

SCRA 2011 Chicago

All Day Pre-Conference Policy Workshop

“Doing Policy Work as a Community Psychologist”

Session 4: Working with Legislators

The purpose of this session is to expose participants to various roles they could play that involve direct engagement with elected officials, and the related issues that arise.

At workshop's close, participants will have knowledge and resources to: first, understand legal and ethical obligations; second, reach out and engage legislators directly, or indirectly by empowering members of a group (i.e. students); third, develop a cooperative relationship to enable ongoing influence; fourth, identify their legislative objective and fifth, potentially influence legislators on a bi-partisan basis and elicit from each documentation of their position or support.

The workshop will identify various settings that enable personal engagement and potential influence including individual, small group, large group, formal and informal settings. Participants will receive handouts on legal and ethical issues and a sample Legislative Reference Guide. Ten minutes is reserved for either a brief pre and post-test or a role play.

Pre Conference Workshop

Doing Policy Work As a Community Psychologist
Working with Legislators

*Presented at the 13th Biennial Conference
of the Society for Community Research
and Action, held June 15-19, 2011 in
Chicago, Illinois*

C. Corbett

Doing Policy Work As a Community Psychologist

Working with Legislators

What is the purpose of this Workshop?

The purpose is to expose participants to various roles they could play that involve direct engagement with elected officials and the related issues that arise.

The workshop will cover:

- A. legal and ethical issues
- B. identification of ~six roles
- C. settings and strategies of influence
- D. exercise (one page self-test/small group discussion)

Doing Policy Work As a Community Psychologist

Working with Legislators

How ? Four Learning Objectives of this Workshop

- A. Promote awareness of *Legal and Ethical Issues*: Lobbying
- B. Expose participants to several *public policy roles* they could consider for themselves and/or on behalf of their students.
- C. Identify various *settings and strategies* to increase potential influence of legislators by community psychologists.
- D. Provide a ten minute individual and small group *exercise* to consider possible roles and resolve remaining questions.

This workshop is designed to further exposure and proficiency objectives, (see *The Community Psychologist*, 41(2), Spring 2008, p. 68.) Also, this Workshop relies, in part, upon prior Working with Legislators Workshops offered at SCRA's 2005, 2007 and 2009 Biennials.

Doing Policy Work as a Community Psychologist

Working with Legislators

How ? Timeframe and Handouts

		Handouts
A. Legal & Ethical Issues:	5 mins.	1-2
B. Meeting w/ Legislators: ~ 6 roles	20 mins.	3-9
C. Settings and Strategies of Influence	5 mins.	10
D. Exercise : 1 page handout/small group disc.	10 mins.	11
E. Q & A	5 mins.	

Working with Legislators

Presenter Background:

- MA Community Psychology 1994
- Part time independent researcher: ARNOVA, ISTR, SCRA

Author book on preventing nonprofit dysfunction through self-regulation (Kumarian Press)

- **Volunteer Experience:**

Chair, Legislative Committee since 1999 on the Board of a disability nonprofit representing 1400 families; testified twice before the New York State Legislature as disability advocate.

- **Work Experience:**

Testified ~30 times as staff member of a NY State agency-consumer advocacy & public policy regulation of utilities

Also, MA level practitioner: Employee Assistance Program Coordinator (part time) for Agency of 500 employees (1986-2006)

(N.Y.'s EAP : Statewide workplace prevention model to promote employee wellness.

3 session assessment & referral model, supervisory trainings, critical incidents, etc.)

Working with Legislators

Description of Handouts:

- #1:** IRS Guidance on lobbying from www.irs.gov.us
- #2:** University Policy on Lobbying (Georgetown)
- #3:** Legislative Reference Guide
- #4:** Advocacy Issue: Prohibit Strikes by critical care workers
[Three Letters to Editor: *call for public to contact legislators*]
- #5/6:** Research products: influence/implement public policy
(a journal article, a book)
- #7/8:** Testimony examples: influence/implement public policy
- #9:** “A Roadmap for Families”: empower groups to influence legislators and public policy
- #10:** Letters from two Legislators: from Majority and Minority Leaders [affirm relationship; take positions; provide future access]

Working with Legislators

A. Legal and Ethical Issues:

- Intervening and testifying in legislative settings reflects an attempt to influence government action which could be at the local, state or federal level.
- The primary focus here is on state level intervention.
- States have widely differing views and regulations when it comes to influencing legislators and legislation which typically is called “*lobbying*”.
- Interventionists need be familiar with the regulations that apply whether local, state and/or federal to their situation which will vary based on their role & the intervention design.

