

Companies, 2013, which is incorporated herein by reference, as amended and supplemented.

“Department” means the Department of Human Services, unless otherwise specified.

“Division” means the Division of Mental Health and Addiction Services and is the single State agency responsible for the oversight of a range of community addiction services in the State of New Jersey.

“Level of Care Index” or “LOCI” means the standardized practice tool, which is incorporated herein by reference, as amended and supplemented, that is used to implement and document the ASAM criteria for treatment planning and placement of patients with substance use disorders. The LOCI is published by The Change Companies, www.changecompanies.net.

“Substance use disorder” means the classification as defined in the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition (DSM-5), which is incorporated herein by reference, as amended and supplemented and includes substance use withdrawal.

SUBCHAPTER 2. CLINICAL GUIDELINES AND REVIEW TOOL FOR MEDICAL NECESSITY REVIEW OF TREATMENT OF SUBSTANCE USE DISORDERS

10:163-2.1 Clinical guidelines and review tool

(a) The evidenced-based and peer-reviewed clinical practice guidelines appropriate to review the medical necessity for treatment of substance use disorders is the ASAM criteria.

(b) The evidence-based and peer-reviewed clinical review tool for purposes of reviewing medical necessity for the treatment of substance use disorders is the LOCI or any similar tool with fidelity to the ASAM criteria.

TRANSPORTATION

(a)

DIVISION OF PROCUREMENT

Construction Services

Readoption: N.J.A.C. 16:44

Proposed: July 3, 2017, at 49 N.J.R. 1831(a).

Adopted: September 11, 2017, by Richard T. Hammer, Commissioner, Department of Transportation.

Filed: September 12, 2017, as R.2017 d.186, **without change**.

Authority: N.J.S.A. 27:1A-5, 27:1A-6, 27:7-21, and 27:7-35.1 et seq.

Effective Date: September 12, 2017.

Expiration Date: September 12, 2024.

Summary of Public Comment and Agency Response:

No comments were received.

Federal Standards Statement

A Federal standards analysis pursuant to Executive Order No. 27 (1994) and P.L. 1995, c. 65 is not required because the readopted rules come within the authority of State statute only and are not subject to Federal requirements or standards.

Full text of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 16:44.

TREASURY—GENERAL

(b)

OFFICE OF THE STATE TREASURER

Public Employee Charitable Fund-Raising Campaign

Adopted New Rules: N.J.A.C. 17:28

Proposed: July 3, 2017, at 49 N.J.R. 1832(a).

Adopted: September 12, 2017, by Michael Tyger, Director, Division of Administration.

Filed: September 21, 2017, as R.2017 d.189, **without change**.

Authority: N.J.S.A. 52:14-15.9c13 and 52:18A-30.

Effective Date: October 16, 2017.

Expiration Date: October 16, 2024.

Summary of Public Comment and Agency Response:

Only one comment was received for this notice of proposal, from ***492@aol.com.

COMMENT: The commenter did not specify any particular change to the rules, but rather expressed the desire for a blanket rule “to stop all charitable donations handled through public workplaces.”

RESPONSE: While the Department of the Treasury (Department) certainly respects the commenter’s opinion, the Department is proposing the rules to implement the statutory campaigns described in N.J.S.A. 52:18A-30. Any effort to eliminate campaigns completely would require statutory change, and the commenter may certainly proceed along that avenue. Without statutory change, the Department believes that the rules implement the current statutory intent of the New Jersey State Legislature.

Federal Standards Statement

A Federal standards analysis is not required because there are no Federal laws or standards applicable to the expired rules adopted herein as new rules with amendments.

Full text of the expired rules adopted herein as new rules can be found in the New Jersey Administrative Code at N.J.A.C. 17:28.

Full text of the adopted amendments to the expired rules adopted herein as new rules follows:

SUBCHAPTER 1. GENERAL PROVISIONS

17:28-1.1 Purpose

(a) The purpose of the rules in this chapter is to:

1. Provide a convenient channel through which State and local units of government employees may support the efforts of charitable fund-raising organizations and charitable agencies, while minimizing disruption to the workplace and cost to the taxpayers that fund-raising may entail;

2. Establish a system for the planning and conduct of charitable fund-raising campaigns among State and local units of government employees in order to ensure that the funds will be collected and distributed in a reasonable manner; and

3. (No change.)

