

Session Title:

Public Policy 301: Designing Your Legislative Intervention to Influence Public Policy

Abstract:

This workshop is a new addition to the Public Policy 101 and/or Public Policy 201 workshops presented at SCRA's Biennial Conferences since 2005 (Corbett, 2005, 2007, 2009).

This workshop, similar to PP 101 and 201 will advance the longstanding visions of various SCRA Presidents from 1998 to present that conclude public policy has been neglected and should be a high priority within SCRA. This includes former Presidents Bond, Maton, Solarz, and Toro, such as detailed in their Presidential Columns in *The Community Psychologist*, 31(3); 32(2); 33(1) and 36(4) or in a Presidential Address on the future direction of the field, such as in *The American Journal of Community Psychology* 35(1/2) (p. 3-6). More recently, Elias notes the keen need for attention to public policy and proposes a three year priority, as detailed in his Presidential Columns 41(3/4); 42(1); and 42(3). Further, he states that SCRA influence on public policy at multiple levels of government is "...long, long overdue", *The Community Psychologist* 42(1), p. 2.

The workshop also furthers training in Advocacy and Public Policy, proposed by Scott (2007) as one of the core competencies of CP training and it advances a future vision proposed to promote the professional development and continuing education of SCRA members at all Biennials through Workshops offered throughout the Conference (Corbett, 2008a, 2008b, 2009), as noted in *The Community Psychologist*, 41(2); 41(3/4) and 42(4).

While the focus of the Public Policy 101 workshop is on preparing pre-filed written testimony and testifying in a hearing and Public Policy 201 is designed to help community psychologists empower group advocacy to influence legislators, the goal of Public Policy 301 is to help participants design and develop their own legislative intervention, based on the advocacy issue or social justice cause of choice. This is accomplished by describing a legislative intervention designed to advocate incremental funding for housing to allow the disabled in New York State to live in the community, consistent with the Americans with Disabilities Act of 1990 (ADA), the Olmstead Decision of 1999 and New York State's Chapter 551, Article 25 implementing Olmstead (Corbett, 2009), *The Community Psychologist*, 42(3), (p. 31-34).

Two more examples of legislative interventions and opportunities will be examined to illustrate commonalities and enable participants to apply similar principles, designs and strategies to the advocacy or social justice issues relevant to them. Participants will also explore whether, and if so how, their selected advocacy or social justice issue of choice should be influenced by a realistic assessment of the prospects for success.

The workshop furthers exposure and proficiency training objectives (Corbett, 2008, 2009) by empowering participants to design and develop their own legislative intervention. The workshop has potential value to anyone interested in designing legislative interventions in an effort to influence public policy, as well as CP faculty who may wish to add the Advocacy and Public Policy core competency to their graduate training programs to serve all students that seek training in public policy intervention.

Public Policy 301 Workshop

Designing Your Legislative Intervention to Influence Public Policy

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

C. Corbett

Public Policy 301: Designing Your Legislative Intervention

What is the purpose of this Workshop?

The purpose is to help participants design and develop their own legislative intervention based on the advocacy issue or social justice cause of choice.

The workshop will cover:

- A. Legal and Ethical issues
- B. Identifying your issue, strategy for influence and method of intervention
- C. Three illustrations of legislative interventions
- D. Conclusion /Q&A

Public Policy 301: Designing Your Legislative Intervention

How ? Four Learning Objectives of this Workshop

- A. Promote awareness of *Legal and Ethical Issues*: Lobbying
- B. Help participants identify potential advocacy or social justice issues of choice and to develop one or more strategies for achieving change. How specifically can legislator(s) help? Which ones and How?
- C. Promote insight with 3 examples where social justice goals were pursued through state legislators and how participants might follow similar or alternate paths to further their own intervention goals.
- D. Goal: Assist participants in determining whether and if so how, they could develop and implement their own legislative intervention.

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 Public Policy Workshops offered at SCRA's 2005, 2007 and 2009 Biennials.

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How ? Timeframe and Handouts

		<u>Handouts</u>
A. Legal & Ethical Issues:	5 mins.	
B. ID Your Issue, Strategy & Method	5 mins.	
C. Three Intervention Examples:	10 mins.	
1. Preventing wage exploitation of minorities		
2. Preventing ethnic harassment in schools		
3. Providing homes in the community for disabled		1-8
D. Conclusion/ Q & A	5 mins.	