Working with Legislators

A. Legal and Ethical Issues:

What is “Lobbying”?

[June 2010 Update]

Lobbying is defined as an attempt to influence government action, which may be either by written or oral communication.

Some states (Delaware, Kansas & Texas) include providing entertainment, gifts, recreational events, food and beverages to legislators. Other states regulate disclosure of and amounts spent on such activities. *[Note: lobbying could accidentally be triggered depending upon your state’s regulations.]*

Source: Ethics: How states define “lobbying” and “lobbyist” by the National Conference of State Legislatures printed 6/4/11 from www.ncsl.org/default.aspx?tabid=15344

Note: high level summary-- you must check your state’s requirements !
[This resource provides a summary of each state’s law.]

Working with Legislators

A. Legal and Ethical Issues:

Who is a “Lobbyist”?

Accepting compensation is usually the primary issue. Most states define a lobbyist as one who receives any compensation or reimbursement to lobby.

Some exceptions (Hawaii, Minnesota and New York) establish threshold amounts of money and time which if exceeded trigger the definition of a “lobbyist”.

However, some jurisdictions have very broad definitions that do not have compensation or hours expended criteria. *You must check your state’s requirements to see if, or how, they apply.*

Source: How states define “lobbying” and “lobbyist”-- National Conference of State Legislatures. See www.ncsl.org/default.aspx?tabid=15344 [accessed 6/4/11]

Working with Legislators

A. Legal and Ethical Issues:

STATE LEVEL: New York State Illustration

Statute: N.Y.'s "Lobbying Act", Created by Chapter 2 of Laws of 1999 (as Rev. 2003; 2005; 2007)

Effective January 1, 2006 threshold for registration as lobbyist increased from \$2000 to \$5000.

Individuals, entities or nonprofits that expend or receive greater amounts in a calendar year must register and report lobbying expenditures.

This does not place restrictions on lobbying efforts but does establish registration and reporting requirements.

Source: Lawyers Alliance for New York, Memo dated December 19, 2005, printed May 12, 2009 from www.lawyersalliance.org

Working with Legislators

A. Legal and Ethical Issues:

FEDERAL LEVEL

If you are lobbying on behalf of an organization, such as a 501(c)(3) nonprofit organization, there are restrictions such as against participation in political campaigns.

Such involvement stands to threaten a nonprofit organization's tax exempt status-- even if you are acting in a volunteer capacity.

Nonprofit organizations have reporting requirements on their lobbying activities such as on their Form 990, filed annually with IRS. For example, costs incurred must be reported.

Different rules for nonprofits, foundations, social welfare organizations w/ exceptions for nonpartisan analysis & research. See **Handout #1** printed from <www.irs.gov.us>

Working with Legislators

A. Legal and Ethical Issues:

UNIVERSITY LEVEL

If you are employed or affiliated with a university, you are likely subject to its policies on lobbying and related activity.

Policies often summarize Federal reqts. and identify rules or regulations university reps. must follow which may include reporting any lobbying activity to a university authority.

See **Handout #2**, a sample policy, which illustrates various prohibitions and requirements regarding provision of gifts, awards, food etc. & restrictions on use of university supplies, copiers, meeting rooms, etc. [Georgetown University Policy]

Check your own University Policy for reqts. that apply to you.

Working with Legislators

A. Legal and Ethical Issues:

Conclusion:

- The effort to influence govt. action through oral or written form raises issues of lobbying and whether the interventionist is a “lobbyist”.
- Knowledge of applicable local, state and federal rules and regulations is necessary to comply with legal and ethical standards, as well as possible employer rules. *When or where is line crossed into reportable lobbying?*
- Interventionists need to consider the role they are contemplating playing, who they represent (individual, university/employer, nonprofit, or government, etc.) and any **regulations** or **bylaws** that are applicable.
- Individuals should also be alert to conflicts of interest *or their appearance* and how they can be avoided or minimized.
- **Key Questions:** **Note:** *Depending on your circumstances:*
How does the activity you contemplate mesh with governing standards (state, federal, university, nonprofit, etc.). Do you need to seek clarification on permissible activities? If yes, from who?

