

1 "Chairperson" means the chairperson of the coordinating
2 committee.

3 "Charitable organization" has the same meaning as in
4 section 467B-1.

5 "Coordinating committee" means the group of employees
6 designated and employed by the director of human resources
7 development to conduct the Hawaii state giving campaign.

8 "Department" means the department of human resources
9 development.

10 "Director" means the director of human resources
11 development.

12 "Emergencies and disasters" means any hurricane, tornado,
13 storm, flood, high water, wind-driven water, tidal wave,
14 tsunami, earthquake, volcanic eruption, landslide, mudslide,
15 snowstorm, drought, fire, explosion, or other catastrophe within
16 the state.

17 "State workplace" means an office or building owned or
18 leased by the state in which employees of the State work or are
19 assigned to work. State workplace includes any state-owned or
20 state-leased common grounds or parking areas used by state
21 employees assigned to or working in the office or building.

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1 § -2 **Exclusions from application of chapter.** This
2 chapter shall not apply to any charitable organization that
3 conducts state-wide food distribution campaigns.

4 § -3 **Hawaii state giving campaign; established.** There
5 is established the Hawaii state giving campaign, which shall be
6 the only authorized solicitation of employees in the state
7 workplace on behalf of approved charitable organizations. The
8 campaign does not apply to the collection of gifts-in-kind or to
9 the solicitation of state employees outside of the state
10 workplace.

11 § -4 **Coordinating committee; duties.** (a) The director
12 shall appoint a chairperson to the coordinating committee and
13 employ staff from the department or additional staff as
14 necessary to coordinate the annual Hawaii state giving campaign.

15 (b) The coordinating committee shall perform tasks, which
16 shall include but not be limited to the following:

- 17 (1) Ensure that the campaign operates according to the
18 laws set forth in this chapter;
- 19 (2) Maintain minutes of campaign-related meetings and
20 respond promptly to any request for information from
21 the director;



- 1 (3) Determine the eligibility of charitable organizations
2 that apply to participate in the campaign;
- 3 (4) Ensure that, to the extent reasonably possible, every
4 state employee is given the opportunity to participate
5 in the campaign;
- 6 (5) Ensure that employee contributions are properly
7 collected and distributed in accordance with this
8 chapter;
- 9 (6) Ensure that no employee is coerced in any way to
10 participate in the campaign;
- 11 (7) In accordance with this chapter, accept and process
12 applications from charitable organizations that wish
13 to participate in the campaign;
- 14 (8) Maintain and make publicly available a current list of
15 charitable organizations approved by the director to
16 participate in the campaign;
- 17 (9) Set rules and procedures for the review and approval
18 of all campaign-related publications and educational
19 materials; and
- 20 (10) With the approval of the director, set penalties for
21 the failure of any approved charitable organization



1 participating in the campaign to adhere to any part of
2 this chapter.

3 § -5 Campaign; exceptions. (a) Except as provided in
4 subsection (b), the campaign shall be conducted only during the
5 campaign period at every state agency in accordance with this
6 chapter. Except as provided in this section, no other
7 solicitation on behalf of any charitable organization may be
8 conducted in the state workplace.

9 (b) Upon written request to the chairperson, the
10 chairperson, with the approval of the director, may grant
11 permission for solicitations of state employees outside the
12 campaign period to support victims in cases of emergencies and
13 disasters, or upon a finding of extraordinary circumstances by
14 the director.

15 § -6 Charitable organizations; eligibility. Only
16 charitable organizations that have registered with the
17 department of the attorney general, pursuant to
18 section 467B-2.1, and that fulfill all requirements under
19 chapter 467B shall be eligible to participate in the campaign
20 for a particular year. The coordinating committee, with the
21 approval of the director, shall determine rules regarding the
22 length of time within which a charitable organization shall



1 remain eligible upon approval as a participating charitable
2 organization.

3 **§ -7 Application to participate.** The coordinating
4 committee, with the approval of the director, shall:

- 5 (1) Set administrative rules regarding the application
6 procedure for charitable organizations that wish to
7 participate in the campaign;
- 8 (2) Make readily available to the public each year a
9 campaign schedule, which shall include the period
10 during which charitable organizations may apply to
11 participate in the campaign and the deadline by which
12 the coordinating committee shall notify charitable
13 organizations approved to participate in the campaign.

14 **§ -8 Campaign packets.** (a) The coordinating committee
15 shall annually produce and distribute to all state employees a
16 campaign packet, which shall include but not be limited to:

- 17 (1) A brief description of the Hawaii state giving
18 campaign, including its purpose;
- 19 (2) A current description of the way employees may
20 contribute through payroll deductions;



- 1 (3) Information regarding an employee's right to choose to
- 2 contribute or not to contribute and to give a
- 3 confidential contribution in a sealed envelope;
- 4 (4) A list of all approved and participating charitable
- 5 organizations; and
- 6 (5) A pledge card, which shall include the items listed in
- 7 subsection (b).
- 8 (b) Each campaign packet shall include one pledge card,
- 9 which shall include but not be limited to the following:
- 10 (1) A list of all approved and participating charitable
- 11 organizations;
- 12 (2) The percentage of expenses for administrative and
- 13 fundraising purposes for each participating charitable
- 14 organization;
- 15 (3) Contact information for each participating charitable
- 16 organization;
- 17 (4) A section to allow an employee to designate the
- 18 employee's name or mailing address, or both, to be
- 19 confidential;
- 20 (5) A section to allow an employee to designate the
- 21 employee's name or mailing address , or both, to be

1 forwarded to the charitable organization or charitable
2 organizations designated.