Public Policy Workshops: *Overview*

Working with Legislators [identify various roles for CPs to influence public policy]

Public Policy 101: Intervening and Testifying in Legislative Settings [prepare testimony & participate in hearings]

Public Policy 201: Empowering Group Advocacy and Intervention to Influence Legislators
[empower others on a social justice or advocacy issue relevant to them]

Public Policy 301: Designing your Legislative Intervention to Influence Public Policy
[develop an intervention plan/strategy for a social justice or advocacy issue relevant to you]

Public Policy 301: Designing Your Legislative Intervention

Presenter Background:

- MA Community Psychology 1994
- Part time independent researcher: ARNOVA, ISTR, SCRA
Recent author of book on preventing nonprofit dysfunction through self-regulation (2011)
- 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 (EAP) Coordinator (part time) for Agency of 500 employees (1986-2006) (N.Y.'s EAP is a Statewide workplace prevention model designed to promote employee wellness. Coordinators use a 3 session assessment & referral model, and are responsible for supervisory trainings and critical incidents. NY's EAP is identified as a model CP intervention by Duffy & Wong (1996, p. 259).

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Description of Handouts [Example 3: Disability Issues]:

#1-8 Letters from Legislators advocating for funding for new homes to allow individuals with disabilities to live in the community.

*Congressman Tonko**

*Assemblyman Reilly**

Assemblywoman Corwin

*Senator Breslin**

Senator McDonald

Assemblyman Tedisco

Assemblywoman Lifton

Governor Paterson

* Elected federal and state officials that represent the presenter.

Public Policy 301: Designing Your Legislative Intervention

A. Legal and Ethical Issues:

- Intervention in legislative matters 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.

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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 only a brief summary of each state’s law.]

Public Policy 301: Designing Your Legislative Intervention

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]

Public Policy 301: Designing Your Legislative Intervention

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

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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 www.irs.gov.us and search lobbying)

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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.

For example, there are often prohibitions and requirements regarding provision of gifts, awards, food etc. & restrictions on use of university supplies, copiers, meeting rooms, etc.

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

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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?

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Progress thus far:

- ✓ A. Legal and Ethical issues
- B. ID Your Issue, Strategy & Method
- C. Three Intervention Examples:
 1. Preventing wage exploitation of minorities
 2. Preventing ethnic harassment in schools
 3. Providing homes in the community for the disabled
- D. Conclusion/Q & A

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B. Identify Your Issue, Strategy & Method

Depending upon your *role(s)*, your advocacy or social justice issue may be dictated by your employer, your sponsor, your personal circumstances or who, if anyone, you represent.

Examples:

- * you are an employee of a stop smoking coalition
- * you are a volunteer with a mental health organization
- * you are a graduate student fulfilling degree requirements of an externship
- * you are the parent of a child with disabilities
- * you are a community psychologist concerned with social justice

Question: *on whose behalf, if anyone, are you acting in developing your legislative intervention? If you are a student, what input does your faculty advisor have if this is for credit coursework? Or are you free to select the advocacy or social justice issue of your own choosing?*

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B. Identify Your Issue, Strategy & Method

Depending upon your role, your advocacy or social justice issue may be dictated by your employer, sponsor or who, if anyone, you represent.

What latitude, if any, do you have in determining your advocacy or social justice issue: great latitude, some latitude or no latitude?

This is a key question as it will greatly impact the prospects of success due to the range and impact of the stakeholders involved, as well as funding implications, i.e. increased taxation at local, state or federal levels.

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B. Identify Your Issue, Strategy & Method

What latitude, if any, do you have in determining your advocacy or social justice issue: great latitude, some latitude or no latitude?

Once this is known or clarified, you can proceed to identify possible strategies, methods and action steps to proceed.

Once you have your issue and priority clarified, you can then begin to map out various options taking into account the broader political landscape. This will also clarify allies, potential allies, those inclined to oppose and any other stakeholders that are likely to be impacted. It will also enable you to identify the key legislators with particular power and influence in the area of choice.

Elected leaders, that are your representatives, are key as you have preferential access to them as they are responsible to represent you. This includes Congressmen, Senators, as well as members of the state assembly and state senate of the district of your location.

Identifying your issue will greatly impact the prospects of success due to the range and impact of the stakeholders involved, as well as funding implications, i.e. increased taxation at local, state or federal levels or other potential sources of new funds.

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B. Identify Your Issue, Strategy & Method

Your intervention goal may require:

- * modification of existing state law (*Example 1*)
[need legislator(s) to draft/sponsor or co-sponsor a bill]
- * creation of a new law (*Example 2*)
[need legislator(s) to draft/ sponsor or co-sponsor a bill]
- * increased funding for existing programs (*Example 3*)
[need legislators to support funding from internal source(s) (increased taxes, user fees or defunding other programs) or from external sources that may generate less opposition.]