Working with Legislators

Progress thus far:

- ✓ A. legal and ethical issues (Handouts # 1 & 2)
- B. identification of ~six roles
- C. settings and strategies of influence
- D. exercise

Working with Legislators

B. Identification of ~Six Roles

- i. meet personally with legislator(s) [home or school dist.]
- ii. meet w/ legislators on behalf of advocacy group
- iii. influence legislators via research [journal or book]
- iv. influence legislators via public statements [hearing/testimony]
- v. influence legislators empowering others [groups/nonprofits]
- vi. as educator, set up internships, externships, practicum, or innovative dissertation requirements for students

Various potential roles on behalf of yourself and/or your students are possible depending upon interests

Working with Legislators

B. Identification of ~Six Roles

- i. meet personally with legislator(s) [home or university's dist.]
- ii. meet w/ legislators on behalf of advocacy group

Handout #3: New York State Legislative Reference Guide

- profiles all legislators (state & federal)
- lists all chairmanships and committees for every legislator
- identifies senior staff and all Capitol and district offices
- provides office locations, e-mail addresses and fax numbers

invaluable guide to identify relevant legislators and facilitate direct access to legislator and/or relevant staff.

Working with Legislators

B. Identification of ~Six Roles (i & ii, cont'd)

- i. meet personally with legislator(s) [home or university's dist.]
- ii. meet w/ legislators on behalf of advocacy group

Handout #4: 3 Letters to Editor to Expose Grave Risk to Public

Background: unionization of critical care workers of disabled & elderly jeopardizes the public welfare as there is no prohibition against strikes for nonprofit & for profit workers. *Nonprofits depend upon government reimbursement and cannot increase wages.* **Legislative Intervention Proposal:** extend prohibition against strikes from just government to all critical care workers.

Intervention: public education; call for public letters to legislators; educate legislators of grave risk; 10 meetings w/legislators; request for legislation to prohibit strikes under force of fines/imprisonment. [Outcome: legislation proposed/not passed; unionization thwarted]¹⁸

Working with Legislators

B. Identification of ~Six Roles (cont'd)

iii. influence legislators through research

This should be a forte of Community Psychologists— that is to create nonpartisan research and analysis.

Ordinarily nonpartisan research is not considered lobbying. Many CPs are well trained to conduct such research which can take various forms such as:

Handout #5: example of public policy journal article published in *Nonprofit Management & Leadership*

Handout #6: example of a book published in response to public policy reqts. of 1) the Sarbanes-Oxley Act of 2002 and 2) directives from Senators Grassley & Baucus for improved governance and accountability of nonprofit orgs.

Working with Legislators

B. Identification of ~Six Roles (cont'd)

iv. influence legislators through public statements

Community Psychologists are well suited to participate in public hearings in: an advocacy role, an expert witness role or to advance social justice to name a few.

This can occur in various forms including public statement testimony and/or pre-filed written direct testimony. [Note: Public Policy 101 Workshop is offered Friday 1:30-2:45 Harold Washington Library, Multi purpose Room A]

Handout #7: example of testimony in response to legislators request for developing ADA compliance plan.

Handout #8: example of advocacy & social justice testimony in response to billion dollar budget cuts to the disabled with legislative proposal for new billion dollar revenue sources. The testimony attached nonpartisan research in the form of a journal article to provide analysis and precedent from a prior case study [published in *Nonprofit Mgt & Leadership*].

Working with Legislators

B. Identification of ~Six Roles (cont'd)

v. influence legislators by empowering others

Community Psychologists are well suited to empower disenfranchised groups or nonprofits in many human service and social justice areas using their advocacy and consultation skills to name a few.

Handout #9: The Roadmap for Families: Your Part in Making the Process Work (empowers families to advocate on behalf of their disabled family member)

Handout #10: Letters from majority and minority leaders as a result of meetings and letters stating positions and providing entrée for future meetings.

