
	<b>Corrections and Community Supervision</b>	TITLE <b>Solicitation of Funds</b>		NO. 2780
<b>DIRECTIVE</b>				DATE 07/24/2019
				SUPERSEDES DIR. #2780; Dated 12/19/18
REFERENCES (Include but are not limited to) NYS Penal Law; State Finance Law; OSC Fund Classification Manual; NYS General Municipal Law		APPROVING AUTHORITY 		

- I. **POLICY:** The solicitation of funds by employees or others is prohibited in any office of the Department and on the grounds of any facility or field office without the authorization from the Commissioner or designee, the facility Superintendent, or the Regional Director.
- No individual or unit of the Department shall conduct fundraising and/or solicitation activities on Department premises for the benefit of an individual or an organization, or in the name of or on behalf of the Department, unless the appropriate authorization has been received. As set forth below, certain fundraising activities are impermissible and will not be authorized under any circumstances.
- II. **PURPOSE:** The purpose of this policy is to ensure that only sanctioned fundraising activities occur on Department property. Limited exemptions are outlined below in Section IV. This policy will also ensure that any funds collected during or as a result of the fundraising activities that are deposited into the Employee Benefit Account is recorded and properly administered.
- III. **DEFINITIONS:** For purposes of this policy, fundraising and solicitation activities are defined as, but not limited to, requests for pledges, cash, corporate sponsorships, securities or other negotiable instruments, items of property, donated services, gifts-in-kind, the collection of money through donations, sales, and/or event programming for the purposes of charitable donation or organizational budget enhancement, including the Employee Benefit Account.
- IV. **PROCEDURE**
- A. A request to solicit funds or fundraise on Department property must be submitted in writing, outlining the purpose of the fundraising, the manner in which fundraising will occur, and the duration of time as follows:
1. For Central Office and the Board of Parole, requests shall be submitted for review and approval to the Deputy Commissioner for Administrative Services, who will be the Commissioner's designee.
  2. For Community Supervision Offices, requests shall be submitted for review and approval to the Regional Director.
  3. For Correctional Facilities, requests shall be submitted for review and approval to the Superintendent.
- NOTE: Any questions or concerns that arise in determining the legality of a requested fundraising activity should be directed to the Office of Counsel.

- B. All requests to solicit funds or to fundraise must be legally permissible and cannot be activities which can or may be considered gambling under the New York State Penal Law or the New York General Municipal Law. A person engages in gambling, under Penal Law Section 225.00(2), when that person stakes or risks "something of value" upon the outcome of a "contest of chance" or a future contingent event not under their control or influence, upon an agreement or understanding that they will receive "something of value" in the event of a certain outcome.

The following is a non-exhaustive list of examples of permissible and non-permissible fundraising activities:

1. Permissible Fundraising Activities: bake sales, basket drawings, donations, requests for pledges for a bowl-a-thon or run, candy sales, and magazine subscriptions.
2. Not-Permissible Fundraising Activities: 50/50 Raffles, card games (Queen of Hearts), sports betting, bingo, Las Vegas Nights, or any raffle that awards cash, cash equivalents (such as Visa, MasterCard, and American Express Gift Cards), or a firearm as a prize.

Such activities are governed by the General Municipal Law Section 190-A(2)(a), and are permissible for "authorized organizations" or for entities which receive an appropriate license from the New York State Gaming Commission. The Department has no such license, nor is any Department employee authorized to apply for said license.

NOTE: Any questions or concerns that arise in determining the legality of a requested fundraising activity should be directed to the Office of Counsel.

- C. Where fundraising activities associated with an approved Department committee, such as the Diversity Management or Make a Difference Day Committees, receive the appropriate approval as outlined above, the funds raised shall be deposited into an "Employee Benefit Account" as authorized by the Office of the State Comptroller, Fund Classification Manual, and State Finance Law Section 71, with approval to utilize the funds as follows:

1. The utilization of these funds shall be approved by a selected committee of employees representing each bargaining unit or group. Recommended use of these funds shall be for activities that would be for the benefit of all employees. Examples of permissible activities for the benefit of all would be in areas such as retirement dinner costs, employee recreational areas, annual family picnics, and employee recognition award ceremonies;
2. The committee shall be proportionate to the number of employees in each employee group;
3. The committee shall determine the number of ad hoc members as needed per fundraiser or event;
4. The committee shall have the authority to make recommendations only to the Commissioner or designee, Superintendent, or Regional Director;
5. The committee shall meet at least once a month;
6. The committee shall elect a chairperson;



