

TITLE 45. PUBLIC OFFICERS AND EMPLOYEES
CHAPTER 20. PERSONNEL ADMINISTRATION
ARTICLE 3. VOLUNTARY DEDUCTIONS FROM WAGES OR SALARIES OF STATE EMPLOYEES FOR BENEFIT
OF CHARITABLE ORGANIZATIONS

O.C.G.A. § 45-20-50 (2012)

§ 45-20-50. Purpose of article

It is the purpose of this article to permit voluntary deductions from wages or salaries of employees of the State of Georgia for the benefit of eligible charitable health and human care organizations and to provide for the distribution of funds collected through a process which involves minimal disruption of work time and provides reasonable assurance to the employees that their contributions are well used.

HISTORY: Ga. L. 1982, p. 2274, § 1; Code 1981, § 45-20-50, enacted by Ga. L. 1982, p. 2274, § 9; Ga. L. 2012, p. 446, § 1-1/HB 642.

O.C.G.A. § 45-20-51 (2012)

§ 45-20-51. Definitions

As used in this article, the term:

(1) "Agency" means any agency, as defined in Code Section 45-20-2, which has full-time paid state employees and, in addition thereto, shall include the board of regents, all units of the university system, public authorities, and public corporations.

(2) "Charitable organization" means any voluntary health, welfare, educational, or environmental restoration or conservation agency that is:

(A) A private, self-governing, nonprofit organization chartered or authorized to do business in the State of Georgia by the office of the Secretary of State;

(B) Exempt from taxation under Code Section 48-7-25;

(C) One to which contributions are authorized as deductible by Section 170 of the United States Internal Revenue Code, as amended;

(D) Qualified as an organization as defined in Section 501(c)(3) of the United States Internal Revenue Code; and

(E) Not a religious organization except that a religious organization is not disqualified to the extent that it operates a health, welfare, educational, or environmental restoration or conservation function on a nonsectarian basis with a distinct and separate budget for this function.

(3) "Eligible voluntary charitable organization" means a charitable organization which:

(A) Actively conducts health, welfare, educational, or environmental restoration or conservation programs and provides services to individuals directed at one or more of the following common human needs within a community: family and child care services; protective services for children and adults; services for children and adults in foster care; services related to the management and maintenance of the home; day-care services for adults; transportation services; information, referral, and counseling services; the preparation and delivery of meals; adoption services; emergency shelter, care, and relief services; safety services; neighborhood and community organization services; recreation services; social adjustment and rehabilitation services; health support services; or a combination of such services designed to meet the special needs of specific groups such as children and youth, the aged, the ill and infirm, or the physically disabled; or provides services concerned with the ecological impact of altering the environment; or provides services concerned with the cultivation or imparting of knowledge or skills;

(B) Provides direct and substantial services on a state-wide basis; is one of the federated charitable organizations that coordinates fund raising and allocations for at least five local charitable organizations in the various geographic areas in which employees are solicited; is a federation of at least five state-wide and local charitable organizations which are otherwise qualified under this article and which federation expends all funds collected under this article to serve Georgia residents and programs; is a health, welfare, educational, or

environmental restoration or conservation agency which is a member of a federated, nonsectarian, nonpolitical, eligible voluntary charitable organization subject to such rules and regulations as the board may prescribe; or is a federated charitable organization that provides direct and substantial health and welfare services internationally whose activities do not require a local presence or provision of local services, which is authorized and certified by the Secretary of State to transact business in Georgia, which is compliant with the U.S. Office of Personnel Management's regulations issued pursuant to the authority of 5 C.F.R. 950.201 and 950.202 for charities participating in the Combined Federal Campaign, which has a registered agent in Georgia, and which otherwise meets the criteria of this paragraph.

(C) Observes a policy and practice of nondiscrimination on the basis of race, color, religion, sex, national origin, or disability, and such policy is applicable to persons served by the agency, to agency staff employment, and to membership on the agency's governing board; and

(D) Does not expend a substantial portion of its efforts to influence the outcome of elections or the determination of public policy.

No charitable organization shall be approved by the State Personnel Board under more than one provision of subparagraph (B) of this paragraph.

(4) "Employee" means any person receiving a payroll check from the state for personal service to an agency.

HISTORY: Ga. L. 1982, p. 2274, § 2; Code 1981, § 45-20-51, enacted by Ga. L. 1982, p. 2274, § 9; Ga. L. 1983, p. 3, § 34; Ga. L. 1987, p. 191, § 9; Ga. L. 1989, p. 878, § 1; Ga. L. 1990, p. 8, § 45; Ga. L. 1994, p. 567, § 1; Ga. L. 1995, p. 1302, § 14; Ga. L. 1996, p. 769, § 1; Ga. L. 2004, p. 499, § 1; Ga. L. 2012, p. 446, § 1-1/HB 642.