17:28-1.2 Scope

(a) The Public Employee Charitable Fund-raising Campaign is the only authorized fund-raising solicitation of employees in the public workplace on behalf of charitable organizations.

(b) No deductions shall be made from compensation payable to State employees by the State Treasurer or his or her agents, or from compensation payable to employees of any instrumentality of the State, not payable by the State Treasurer, for the payment of contributions to any charitable fund-raising organization or charitable agency pursuant to N.J.S.A. 52:14-15.9c1, unless such organization or agency complies with the requirements of this chapter.

(c) No deductions shall be made from compensation payable by disbursing officers of local units of government or their agents, or from compensation payable to employees of any local unit of government, for

the payment of contributions to any charitable fund-raising organization or charitable agency pursuant to N.J.S.A. 52:14-15.9c1, unless such organization or agency complies with the requirements of this chapter.

17:28-1.3 Definitions

The following words and terms, when used in this chapter shall have, unless the context clearly indicates otherwise, the following meanings:

... “Appropriate disbursing officer” means the individual or individuals who is responsible for employee payroll of that unit of government.

... “Campaign Steering Committee” means either the operational unit of the State or local unit of government Campaign, as further described in N.J.A.C. 17:28-2.

... “Charitable fund-raising organization” means a volunteer, not-for-profit organization, which solicits, receives, and distributes voluntary charitable contributions. It may be either a federation or a fund.

“Compensation” means compensation payable by the State Treasurer to a State employee or payable by the appropriate disbursing officer to an employee of a local unit of government.

... “Health, welfare, or human care services” means services, provided directly or indirectly, meeting the human needs of health, welfare, or care, including, but not limited to, the relief of human suffering and poverty, public education and welfare, education, civil and human rights, and environmental restoration and conservation.

“Local unit of government” means any county, municipality, or board of education, or instrumentality thereof.

“Local unit of government charitable fund-raising campaign” means an annual payroll deduction campaign among employees of a local unit of government, organized pursuant to the Public Employee Charitable Fund-Raising Act, N.J.S.A. 52:14-15.9c1, to receive and distribute the voluntary charitable contributions of employees of local units of government.

... “State employee” means any person employed by, or holding a public office, or position of, the State or any board, body, agency, or commission thereof, whose compensation is payable by the State Treasurer.

17:28-1.4 Forms

In order to carry out its functions, the Department of the Treasury or local unit of government shall use such forms as it shall deem appropriate. Such forms may be amended, supplemented, and/or replaced at the discretion of the State Treasurer or local unit of government.

17:28-1.5 General provisions

(a) No charitable agency or charitable fund-raising organization shall engage in any direct solicitation activity at the work site of State and local unit employees, except as a participant in the Campaign and in accordance with this chapter.

(b)-(c) (No change.)

(d) No State or local unit of government official or employee shall assume the duties and responsibilities of the Campaign Steering Committee, the Campaign Steering Committee Chair, or the Campaign Manager. In the event of the inability of the Committee to function, or a continuing vacancy in the position of Chair or Manager, the State Treasurer or local unit of government reserves the right to cancel the Campaign. The State Treasurer and each local unit of government shall designate an employee coordinator to assist the Campaign Steering Committee.

(e) The limitations on the solicitation of funds and distribution of printed communications are as follows:

1. No charitable agency, charitable fund-raising organization, or any other entity, shall be permitted to solicit funds from State or local unit of government employees through the use of a circular, notice, advertisement, solicitation, inquiry, or other communication of any type, purpose, or design distributed with, or at the same time as, an envelope

or other container having within it a payroll check or other official communication; and

2. The distribution of any type of printed communication with any envelope or other container having within it a payroll check or other official communication shall be limited to: the distribution of announcements by the Governor, the head of a principal department in the Executive Branch of State Government for governmental purposes and not in conjunction with any charitable agency or charitable fund-raising organization, as approved by the State Treasurer, and to the distribution of printed materials related to the charitable fund-raising campaign, as approved by the Campaign Steering Committee or the head of a local unit of government.