- a. Upon vacancy of the chairperson, the Commissioner or designee, Superintendent, or Regional Director will call for the nomination and approval of a replacement by the committee. The Commissioner or designee, Superintendent, or Regional Director will document all efforts to fill the vacancy.
7. Employee group representatives shall appoint their committee members from within their own employee organization;
  - a. Upon vacancy of a committee member, the Commissioner or designee, Superintendent, or Regional Director will contact the union representative to solicit a replacement. The Commissioner or designee, Superintendent, or Regional Director will document all efforts to fill the vacancy.
8. A financial report shall be provided to the committee member and to the Commissioner or designee, Superintendent, or Regional Director on no less than a quarterly basis;
  - a. The financial report must consist of an accounting of disbursements and revenue collected by an event, as well as copies of reconciled bank statements for the reporting quarter.
9. Minutes shall be taken at all Employee Benefit Fund meetings, with copies distributed to each member and to the Commissioner or designee, Superintendent, or Regional Director;
  - a. Meeting minutes shall record all members, present or absent, and include the group each member represents and the position/role held in the committee.
  - b. Meeting minutes shall record decisions by the committee members to submit requests to disburse funds for an event or cause.
10. No single group of employees shall be the major beneficiary of the funds;
11. Overall responsibility for the proper use of these funds is placed with the Commissioner or designee, Superintendent, or Regional Director; and
12. Requests for expenditures from the Employee Benefit Fund must be submitted for approval to the Commissioner or designee, Superintendent, or Regional Director utilizing [Form #2780A](#). Approval must be obtained in order to utilize Employee Benefit Funds.

## **V. RECORD KEEPING AND AUDITS**

- A. The Deputy Commissioner, Superintendent, or Regional Director will maintain a log of all requests submitted to solicit funds or fundraise. The log will consist of, but is not limited to, the following:
  1. Employee or organization making the request;
  2. Date of request;
  3. Type of fundraising activity requested;
  4. Purpose of fundraising;
  5. Duration of fundraising;
  6. Whether request was approved or denied; and
  7. Date of approval or denial.

- B. On a bi-annual basis, the log as described above shall be submitted to the Central Office Internal Audit Unit.
- C. The Central Office Internal Audit Unit will conduct random audits of the logs to determine compliance with the policy.

STATE OF NEW YORK – DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION

**REQUEST FOR EXPENDITURE FROM EMPLOYEE BENEFIT FUND**

1. \_\_\_\_\_ Correctional Facility

2. Request for Expenditure from Ledger Account entitled \_\_\_\_\_

3. Date of Expenditure \_\_\_\_\_ Amount: \$ \_\_\_\_\_

4. Item(s) to be Purchased: \_\_\_\_\_

a. Explain how and where items will be utilized (purchases must have general benefit for all staff): \_\_\_\_\_

5. To be Paid To: \_\_\_\_\_

6. Date to be Paid: \_\_\_\_\_

7. Committee member CSEA \_\_\_\_\_ Date \_\_\_\_\_

8. Committee Member PEF \_\_\_\_\_ Date \_\_\_\_\_

9. Committee Member NYSCOPBA \_\_\_\_\_ Date \_\_\_\_\_

10. Committee Member MC \_\_\_\_\_ Date \_\_\_\_\_

11. Committee Member Council 82 \_\_\_\_\_ Date \_\_\_\_\_

12. Ledger Balance: \_\_\_\_\_ Approved Commitments: \_\_\_\_\_

Pending Requests: \_\_\_\_\_ Available Balance: \_\_\_\_\_ Date: \_\_\_\_\_

Verified By: \_\_\_\_\_

13. Superintendent Approved yes ☐ no ☐ (sign) \_\_\_\_\_ Date \_\_\_\_\_

14. Reason for Disapproval: \_\_\_\_\_

15. Business Office

Check # \_\_\_\_\_ Date \_\_\_\_\_