O.C.G.A. § 45-20-52 (2012)

§ 45-20-52. Board as policy-setting body for administration of article; rules and regulations for implementation of article

The board shall set policy for administration of this article and shall have full power to promulgate, adopt, amend, or revoke such rules and regulations consistent with this article as may be necessary to implement this article. The board shall have specific authority to establish procedures under which charitable organizations may be evaluated for inclusion in the charitable deductions program. Only eligible voluntary charitable organizations which are approved by the board may participate in the program. Such procedures may include minimum participation levels based upon number of employees making a designated contribution, dollar amounts of designated contributions, or other factors as decided by the board and may exclude otherwise eligible charitable organizations for failure to attain a minimum participation level.

HISTORY: Ga. L. 1982, p. 2274, § 3; Code 1981, § 45-20-52, enacted by Ga. L. 1982, p. 2274, § 9; Ga. L. 2012, p. 446, § 1-1/HB 642.

O.C.G.A. § 45-20-53 (2012)

§ 45-20-53. Deduction from salaries or wages for contribution to charitable organizations

(a) Any agency is authorized to deduct from the salaries or wages of its employees amounts designated by the employee for the purpose of contribution to charitable organizations. No such deduction procedure shall be implemented without the approval of the chief executive officer or governing board of the agency.

(b) No deduction shall be made without the written request of the employee which shall designate the amount which is to be deducted. Deductions shall be made monthly or to coincide with each pay period as determined by the agency. No deduction shall be made for less than \$1.00 per deduction period or for less than \$1.00 per designated charitable organization. Employees shall be clearly apprised, on solicitation materials, of the manner in which funds will be distributed. All deduction authorizations shall remain continuously in effect until changed or canceled in writing by the employee. No deduction shall be made for the benefit of any organization which fails to secure approval of the board.

HISTORY: Ga. L. 1982, p. 2274, § 4; Code 1981, § 45-20-53, enacted by Ga. L. 1982, p. 2274, § 9; Ga. L. 2012, p. 446, § 1-1/HB 642.

O.C.G.A. § 45-20-54 (2012)

§ 45-20-54. Disclosure of amounts or designations of authorized charitable deductions; pressure, coercion, or

intimidation of employee with reference to deductions

(a) No person shall disclose to any other person names of contributors or the amounts or designations of authorized charitable deductions of another, except as is necessary to accomplish the purpose of this article or as otherwise authorized in writing by the person whose contributions are sought to be disclosed. This prohibition against disclosure shall not, however, bar appropriate state or federal tax authorities from access necessary to establish the tax status of charitable organizations receiving these funds.

(b) No person shall pressure, coerce, or in any way intimidate any employee to have charitable deductions made from the employee's salary or with reference to the amount of deductions to be made. Each agency shall review any violations or alleged violations of this subsection and assure that appropriate action is taken. Such action may include, without being limited to, discharge from employment, consistent with policies of the agency and with rules and regulations of the board.

HISTORY: Ga. L. 1982, p. 2274, § 5; Code 1981, § 45-20-54, enacted by Ga. L. 1982, p. 2274, § 9; Ga. L. 2012, p. 446, § 1-1/HB 642.

O.C.G.A. § 45-20-54.1 (2012)

§ 45-20-54.1. Promulgation of regulations regarding distribution of deducted funds; disposition of undesignated funds

The board shall promulgate regulations necessary and expedient to accomplishing the distribution of funds deducted from employees' salaries, honoring employee designations. Undesignated funds shall be fairly and impartially distributed as determined by the board.

HISTORY: Ga. L. 1982, p. 2274, § 6; Code 1981, § 45-20-54, enacted by Ga. L. 1982, p. 2274, § 9; Code 1981, § 45-20-54.1, as redesignated by Ga. L. 1983, p. 3, § 34; Ga. L. 1984, p. 22, § 45; Ga. L. 2012, p. 446, § 1-1/HB 642.

O.C.G.A. § 45-20-55 (2012)

§ 45-20-55. Reimbursement of cost of making deductions and remitting proceeds; delegation of activities related to management of funds

The state shall be reimbursed by participating charitable organizations, in direct proportion to their receipts, for its additional direct cost of making deductions and remitting the proceeds. To minimize time and administrative expense, activities related to the management of the funds such as preparation of materials, solicitor training, fiscal agent duties, and similar activities may be delegated by the board to a participating party.

HISTORY: Ga. L. 1982, p. 2274, § 7; Code 1981, § 45-20-55, enacted by Ga. L. 1982, p. 2274, § 9; Ga. L. 2012, p. 446, § 1-1/HB 642.

O.C.G.A. § 45-20-56 (2012)

§ 45-20-56. Deduction and transmittal of funds as privilege; immunity from liability to employee or charitable organization for errors, omissions, or decisions regarding deductions; board as sole judge of eligibility of charitable organizations

Deductions from salaries of employees and transmittal of funds to charitable organizations may be offered as a privilege for the convenience of employees and no right of action shall accrue to the employee or to any charitable organization for errors, omissions, or decisions of administrative employees or officials regarding such deductions. The board is the sole judge of charitable organizations approved for participation in the program. Charitable organizations may be disapproved without any liability on the part of any state official or employee.

HISTORY: Ga. L. 1982, p. 2274, § 8; Code 1981, § 45-20-56, enacted by Ga. L. 1982, p. 2274, § 9; Ga. L. 2012, p. 446, § 1-1/HB 642.