



MEMORANDUM

To: All Appointing Authorities and Chief Legal Counsel

From: John Haseley, Chief of Staff
Jan Allen, Cabinet Secretary
Kent Markus, Chief Legal Counsel

Date: October 12, 2007

RE: **Charitable and Fundraising Activities Policy**

Governor Strickland encourages State of Ohio employees to engage in charitable activities in support of worthy causes. At the same time, the Governor firmly believes that, while on the state clock, Ohio's taxpayers expect state employees to do the jobs they are being paid to do. This policy seeks to balance these two important objectives.

1) Charitable Activity on State Time

- a) Limited Activity Permissible on State Time. During the "on the clock" hours, state employees should, with very limited exception, be engaging in the work for which they've been hired. Agency directors are authorized to permit *de minimus* expenditures of state time in support of charitable activities.

In the past, state employees were permitted to provide regular, ongoing "volunteer" services for approved charitable entities on a weekly basis while being paid by the state. Employees in some agencies were also allowed to participate in the United Way's Community Care Day while on state time. While supportive of such endeavors, Governor Strickland believes that the essence of volunteerism is the donation of one's own time to a cause. Accordingly, state employees desiring to provide substantial, ongoing, regular volunteer services to charitable entities will need to do so before or after work, during lunch, or other authorized break periods, on weekends or during other non-state time. Employees may also use vacation, personal or comp time for volunteer activities during normal work hours if such leave usage does not interfere with agency operations and is approved by an employee's supervisor.

- b) Agency Director Discretion. This policy is not intended to interfere with the discretion of each agency director to permit limited, non-recurring, episodic expenditures of state time in support of charitable activity. For example, an agency director's determination that employees may be excused for 60-90 minutes to give blood at an on-site blood donation drive would be appropriate. In addition, this policy in no way limits the state employee activity on behalf of the combined charitable campaign which is authorized by ORC 124.135 and OAC 123:1-28-01.
- c) Employee Use of Flexible Schedule Opportunities. Employees are, of course, permitted to take advantage of agency-authorized flex time or other flexible scheduling arrangements to accommodate their volunteer activity. On the other hand, the primary work of the agencies should be meeting their operational needs, and this policy is in no way intended to require agencies to modify policies, procedures or contractual arrangement to accommodate employee volunteer activity. Professional employees, like attorneys at the various agencies, are encouraged to engage in *pro bono* activity in their free time and may work with their agencies to utilize leave and flexible scheduling options to serve others and enhance their own skills.

2) Fundraising on State Property

Within the context of the above parameters, state employees may engage in fundraising activity on state property. This activity may include fundraising events like bake sales, dress-down days and contests and must comport with all state law and regulations (e.g. – health safety regulations related to the serving of food.)

- a) Impermissible Fundraising Activity. Fundraising activities on state property may not involve:
 - i) The sale or service of alcoholic beverages
 - ii) The raising of funds through gambling activity. Gambling includes raffles, door prizes or any other method of obtaining a monetary award or prize by luck or chance for the price of a donation.
 - iii) Any solicitation of food, cash or other items from a vendor, retail store, restaurant or other private person or entity with whom your department or agency does business or regulates.
- b) Permissible Fundraising Activity. Fundraising activities may take place in the following circumstances:
 - i) Modest Non-Profit Fundraising. State employees may engage in limited fundraising activities for non-profit organizations on state property with their appointing authority's permission. Such activity should be non-disruptive of work place activities and should never involve a supervisor

soliciting an employee who reports directory or indirectly to him or her. Accordingly, all such solicitations should either be entirely passive (e.g. – a box on a desk corner noting the purpose for which contributions are being solicited) or entirely non-coercive. No employee should ever feel pressured by a co-worker to make any sort of donation to a charitable organization.

Examples of the types of fundraising that would be appropriate under this portion of the policy are sales of candy or gift wrap for a child's school, seeking sponsors for walk-a-thons or other similar events, or circulation of a Girl Scout cookie sale sheet.

- ii) Fundraising for the Benefit of State Colleagues. With a director's permission, fundraising also may occur to benefit fellow state employees. Examples of the types of fundraising that would be appropriate under this portion of the policy are the collection of funds for a retirement gift or funeral flowers or for donations to assist a fellow employee with a medical or other family hardship. Any such solicitations should conform to the restrictions above aimed at minimizing workplace disruption.

This policy is effective November 1, 2007, and questions about its application should be managed by agency Chief Legal Counsel, who may consult, as necessary, with the Governor's Legal Staff.

Because this policy is being released in the last quarter of the year, agency directors may consider limited requests to vary from it, through the end of this year only, if cessation of a current charitable endeavor, which contradicts an aspect of this policy, would cause a substantial hardship.