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Overtime Regulations and the

Federal Judge Blocks Overtime Rule

On Tuesday, November 22, a federal district judge in Texas issued a preliminary injunction blocking implementation of the Overtime Final Rule, ruling that the U.S. Department of Labor exceeded its authority. Barring a last-minute appeal, the overtime rule will not go into effect as scheduled on December 1 because of this decision. Ruling in a lawsuit brought by 21 Governors and Attorneys General, the judge held that the white-collar exemption is clearly based on the duties that individual employees perform, and that the Labor Department did not have the authority to create a different or higher standard. Specifically, he ruled: "Congress gave the Department the authority to define what type of duties qualify [for the overtime exemption] — it did not give the Department the authority to supplant the duties test and establish a salary test that causes bona fide EAP's to suddenly lose their exemption 'irrespective of their job duties and responsibilities.'"

The judge issued a nationwide preliminary injunction. On December 1, the Departments of Labor and Justice filed a Notice of Appeal to the Fifth Circuit Court of Appeals. This action means that injunction could be lifted and the overtime rule put in place in a matter of weeks or months.

Nonprofits still need to understand and comply with EXISTING federal Fair Labor Standards Act regulations (and state wage and hour laws) governing overtime compensation.

To read this article in its entirety go to <https://www.councilofnonprofits.org/trends-policy-issues/overtime-regulations-and-the-impact-nonprofits#sthash.Sq658d0h.dpuf>

AARP Outlines Priorities to President Trump

In a letter to President Donald J. Trump, AARP CEO Jo Ann Jenkins outlined AARP's priorities for Americans 50 and older, calling for protection of Medicare and Social Security as well as access to affordable health care and prescription drugs.



"Throughout the [election] campaign, your statements on these important issues of health and financial security set you apart from many other candidates," Jenkins said to Trump in a letter released a few days before his inauguration. "Now, as you assume office, older Americans are looking to you to protect them from efforts to cut their benefits, increase their costs or otherwise harm the crucial programs they rely on."

AARP members believe Medicare and Social Security should be strengthened for future generations, Jenkins wrote. "Unfortunately, some congressional leaders have discussed plans to fundamentally change the Medicare program and undermine the contract made with generations of Americans," she wrote.

The letter cites congressional proposals to fundamentally change Medicare by creating a defined-contribution "premium-support" system, which would give recipients a fixed amount, in the form of vouchers, to buy private health insurance. Other proposals would raise the age of eligibility for Medicare from 65 to 67 and allow hospitals and providers to charge higher prices than Medicare.

"These proposals do little to actually lower the cost of health care," Jenkins wrote. "They simply shift costs from Medicare onto individuals — many of whom cannot afford to pay more for their health care."

To confront continued huge price spikes for prescription drugs, AARP backs proposals to give the secretary of Health and Human Services the authority to negotiate lower prices on behalf of Medicare beneficiaries. "In addition, we agree with you that we should reduce barriers to better pricing competition worldwide by allowing for the safe importation of lower priced drugs," Jenkins said.

She noted that provisions of the Affordable Care Act have helped millions of 50-and-older Americans. These include a ban on excluding consumers because of preexisting health conditions, a ban on lifetime and annual coverage limits, and restrictions on charging older Americans more for insurance than younger people.

Jenkins also urged Trump to protect millions — including low-income elderly people — by fending off efforts to cap Medicaid funding. She asked the president to ensure that "home and community-based services be available to individuals in the same way they can access nursing home funding."



Are you hearing, as we are, many Americans — and even nonprofit leaders — express uncertainty, and even foreboding, about the future? That's because nonprofit leaders who've kept their eyes on the horizon see unsettling times ahead. At the federal level, no one is sure whether promised — yet unspecified — federal tax reforms will stimulate, or stymie, overall charitable giving. At the state level, significant budget deficits in half the states create even more unease, especially since demands for services provided by nonprofits are not magically going away. Because financial resources will continue to be scarce, it will be of paramount importance in 2017 for nonprofits to pay attention to the basics, such as personal relationships with donors, cash flow, and working "smarter, not harder." Not unlike the pre-flight safety video tells us, "*Put your oxygen mask on first, so you can help those in need.*"

To help your nonprofit buckle down for what promises to be a wildly turbulent year ahead, the National Council of Nonprofits has been ramping up both (1) our federal policy work on sector-wide issues so it parallels our network's state policy work, and (2) our capacity-building guidance on core leadership capacities that matter to *all charitable nonprofits*: fundraising, governing, and operating your nonprofit **legally, ethically, and effectively.**

We just published a look at federal issues that we expect will be significant for ALL charitable nonprofits. We encourage you to read and share "Nonprofits Need to Stand Together to Push for Smart Public Policies" with your board members and other stakeholders. In the post we underscore that there are at least six issues receiving scrutiny in the new Congress and new Administration that will affect ALL charitable nonprofits, so we all need to be ready to stand up to defend nonprofit missions. And of course, if you are looking to put that oxygen mask on, you can rely on the Council of Nonprofits' national network of state associations of nonprofits for expertise with fundamental capacity building assistance, such as preparing for leadership transitions, educational opportunities for board members, peer learning cohorts for staff members, and guidance on very important best practices that will be so key in the months ahead.