3 § -9 **Release of contributor names.** Each participating
4 charitable organization shall be authorized to use contributors'
5 names and addresses only as designated by each contributor on
6 the pledge card. If any participating charitable organization
7 fails to ensure that a contributor's request is upheld, the
8 chairperson of the coordinating committee may propose that the
9 organization be suspended or expelled from the campaign. The
10 director shall consider any response from the organization
11 before issuing a final decision on the matter.

12 § -10 **Applicability of contributions.** (a) Any
13 contribution that is not designated by an employee to be
14 contributed to any of the approved and participating charitable
15 organizations shall be distributed to all participating
16 charitable organizations in the same proportion that the
17 charitable organizations receive designations in the campaign.

18 (b) An employee may not make a designation to an
19 organization not listed on the pledge card. Designations made
20 to organizations not listed in the pledge card are not invalid,
21 but will be treated as undesignated funds and will be
22 distributed according to subsection (a).



1 § -11 **Campaign and publicity materials.** (a) Campaign
2 and publicity materials for each charitable organization shall
3 be developed, printed, and supplied by the respective charitable
4 organization. All campaign and publicity materials shall be
5 submitted to the coordinating committee, which shall review and
6 approve all materials prior to distribution to any state
7 employee as a part of the campaign.

8 (b) During the campaign period, a participating charitable
9 organization may distribute bona fide educational materials
10 describing its services or programs; provided that the
11 charitable organization first obtains written permission by the
12 coordinating committee to distribute the material. If one
13 participating charitable organization is granted permission to
14 distribute educational materials, then the coordinating
15 committee shall allow any other participating charitable
16 organization to distribute educational materials; provided that
17 the materials are reviewed and approved by the coordinating
18 committee prior to distribution.

19 (c) Agency heads are authorized to permit the distribution
20 of approved campaign and publicity materials to state employees
21 in connection with the campaign; provided that the manner of
22 distribution accords equal treatment of all approved charitable



1 organizations furnishing materials; provided further that no
2 distribution of materials shall use state personnel on official
3 duty or disrupt or interfere with official duty-related
4 activities.

5 **§ -12 Solicitation methods.** (a) Employee solicitations
6 shall be conducted during work hours using methods that permit
7 voluntary giving and shall reserve to the individual the option
8 of disclosing any contribution or keeping the contribution
9 confidential.

10 (b) Special campaign fundraising events, such as raffles,
11 lotteries, auctions, bake sales, carnivals, athletic events, or
12 other activities not specifically provided for in this chapter
13 are permitted during the campaign period only as approved by the
14 appropriate agency head, consistent with state ethics laws and
15 agency ethics rules; provided that the event shall not disrupt
16 or interfere with official duty-related activities; provided
17 further that the agency head notifies the coordinating committee
18 of the nature, date, time, duration, and location of the event
19 seven days prior to the commencement of the event.

20 **§ -13 Preventing coercive activity.** The following
21 activities are contrary to the non-coercive intent of the Hawaii
22 state giving campaign and are prohibited:



- 1 (1) Solicitation of employees by their supervisor or by
2 any individual in their supervisory chain of command;
- 3 (2) Inquiries by any employee, including supervisors,
4 about whether an employee chose to participate or not
5 or the amount of the employee's contribution.
6 Supervisors may be given nothing more than summary
7 information about the employees they supervise;
- 8 (3) The setting of a one hundred per cent participation
9 goal;
- 10 (4) Developing and using lists of non-contributing
11 employees, and using lists for purposes other than the
12 routine collection and forwarding of contributions;
- 13 (5) Using the results of the solicitation of an employee
14 or agency as a factor in any performance appraisal of
15 an individual employee or any agency; and
- 16 (6) Violating any part of chapter 84.

17 § -14 Payroll deductions. (a) Payroll deductions shall
18 be authorized by all state agencies for contributions by
19 employees to charitable organizations participating in the
20 Hawaii state giving campaign made in accordance with this
21 chapter.



1 (b) The pledge card shall be the only form of
2 authorization of any payroll deductions for the campaign. The
3 original copy of each pledge card shall be transmitted to the
4 contributor's payroll office as promptly as possible.

5 (c) The director shall consult with the comptroller to
6 establish policies and procedures to uniformly effectuate this
7 section."

8 SECTION 2. There is appropriated out of the general
9 revenues of the State of Hawaii the sum of \$ or so much
10 thereof as may be necessary for fiscal year 2009-2010 and the
11 same sum or so much thereof as may be necessary for fiscal year
12 2010-2011 to establish and implement an annual Hawaii state
13 giving campaign.

14 The sums appropriated shall be expended by the department
15 of human resources development for the purposes of this Act.

16 SECTION 3. This Act shall take effect on January 1, 2050.



Report Title:

Hawaii State Giving Campaign; Workplace Giving; Appropriation

Description:

Establishes the Hawaii state giving campaign as the only authorized solicitation of employees in the state workplace on behalf of charitable organizations. Appropriates funds to implement the campaign. (HB1435 HD1)