SUBCHAPTER 2. CHARITABLE FUND-RAISING CAMPAIGN STEERING COMMITTEE

17:28-2.1 Steering Committee

(a) The Campaign Steering Committee is the operational unit of the State and local unit of government Campaign. Its actions on behalf of the member charitable fund-raising organizations shall be binding; it may assign functions, organize subgroups, and enlist others in its activities, as it deems necessary in order to carry out its responsibilities.

(b) (No change.)

(c) The Campaign Steering Committee shall convene at least quarterly, with the first meeting of the year occurring on or before March 1.

(d)-(e) (No change.)

17:28-2.2 Membership

(a) The State Campaign Steering Committee shall consist of one representative of each of the charitable fund-raising organizations eligible to participate in the State Campaign pursuant to N.J.S.A. 52:14-15.9c7a through f, one representative of a State public employee labor union to be chosen by the presidents of the various labor unions that represent State employees and one representative of the executive branch of State Government to be appointed by the Governor.

(b) Each local Campaign Steering Committee shall consist of one representative of each of the charitable fund-raising organizations eligible to participate in the local unit of government Campaign pursuant to N.J.S.A. 52:14-15.9c7a through e and g, and one representative of each local unit of government to be appointed by the Chief Executive Officer of the unit. Each local Campaign Steering Committee may also include one representative of the employees and one representative of the management of the local unit of government, as may be designated by the governing body of the unit.

17:28-2.3 Term of membership

The term of membership for each member of a State or local Campaign Steering Committee shall be for one year. The representative of a State or local employee labor union and the executive branch of State Government shall be eligible for reappointment by the presidents of the various labor unions representing State employees and the Governor, respectively. A charitable fund-raising organization shall be eligible to renew its membership, annually, contingent upon the successful completion of the application process.

17:28-2.4 Duties of a State or Local Campaign Steering Committee

(a) The Campaign Steering Committee shall:

1. (No change.)

2. Recommend a campaign Chair to be appointed by the Governor or head of the local unit of government;

3.-5. (No change.)

17:28-2.6 Membership procedure Campaign Steering Committee

(a) Any charitable fund-raising organization that is qualified to participate as a recipient in the Charitable Campaign (see N.J.A.C. 17:28-2.5 for eligibility factors, and N.J.A.C. 17:28-2.8 for application procedures) may also participate on a Campaign Steering Committee.

(b) Within 30 days of the close of the application due date, the current Campaign Steering Committee, through the State employee coordinator or local unit of government Campaign chair, shall notify each applicant of its eligibility or ineligibility for the Campaign Steering Committee. In

cases of ineligibility, the notice shall set forth the reason for such ineligibility.

17:28-2.7 Appeal procedure

(a) Any charitable fund-raising organization receiving a notice of ineligibility shall have 15 days from receipt of such notice to file an appeal and to submit to the State Treasurer or local unit of government campaign chair any additional information.

(b) Within 45 days of receipt of any additional information, the Campaign Steering Committee shall convene a special appeal panel consisting of the Chair of the Campaign Steering Committee, and, to the extent practicable, representatives of other groups composing the Campaign Steering Committee, such as the representative of the various labor unions representing State employees and the representative of the executive branch of State government, to review the charitable fund-raising organization's appeal and any additional documentation or information submitted by the charitable fund-raising organization.

(c) The special appeal panel shall conduct its review in a timely manner and shall make its recommendation in writing to the State Treasurer or local unit of government Campaign chair regarding the eligibility of the charitable fund-raising organization to participate on the Campaign Steering Committee. The decision of the State Treasurer or local unit of government shall be final.

17:28-2.8 Application form for charitable fund-raising organizations to be submitted electronically

(a) The Campaign Manager shall prepare an application form for charitable fund-raising organizations wishing to participate on the Campaign/Campaign Steering Committee and shall advertise, using the Internet or other contact mechanisms, to notify that applications are being accepted for charitable agencies wishing to participate in the Campaign at least 30 days prior to the application due date.