The Future of Fundraising

This past December was the fifth year of #GivingTuesday, and by all accounts the global day of giving produced a strong showing of support for causes of all types. It may be hard to imagine, but not too long ago charitable giving was limited to cash, checks, or in-kind gifts – there was no such thing as “text to give,” or “crowdfunding,” and few websites were configured to accept donations. Now, the future of giving is right in our hands – or more accurately – in our mobile devices. Donors and nonprofits are embracing this future. However, generosity is unfortunately being held hostage by outdated state regulations that not only add administrative costs to fundraising, but also are confusing. Antiquated state laws that have failed to keep pace with technology and reality erect unnecessarily burdensome barriers to charitable giving are not in anyone’s best interest.

The National Council of Nonprofits and our member state associations of nonprofits listened when nonprofits expressed concern about the increasing lack of clarity about where to register. We know that nationwide information about fundraising regulations is hard to find. That’s why we’ve worked with Harbor Compliance to produce this new unique guide that offers background on the overall process of state charitable solicitation registration requirements. We hope the guide will help you navigate the existing



Lead
with your
values

From coast to coast, state associations across our network have opened this new year with a consistent message, encouraging nonprofits to respond to anticipated challenges by leading with core values.

On the East Coast, the CEO of the Nonprofit Coordinating Committee of New York, Sharon Stapel, urges NPCCNY’s members, “*To address the yet unknowable, we must look to our values to determine the types of issues that will ground our work in 2017. At NPCC, we value*

the diversity of the nonprofit sector, the work for equity that our members are engaged in, and the ability of nonprofits to work independently, fairly, and with true representation in all areas of our society. We also believe that nonprofits are, and must continue to be, the voice for their communities. With these values as a lens, we will be watching legislative, policy, and public discussion that could affect our members, and we will be prepared to respond in order to promote and protect our values and your work.”

Moving to our country’s center, Dan Billingsley, Vice President of External Affairs at the Oklahoma Center for Nonprofits, stresses the importance of policy work, reminding nonprofits, “If you are not at the table, you are on the menu.” Dan’s message that “*the charitable community is only as strong as the public policies that support our missions*” gets you thinking about all the ways nonprofits can be “at the table” to ensure that state and local policies **reflect core values** and support those we serve.

On the West Coast, CalNonprofits’ new year message calls for a strategic nonprofit stance towards the incoming Trump administration, noting that many nonprofits are taking a much broader view than simply focusing on their own particular issues. CalNonprofits urges, “*This is a time for nonprofits to expand our mission thinking, not narrow it*” and to ask the questions: “*Who is our community, and what do they need us to be doing right now? What are the values our community needs to see us standing up for?*” Along with practical suggestions, CalNonprofits reminds us all that the nonprofit community is in a position to put values into action to solve problems, rather than simply wring our hands.

Then, moving further to the north, Laurie Wolf, the CEO of The Foraker Group, the state association of nonprofits in Alaska, emphasizes the importance of distilling your focus to your nonprofit’s True North -- “your core purpose and values.” We couldn’t agree more and encourage you to recommit in 2017 to **your nonprofit’s mission, organizational health, and core values**. Without this focus, “the center does not hold” -- we are weak. But together, led by our values, committed to our individual missions, and lifting up what all charitable nonprofits have in common, we can be strong. That strength will be essential on behalf of those we serve as we face the challenges ahead in 2017.



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Older Americans Month Theme Announcement



AGE OUT LOUD: MAY 2017

The Administration on Aging, part of the Administration for Community Living, is pleased to announce the theme for Older American's Month 2017. The theme, Age Out Loud, is intended to give aging a new voice—one that reflects what today's older adults have to say about aging.

The 2017 theme gives us an opportunity to shine a light on many important issues and trends. More than ever before, older Americans are working longer, trying new things, and engaging in their communities. They're taking charge, striving for wellness, focusing on independence, and advocating for themselves and others. They expect to continue to live their lives to the fullest, and they're insisting on changes that make that possible. What it means to age has changed, and OAM 2017 is a perfect opportunity to recognize and celebrate what getting older looks like today.

In May, AoA and ACL will amplify the many voices of older Americans and raise awareness of vital aging issues across the country. Join us as we speak up and out loud for OAM! To start promoting online, use the official hashtags **#OAM17** and **#AgeOutLoud**.

