), and is eligible to receive tax-deductible contributions under 26 U.S.C. 170;

(e) that, with the exception of a Federation whose revenues are affected by unusual or emergency circumstances as determined by the Director, it has received at least 50% of its revenues from sources other than the Federal, State or Local Government or at least 20% of its revenues from direct and/or indirect contributions from private sources in the year immediately preceding any year in which it seeks to participate in Campaigns;

(f) that it is directed by an active governing board, a majority of whose members serve without compensation;

(g) that it has adopted and employs generally accepted accounting principles that apply to not-for-profit corporations and was audited by an independent certified public accountant in the year immediately preceding any year for which it applies for admission to receive donations from the Campaigns;

(h) that it insures its publicity and promotional activities are based upon its actual program and operations, are truthful and non-deceptive, and include all material facts;

(i) that its publicity and promotional activities provide protection against unauthorized use of its contributor lists, prohibit the payment of commissions, kickbacks, finders fees, percentages, bonuses or overrides for fund raising, and prohibit general telephone solicitation of City-County Employees;

(j) that it prepares and makes available to the general public an annual report that includes a full description of its and its Agencies' activities and accomplishments and the names of its chief administrative personnel; and

(k) that it operates without discrimination in regard to race, creed, color, age, sex, religion, national origin, disability, or political affiliation in employment and delivery of services.

7.2 Admission procedures.

(a) Applications to participate in City-County Employee Campaigns must be made in writing to the Director, by February 23 each year. Such application shall include the information listed in Section 7.1. The Director shall review all applications and recommend to the Administrative Board whether the organization is eligible to participate in that year's City-County Employee Campaigns.

(b) The Administrative Board will act on the Director's recommendations and hear any appeals from applicant organizations by April 1 each year.

(c) The Administrative Board will forward a list of all participating Federations in each Campaign to the Director and Designee.

(d) Admission is good for one Campaign year.

7.3 Appeal procedures.

(a) To make certain that all organizations receive full and equitable consideration in case of error in judgment or fact, a Federation may appeal to the Administrative Board the recommendation of the Director that the Federation or any of its Agencies not be admitted to that year's City-County Employee Campaigns.

(b) Within ten (10) days of receipt of written notification from the Director or Designee that a Federation or any of its Agencies will not be recommended for inclusion in that year's Campaign, the Federation shall submit in writing a detailed statement of all bases for its appeal. Appeals shall be submitted directly to the secretary of the Administrative Board.

(c) The appeal will be reviewed by the Administrative Board at a public meeting. The Federation's representatives will have an opportunity to appear personally before the Administrative Board to present evidence that the Federation or any of its Agencies should be a participant in that year's Campaign.

(d) The decision of the Administrative Board as to whether any Federation or any of its Agencies shall be part of any Campaign shall be final.

7.4 Prohibited practices.

(a) Funds contributed to a Federation or any of its Agencies admitted to each Campaign must be effectively used for the announced purposes of the Federation and its Agencies. In the event a Federation or Agency fails to adhere to the requirements, policies and procedures of a Campaign or these guidelines, its privilege to receive donations through the City-County payroll system may be withdrawn by the Administrative Board, upon recommendation of the Director, at any time after due notice and opportunity for consultation with the Federation or Agency. Such a result will occur when, for example, an organization: (a) fails to allocate its funds in the manner it promised; (b) is found to have made material misrepresentations on its application to the Director; (c) fails to disclose to the general public an annual report as required by 7.1(j); (d) intentionally misrepresents or deceives City-County Employees as to its purpose and/or the intent of its organization; or (e) becomes ineligible for any reason under these guidelines.

8.0 Conduct of the City-County Employee Campaigns.

8.1 The Director or Designee, with Campaign Manager's assistance, shall prepare a plan for the Campaign as to specific

dates, times, activities and solicitation materials (including a sample pledge card) to be used.

8.2 The Campaign shall use a single pledge card which shall allow Employees the option of specifying that contributions be distributed to a participating Federation's general fund, an individual Agency of a participating Federation, or to any other agency or charitable organization (as defined in Section 3.1). Undesignated contributions shall be divided among Federations in same proportion as designated contributions.

8.3 Costs related to the promotion and administration of each Campaign shall be deducted from each Federation's or Agency's proceeds based on the percentage of total Campaign monies received by that Federation or Agency. Any shrinkage experienced shall reduce the monies distributed based on a percentage projection, and adjusted by actual results, made by the Campaign Manager. City-County Employees shall be apprised of the arrangement for handling each Campaign's costs by a statement in the Campaign brochure.

8.4 The Campaign Manager will develop and produce a Campaign brochure. The brochure will describe the City-County Employee Campaign arrangement, explain the payroll deduction privilege, inform Employees of their right to make a choice, and provide information about the participating Federations and the Campaign Manager. The brochure will provide instructions as to how an Employee may obtain more specific information about participating Federations and their Agencies, their programs, and their finances, and will explain that when gifts are earmarked to a specific

participant, the Campaign Manager shall remit such funds directly to that Federation or Agency. All Campaign and publicity materials for each Campaign must be approved by the Director or Designee.

8.5 Solicitation of Employees will occur during duty hours, not on the Employees' time. Employee solicitation by Federations and their Agencies shall be limited to campaign dates and shall be conducted in accordance with these guidelines.

8.6 Employees may be given excused time from their regular assignments to serve on Campaigns as solicitors or as "staff" to the Campaigns.

8.7 Each Federation will provide the following:

(a) one (1) or more staff members or volunteers to attend the Campaign kick-off, awards ceremony and all planning meetings;

(b) a staff member assigned to the Campaign at all times; and

(c) two or more staff members or volunteers to serve on a speakers bureau.

Failure to comply with this section may result in the withdrawal of the privilege to receive donations through the City-County payroll system.

8.8 Contributions by Employees will be totally voluntary and based upon an Employee's written authorization. Employees will be given an opportunity to contribute at the time of hiring or during each Campaign. Payroll deduction giving will be encouraged but cash will be accepted. Employees shall be allowed to withdraw their consent to payroll deduction for contributions at any time,

for any reason, upon written notice to the Human Resources Division. As practicable, cancellation shall take effect for the pay period following the receipt of the Employee's request.

8.9 Contributions will be in the form of a term allotment for a period of one full year beginning with the first pay period paid after January 1 and ending with the last pay period one full year from that date.

8.10 The operation of the payroll deduction system for the distribution of contributions will be provided by the City-County as a service to its Employees in the same manner that other authorized deductions are provided. The Campaign Manager shall distribute the contributions quarterly, or more often as determined by the Director or Designee.

8.11 Payroll deductions will be discontinued automatically: (a) upon expiration of the one year withholding period; (b) upon death, retirement, or separation of a contributor from City-County employment; or (c) when an organization's privilege to receive contributions is revoked for any reason. A discontinued payroll deduction will not be reinstated within the current contribution year.

8.12 The Controller's and Auditor's offices will assume responsibility for the accuracy of remittances, as supported by current allotment authorizations, and internal accounting and auditing requirements. The Campaign Manager will assume responsibility for the accuracy of distributions among the

participating Federations and non-participating Employee-designated Agencies.

Dated this 2nd day of February, 1998.

CITY OF INDIANAPOLIS

By: Stephen Goldsmith
Stephen Goldsmith, Mayor

APPROVED AS TO FORM:

By: Ellen S. Gabovitch
Stephen Carter
Corporation Counsel

Charity2.ESG/sr/1/30/98