(b) In addition to the completed application form, all applicants must certify:

1. (No change.)
2. With respect to the requirements set forth in N.J.S.A. 52:14-15.9e, CRI 200 or CRI 1501, which demonstrate that the organization raised, in each of its two fiscal years preceding its application to participate in a Campaign, at least \$35,000 from individual citizens of New Jersey;
3. With respect to N.J.S.A. 52:14-15.9f, CRI 200 or CRI 1501, which demonstrate that the organization raised at least \$60,000 and either (b)3i or ii below.
 - i.-ii. (No change.)
4. A copy of the organization's Internal Revenue Service form 990 signature page, revenue page, and expenses page for each of the organization's two fiscal years preceding its application;
5. (No change.)
6. A statement affirming that the organization is currently in full compliance with the Charitable Registration and Investigation Act, N.J.S.A. 45:17A-18 et seq., and implementing rules at N.J.A.C. 13:48 and has been for the fiscal year preceding and to the date when its application is submitted;
7. Certification that the organization was audited in accordance with generally accepted accounting principles by an independent certified public accountant for each of the organization's two fiscal years preceding its application;
- 8.-12. (No change.)

(c) (No change.)

(d) Those wishing to receive an application may do so by downloading a copy from the New Jersey Employee Charitable Campaign website or contacting the Campaign Manager's office.

(e) (No change.)

(f) In order to meet its application requirements for local units of government, each charitable fund-raising organization found eligible to participate in the State Campaign Steering Committee need only submit to the local Campaign Steering Committee, along with its request to participate in the local Campaign, the letter of the State Campaign Steering Committee so stating eligibility to participate in the State Campaign. Charitable fund-raising organizations, which participated on the local Campaign Steering Committee for the immediately preceding Campaign and which do not participate on the State Campaign Steering

Committee need only submit the most recent information to update the information required in (b) above.

SUBCHAPTER 3. CHARITABLE FUND-RAISING CAMPAIGN

17:28-3.1 Eligibility

(a) A charitable fund-raising organization eligible for membership on the Campaign Steering Committee must be eligible to participate in the Campaign.

(b)-(c) (No change.)

17:28-3.2 Application procedure for unaffiliated agencies, which may be submitted electronically

(a) (No change.)

(b) The application procedure for charitable agencies is as follows:

1. The Campaign Manager shall advertise, using the Internet or other contact mechanisms, to notify that applications are being accepted for charitable agencies wishing to participate in the Campaign at least 30 days prior to the application due date. These applications are due by the close of business on the date and at the location specified in the notice and may be submitted electronically. The current Campaign Steering Committee shall review the applications.

2. (No change.)

3. Any charitable agency receiving notice of ineligibility shall have 15 days from receipt of such notice to file an appeal and submit to the State Treasurer any additional information.

4.-5. (No change.)

17:28-3.3 Application form; unaffiliated charitable agency

(a) The Campaign Manager shall prepare an application form for unaffiliated charitable agencies wishing to participate in the Campaign.

(b) In addition to the completed application form, the applicant must certify:

1. (No change.)
2. With respect to the requirements set forth in N.J.S.A. 52:14-15.9c7e, CRI 200 or CRI 1501, which demonstrate that the agency raised, in each of its two fiscal years preceding its application to participate in a Campaign, at least \$15,000 from individual citizens of New Jersey;
3. A copy of the agency's Internal Revenue Service form 990 signature page, revenue page, and expense page for each of the agency's two fiscal years preceding its application;
- 4.-5. (No change.)
6. A copy of the agency's annual report (or other document that fully describes the agency's activities and accomplishments and provides the names of chief administrative personnel) for each of the agency's two fiscal years preceding its application unless the agency is not required to submit an audit to the Division of Consumer Affairs in order to remain in compliance with the Charitable Registration and Investigation Act, N.J.S.A. 45:17A-18 et seq.

i. Certification that the organization was audited in accordance with generally accepted accounting principles by an independent certified public accountant. Each agency not required to submit an audit to the Division of Consumer Affairs in order to remain in compliance with the Charitable Registration and Investigation Act, N.J.S.A. 45:17A-18 et seq., in the agency's two fiscal years preceding its application must certify that they can provide financial statements signed by an authorized officer;

7. A statement affirming that the agency provides health, welfare, or human care services within New Jersey, and a description of the services; and

8. (No change in text.)

