



## **Statewide SEFA Council Resolution 22.2**

### **Procedure for Applications by New Participants & the Annual Recertification of Member Agencies**

Effective December 1, 2022

#### **Introduction**

Effective July 18, 2022, 9NYCRR Part 355 - *Charitable Contributions Through the State Employees Federated Appeal (SEFA)*, was updated. As a result of the rule, this policy is established to clarify certain procedures covered by Sections 335.6 (*Qualifications and Applications for Participation...*) and 335.9 (*Certification and Revocation of Eligibility...*).

#### **New Agency Applications**

Under Section 335.6, to be eligible to participate in the SEFA Campaign, an organization must be a charitable organization as defined in Section 335.2(f), meet the qualifying conditions and requirements and furnish documents evidencing its eligibility under this regulation as may be required by the Statewide SEFA Council. In short, the organization must:

- Remain duly registered and current in its annual financial filings as required by the Department of Law,
- Comply with all requirements of State and Federal Law regarding nondiscrimination as well as Equal Employment Opportunity with respect to its officers, employees, volunteers and all persons it seeks to serve, and
- Provide or support programs that serve health, welfare or recreational purposes.

Applications for participation shall be submitted between December 1<sup>st</sup> of the preceding year and January 15<sup>th</sup> of the first year in which the organization wishes to participate in the SEFA campaign. This must be completed through the SEFANYS.org website. Local committees and the Statewide SEFA Council will review applications between January 15<sup>th</sup> and February 15<sup>th</sup>.



Upon receipt, applications from “local” charities will be assigned by the Statewide SEFA Council to a local SEFA committee to review and approve or deny. The Statewide SEFA Council will review any “statewide” applications. Any decisions by a local committee to deny participation shall be reviewed by the Statewide SEFA Council between January 15th and the last day of February.

All approval and/or denial notices should be sent to applicants by the Council by March 7th. Newly approved charities will be added to the Charity Listing on the following July 1<sup>st</sup> to coincide with the SEFA Fiscal Year.

### **Recertification of Agencies**

In accordance with Section 335.9, all agencies will be required to:

- Recertify their eligibility and compliance with NYS and SEFA requirements every three years using the simplified documents to be provided by the Council and published on the website.
  - Initially, one third of all participating agencies will be required to recertify in one of the three years following approval of the rule, as directed by the Statewide SEFA Council.
  - Subsequently, each agency will follow a three-year recertification schedule based on the last date of application/recertification.
  - An agency may be subject to a random “eligibility audit” by the Statewide SEFA Council at any time.
- If an agency does not maintain the eligibility and compliance qualifications, the participant shall be removed from the SEFA campaign by majority vote of the Statewide SEFA Council.
  - If removed from participation, distribution of all funds will cease; and reasonable efforts will be made to inform affected donors.
  - The decision of the Statewide SEFA Council to remove a participating agency shall contain a written justification and will be provided to the organization.
  - Any participating organization receiving notice of a determination of removal from the Statewide SEFA Council may appeal such determination in accordance with article 78 of the Civil Practice Law and Rules.
  - Any organization that has been removed from participation in SEFA may reapply for admission after the expiration of a one-year period



from the end of the annual solicitation campaign (December 31<sup>st</sup>) following the determination of removal. The organization may reapply as a new organization at that time upon a showing of changed circumstances relevant to the determination of its removal.

- Recertifications must be submitted between April 1<sup>st</sup> and May 15<sup>th</sup> to remain on the charity list after July 1<sup>st</sup>. This must be completed on the SEFANYS.org website.
  - The local committee or Statewide Council will review recertification documents within 30 days of receipt.

Approved by the Statewide SEFA Council on November 22, 2022.