Working with Legislators

B. Identification of ~Six Roles (cont'd)

- vi. As an educator, set up internships, externships, practicum and/or innovative dissertation requirements for students.

Illustration: for my externship for my MA Community Psychology, Sage Graduate School, I initiated a two semester placement with the New York State Governor's Office for Voluntary Service, Mario Cuomo, Governor.

This placement allowed me opportunity to participate in the government-nonprofit relationship and how the Governor's Office related to Voluntary Action Centers in the state; to advise at times on policy and to draft memo recommendations directly to then Governor Cuomo. It also provided social opportunities with top government executives, his advisors and Governor Cuomo at the Governor's mansion.

Working with Legislators

Progress thus far:

- ✓ A. legal and ethical issues (Handouts 1 & 2)
- ✓ B. identification of ~ 6 roles (Handouts 3-10)
- C. settings and strategies of influence

Working with Legislators

C. Settings and Strategies of Influence

Influencing legislators is all about relationship building.

All opportunities for interface are valuable in establishing ongoing influence, recognition and access.

Examples:

- * individual meetings at legislator's office
- * small group meetings w/ advocates (parents, clients, etc)
- * large group meetings such as legislative breakfasts
- * formal settings, conferences, public meetings etc.
- * informal settings, social events, village & town picnics, concerts in the park, sporting events, personal activities like skiing *or anywhere you meet an elected official is an opportunity to greet and maintain relationship and recognition*

Working with Legislators

C. Settings and Strategies of Influence

Influencing legislators is all about relationship building.

All opportunities for interface are valuable in establishing ongoing influence, recognition and access.

Written letters and outreach are very valuable before and after meetings with legislators. Leaving a one page summary of position and what you are asking is critical.

Do you want legislator to: sponsor legislation? Write letter of support; Sign on or co-sign a bill? **BE VERY SPECIFIC!!**

Following up, after every meeting, with a letter is very helpful and reminding of issue and “the ask”. Whenever possible be specific and concrete about what you want or are asking the elected official to do. **BE VERY SPECIFIC !!**

Working with Legislators

C. Settings and Strategies of Influence

Influencing legislators is all about relationship building.

All opportunities for interface are valuable in establishing ongoing influence, recognition and access.

Getting legislators to put positions and commitments in writing is no small task.

Working with Legislators

C. Settings and Strategies of Influence.

Getting legislators to put positions and commitments in writing is no small task.

Handout #10: Two letters from Legislators

December 17, 2010 letter: Assembly Minority Leader Kolb, highest ranking Republican Assemblyman took affirmative position in opposition to disability cuts. This is helpful as you have some written indication where he stands.

*Very importantly, his letter invites future contact: **This letter was successfully used to set up a meeting within 10 days on another issue with his chief of staff.** Note: Assemblyman Kolb often co-sponsors Legislative Disability Awareness Day—valuable relationship?*

Working with Legislators

C. Settings and Strategies of Influence.

Getting legislators to put positions and commitments in writing is no small task.

Handout #10: Second letter from Legislator

December 15, 2010 letter: Assembly Majority Leader Canestrari, highest ranking Democratic Assemblyman took affirmative position in opposition to closure/restructuring of State Disability Office (OPWDD). This is helpful as you have written indication where he stands and how he and his conference will likely vote on re-org. It also tells you where to focus your limited resources— on others.

This letter also provides a basis for future access or a meeting on this critical issue, as any legislation is proposed to re-organize and cut disability services and funding. All such letters s/b saved for future use, as helpful and needed.

Working with Legislators

Progress thus far

- ✓ A. legal and ethical issues (Handouts 1 & 2)
- ✓ B. identification of ~6 roles (Handouts 3-10)
- ✓ C. settings and strategies of influence (Handout 10)
- D. Exercise (Handout 11)

Working with Legislators

Exercise: (ten minutes)

What roles, if any, are of interest to you?

What roles, if any, may be of interest to your students?

Your Questions?

Small group discussion?

Report Out: *individual roles ?*
student roles ?

Q & A

Unresolved questions to: chris_corbett1994@hotmail.com

Conclusion:

Thank you for attending this pre-conference session !!

Working with Legislators

Christopher Corbett
Independent Researcher

MA Community Psychology
1994

chris_corbett1994@hotmail.com