(c) The application may also require any general background information of the applicant charitable agency, which may aid the State Treasurer or Steering Committee in determining an agency's eligibility.

(d) Those wishing to receive an application can do so by downloading a copy from the New Jersey Employee Charitable Campaign website or contacting the Campaign Manager's office for the local unit of government.

(e) An unaffiliated charitable agency, that was found eligible by the State Treasurer to participate in the Campaign immediately prior to the

Campaign being applied for, shall be required only to submit its most recent information, which shall specifically update the requirements of (b) above.

(f) (No change.)

SUBCHAPTER 4. CAMPAIGN ADMINISTRATION

17:28-4.1 General provisions

The provisions of this subchapter shall apply to State and local unit of government employees whose compensation is payable by the State Treasurer or appropriate disbursing officer.

17:28-4.2 Campaign period

(a) The campaign solicitation period will be no longer than September 1st through December 31st.

(b) Participating charitable fund-raising organizations and charitable agencies may not engage in solicitation activities among State or local unit of government employees at the work site of the State employee or local unit of government employee during the non-Campaign period.

17:28-4.3 Campaign literature

(a) The Campaign Steering Committee shall be responsible for the design, printing, and distribution of Campaign pledge/designation cards and other Campaign literature and the content and design of a Campaign website. Local units of government have the option of creating and maintaining a campaign website, but are not required to do so.

(b) The State Treasurer or head of the local unit of government shall approve, prior to distribution or launch, the content of any print or electronic Campaign pledge/designation card, Campaign literature, and/or other materials to be distributed to State and local unit of government employees during the course of a Campaign to ensure that the information contained in these materials is accurate and fair. The State Treasurer or head of the local unit of government shall also approve, prior to distribution, the form of any Campaign materials to ensure compliance with administrative requirements of the Campaign.

(c) The Campaign will create and/or maintain a giving website where employees may make their donations/designations to the Campaign. Local units of government have the option of creating a giving website, but are not required to do so.

17:28-4.5 Form of contribution

(a) Employees may contribute to eligible charitable fund-raising organizations and/or charitable agencies either by cash, check, electronic check, credit card, or a specified amount to be deducted from their compensation each pay period.

(b) Contributions can be made using the pledge/designation card or by using the Campaign giving website.

17:28-4.6 Designated contribution

(a) Employees may designate, on a Campaign pledge/designation card, their contribution to specific charitable fund-raising organizations and/or charitable agencies participating in the Campaign, and/or may select the undesignated option. Designated contributions through the payroll deduction or in cash shall be a minimum contribution of \$1.00 per week (\$2.00 per pay period, or \$52.00 per year) per charitable fund-raising organization or agency designated. The minimum contribution requirement shall be met for each additional charitable fund-raising organization or agency designated.

(b) (No change.)

17:28-4.7 Distribution of contributions

(a) (No change.)

(b) Undesignated contributions and designations to charitable agencies not approved to participate in the Campaign shall be distributed to participating charitable fund-raising organizations and unaffiliated charitable agencies in the same proportion that these charitable fund-raising organizations/unaffiliated charitable agencies received designated funds.

(c) (No change.)

(d) Should an agency participating in the Campaign cease operations before all payouts have been made, the funds will be returned to the undesignated portion of the Campaign and distributed to participating

charitable fund-raising organizations and unaffiliated charitable agencies in the same proportion that these charitable fund-raising organizations/unaffiliated charitable agencies received designated funds.

17:28-4.8 Selection and use of campaign volunteers

(a) (No change.)

(b) At the close of the Campaign, the Campaign volunteers shall:

1. Collect from all employees the completed pledge/designation cards and any cash contributions;

2.-3. (No change.)

17:28-4.9 Campaign education

(a) Participating charitable fund-raising organizations and charitable agencies may engage in educational activities among State or local employees at the workplace, but only as detailed in this subchapter.

(b) During the Campaign, educational activities may take place only by a representative of the Campaign and when an authorized person at the workplace either requests or invites a representative of the Campaign to speak to and educate State or local employees about the Campaign. The representative of the Campaign may only:

1.-3. (No change.)

