

**2022 MEMORANDUM OF AGREEMENT
BETWEEN THE STATE OF NORTH CAROLINA AND PARTICIPATING FEDERATIONS**

PURPOSE

The purpose of this contract is to establish agreement on the operating principles for the conduct of the North Carolina State Employees Combined Campaign pursuant to the official State regulations, Title 1-North Carolina Administrative Code-Chapter 35 (01 NCAC 35).

PARTICIPANTS

Your Federation and the charities submitted along with your application to participate as members of your federation in the 2021 State Employees Combined Campaign must be formally admitted to the campaign by a vote of the SECC Advisory Committee. Once admitted, you will be notified and this agreement will be valid.

CERTIFICATION OF ELIGIBILITY

The Federation certifies that its member agencies comply with all the SECC rules and regulations including eligibility criteria. If there are exceptions, it is the responsibility of the Federation to disclose such and explain to the satisfaction of the SECC Advisory Committee the reasons for the exception when making their annual application to the campaign. The burden of demonstrating eligibility shall rest with the applicant.

The SECC Advisory Committee may elect to review, accept, or reject the certifications of the eligibility of the member agencies based on criteria cited in the regulations. If the Committee requests information supporting a certification of eligibility, that information shall be furnished promptly. Failure to furnish such information within 10 days of the notification postmark date constitutes grounds for the denial of eligibility of that member agency.

The SECC Advisory Committee may elect to decertify a federation which makes a false certification or fails to abide by SECC rules or the law. Any federation that the Committee proposes to decertify shall be notified by the Statewide Campaign Organization of the Committee's decision stating the grounds for decertification. The Federation may file an appeal to the Committee within 10 days of the notification postmark date. False certifications are presumed to be deliberate. The presumption may be overcome by evidence presented at the appeal hearing.

OTHER SOLICITATION PROHIBITED

In accordance with 01 NCAC 35, the State of North Carolina does not permit organizations to solicit in the state workplace outside of the State Employees Combined Campaign. As such, no charitable organization – including one approved to participate in the SECC – is permitted to approach state employees in the workplace to solicit donations or plan fundraising activities and events. State employees are empowered to organize and run charity events only if they are approved by the State Employees Combined Campaign. The State Advisory Committee may elect to decertify charitable organizations found to be soliciting in the state workplace outside of the SECC.

No charitable organization shall engage in any solicitation activity independent of the State Employees Combined Campaign at any state employee work site, except as a participant in the State Employees Combined Campaign and in accordance with 01 NCAC 35. The prohibition does not include Red Cross-sponsored Bloodmobiles or employee association solicitations.

CAMPAIGN LITERATURE

Statewide SECC materials and publicity are approved by the State Chair and designed to not favor one agency or federation over another. The statewide giving guide allows duplicate listings only where deemed necessary by the State Advisory Committee for geographic listing purposes. **Each charitable organization admitted to the State Employees Combined Campaign must ensure that any materials shared with state employees at SECC events and meetings shall not solicit direct donations.** Participating charities may promote their services and programs, customize materials/information to speak to the interests of state employees, and provide the SECC designation code on these materials.

ACKNOWLEDGMENT OF CONTRIBUTIONS

Prior to March 15, 2023, each participating independent charity and federation will receive a list of SECC donors. This list includes SECC donors who designated a contribution to your agency and did not request to be anonymous. This list is for acknowledgment purposes only. The recipient charity/Federation must **segregate this information from all other lists of contributors and only use the lists for acknowledgment purposes.** This segregated list may not be sold or in any way released to anyone outside of the recipient organization. Failure to protect the integrity of this information may result in sanctions; including expulsion from the campaign.

DISTRIBUTION OF CONTRIBUTIONS

The Statewide Campaign Organization shall disburse contributions at least quarterly beginning in April 2023 to each participating federation. Each federation shall accept responsibility for the accuracy of the distribution amount to their member agencies. If a federation plans to reimburse the cost of disbursing SECC funds to its partnering agencies, it must disclose a plan to do so to the SECC, just above the signature section of this memorandum of agreement. They must also justify amounts deducted from their disbursements to participating agencies. These deductions shall not exceed 11% of net receipts. Each federation must be willing and able to provide a bond, if required, in an amount satisfactory to the SECC Advisory Committee to protect the participant organizations and contributors.

Each federation is expected to disburse on the basis of actual funds received, both designated and undesignated, rather than the amount pledged. Each federation shall disburse contributions quarterly to participating member agencies.

In the event that a federation ceases to comply with the criteria and procedures as set forth in these rules, the SECC Advisory Committee will distribute the designated and undesignated funds contributed to the federation equally among the SECC charitable organizations under said federation.

In the event a SECC charitable organization in a federation ceases to comply with the criteria and procedures as set forth in these rules, the SECC Advisory Committee will distribute the funds contributed to that organization, designated and undesignated, to the federation for distribution in accordance with federation policy.

In the event a SECC charitable organization 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 of program services, or use of funds, the organization must disclose the same to the SECC within 10 days of its learning of the investigation or proceeding. It must also disclose within 10 days the outcome of any such investigation or proceeding.

DISTRIBUTION OF UNDESIGNATED FUNDS

Any monies not designated to a participating charity or federation by SECC donors shall be deemed undesignated funds. Undesignated funds shall be distributed to approved independent organizations and federations based on its percentage of total designated funds during the current campaign year.

CONCLUSION

Violation of 01 NCAC 35 or law by a participant organization may result in the decertification of the organization. The organization shall be given notice of and an opportunity to be heard prior to any action being taken by the SECC Advisory Committee. Any organization that is dissatisfied with the determination of its decertification may file an appeal to the Committee within 10 days of the notification postmark date. An organization who is dissatisfied either with the initial SECC Advisory Committee decision or the subsequent appeal determination of the Committee may commence a contested case by filing a petition under G.S. 150B-23 within 60 days of notification postmark date of the Committee's decision.

This Memorandum of Agreement shall begin on March 1, 2022 and expire on December 31, 2022.