(c) During non-Campaign periods, participating charitable fund-raising organizations and charitable agencies may engage in educational activities among State or local employees at the work site of the State or local employees, as long as an authorized person at the work site either requests or invites a representative of the charitable fund-raising organization or charitable agency to educate employees about their organization, and:

1. The representative identifies, describes, or explains the organization's or agency's programs, without engaging in activity, which could be construed as a direct or indirect request for a financial contribution; and

2. (No change.)

SUBCHAPTER 5. CAMPAIGN ACCOUNTS FOR STATE EMPLOYEES

17:28-5.2 Payroll deductions

(a) Upon receipt of the completed pledge cards and a donation/designation report from the Campaign giving website, and for each pay period, Centralized Payroll shall deduct the total amount of contribution, as requested by each State employee, from the employee's payroll check.

(b) At the end of each pay period, Centralized Payroll shall determine, and the Office of Management and Budget shall certify, the total amount deducted by State employees for charitable fund-raising.

(c) (No change.)

(d) An employee may exercise his or her option of canceling his or her deduction for charitable contributions by submitting written notice to his or her payroll clerk.

17:28-5.4 Local government provisions

(a) The provisions of this section shall apply only to local units of government and are as follows:

1. At the end of the local Campaign solicitation period, the Chief Executive Officer of the local unit of government shall provide to the local Campaign Manager information containing the total amount contributed by the employees of the local unit of government to charitable fund-raising organizations and charitable agencies participating in the local Campaign.

2. The operation of the payroll deduction system for each local unit of government Campaign will be provided by the local unit of government as a service to its employees in the same manner that other authorized deductions are provided.

3. Other costs attributed to the local unit of government Campaign including, but not limited to, the design, printing, or preparation, and distribution of Campaign materials and Campaign accounting and administration to be conducted by the local Campaign Manager shall be payable by the local Campaign Steering Committee from contributions. These costs shall not exceed the statutorily designated percentage of the total amount of contribution in the local unit of government Campaign.

SUBCHAPTER 6. CAMPAIGN PROCEDURE FOR BOARDS, COMMISSIONS, AND AUTHORITIES

17:28-6.2 Procedure for boards, commissions, and authorities

(a)-(e) (No change.)

(f) The payroll or fiscal officer of each board, commission, and authority shall prepare a statement for the Campaign Manager exhibiting the total amount contributed by employees. This will be compiled from completed pledge/designation cards and a report from the Campaign giving website.

(g) (No change.)

(h) An employee may exercise his or her option of canceling his or her deduction for charitable contributions by submitting written notice to his or her payroll clerk.

SUBCHAPTER 7. ADMINISTRATIVE COSTS OF THE CAMPAIGN

17:28-7.1 Costs of operating payroll deduction system

(a)-(b) (No change.)

(c) The appropriate disbursing officer for each local unit of government shall establish a payroll deduction system for the collection and distribution of voluntary charitable contributions by employees of the local unit of government.

17:28-7.2 Budget for other Campaign costs

(a) Proposals for campaign manager submitted to the Campaign Steering Committee shall include a budget for other Campaign costs including, but not limited to, the design, printing, or preparation, and distributions of Campaign materials and Campaign accounting and administration to be conducted by the campaign manager.

(b) The budget for other Campaign costs may not exceed the statutorily designated percentage (see N.J.S.A. 52:14-15.9c12) of the total contributions received during the prior Campaign.

17:28-7.3 Payment of other Campaign costs

(a) (No change.)

(b) Other Campaign costs shall not exceed the statutorily designated percentage (see N.J.S.A. 52:14-15.9c12) of the total amount of contributions received.

(c) (No change.)

(d) In the event that, after the actual total amount of Campaign contributions is received, the compensation deducted from the first three quarterly disbursements exceeds the statutorily designated percentage (see N.J.S.A. 52:14-15.9c12) of that total, the Campaign Manager shall promptly reimburse the overage to the interest-bearing account for the Campaign. That amount shall be distributed to charitable agencies in the same manner as interest on the account is distributed under this chapter.