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B. Identify Your Issue, Strategy & Method

Summary:

- * your issue will be influenced by your role(s), your sponsor(s), and how much latitude you have**
- * understanding existing & potential stakeholders and potential allies will help assess feasibility**
- * from there you can identify potential strategies and methods of garnering appropriate legislative assistance, reaching out to your district reps first.**
- * probable options include: modify existing law; create new law or obtain legislators support for internal or external funding, to meet intervention goals.**

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Progress thus far:

- ✓ A. Legal and Ethical Issues
- ✓ B. ID Your Issue, Strategy & Method
- C. Three Intervention Examples:
 1. Preventing wage exploitation of minorities
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- D. Conclusion/Q&A

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C. Three Intervention Examples:

1. Preventing wage exploitation of minorities (modify existing N.Y. law)

Bill: Wage Theft Prevention Act [S.8380/A.11726]

2. Preventing ethnic harassment in schools (create new law- Wisconsin)

Bill: Race-based names, Nicknames, Logos, and Mascots [S. 25]

3. Providing homes in the community for the disabled

(Request for new external funding source from Federal stimulus program.)

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C. Three Intervention Examples:

Example 1: Preventing Wage Exploitation of Minorities

Issue: For decades, unscrupulous employers have withheld or underpaid NY state workers, many of whom are minorities, minimum wage workers or non-citizens due to inadequate enforcement mechanisms. Successful recoveries reportedly were \$30 million in 2010 alone. The New York State Legislature passed a bill, effective April 2011, that increases penalties to employers from 25% to 100% of the Federal allowable level, raises criminal penalties to felony level allowing for imprisonment for egregious or repeat offenders and strengthens whistleblower protections for workers who report abuse. The legislation also requires employee notifications in their designated primary language of choice. [Source: S. 8380]

This bill appears potentially applicable to other jurisdictions.

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C. Three Intervention Examples:

Example 2: Preventing Ethnic Harassment in Schools

Issue: Wisconsin Senate Bill 25 is reportedly the first bill nationally passed to establish a fair process to end the use of offensive race-based names, nicknames, logos, or mascots at the school district level. The legislation enforces current law that prohibits discrimination against students on various grounds including race and ancestry by creating a hearing process. Substantive penalties apply to school boards from \$100 to \$1000 per day that it uses the race-based name, nickname, logo or mascot in violation of the hearing process order. The legislation enables protection of students and shifts the burden of proof to the school district. Challenged decisions are subject to judicial review. *This bill appears widely applicable and replicable.*

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C. Three Intervention Examples:

Example 3: Providing homes in the community for disabled

Issue: Under the Americans with Disabilities Act and Olmstead Decision and New York State's Chapter 551, Article 25 implementing Olmstead, NY is required to protect and preserve the rights of individuals with disabilities. One of those rights is to live in the community in least restricted settings. Despite bi-partisan public commitments to eliminate the waiting list over five years for residential housing, the waiting list instead increased from 6400 to 8,777 rather than being reduced to zero. Hundreds of millions of dollars will be required for New York to provide the right of the disabled to live in the community.

Instead of a legislative solution, the intervention design was to solicit legislators' bi-partisan support for Governor Paterson to request Federal Stimulus Funds so NY could comply with Federal law. [See *The Community Psychologist* 42(3), 31-34]

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C. Three Intervention Examples:

Example 3: Providing homes in the community for disabled

Description of Intervention: testimony was filed, hearings were attended and numerous personal meetings were held with representatives of : congress, the state senate and state assembly. The grim situation faced by the disabled and their inability to live in the community as is their right was carefully described. The specific action requested of legislators was for them to place their position of support in a letter to Governor Paterson or his appointee responsible for approval of use of Federal Stimulus funds. Numerous letters of support were provided from and signed by the following elected representatives:

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C. Three Intervention Examples:

Example 3: Providing homes in the community for disabled

Description of Intervention (continued): Numerous letters of support were provided from and signed by the following elected representatives:

Handouts 1-8:

1. *Congressman Tonko**
2. *Assemblyman Reilly**
3. *Assemblywoman Corwin*
4. *Senator Breslin**
5. *Senator McDonald*
6. *Assemblyman Tedisco*
7. *Assemblywoman Lifton*
8. *Governor Paterson*

Outcome: the letter from Governor Paterson, Handout #8, reported that he forwarded Assemblywoman Lifton's letter request endorsing and reporting my proposal to Timothy Gilchrist, Senior Advisor, appointed by the Governor to process all requests for federal stimulus funding. No funding resulted and it is unknown whether it was submitted to the Federal government, and if so, whether it was affirmatively rejected at that level.

* *Elected state and federal officials that represent the presenter.*

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C. Three Intervention Examples- *Influencing Public Policy*

1. Preventing wage exploitation of minorities
2. Preventing ethnic harassment in schools
3. Providing homes in the community for the disabled

These examples were selected as they all:

- * advance social justice
- * empower individuals subject to harassment and/or discrimination
- * promote permanent system level change
- * improve the lives of typically low power and low status members of society (minorities, children & disabled)
- * illustrate positive public policy influence by engaging legislators

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Conclusion:

Community Psychologists are well equipped to potentially influence public policy by designing interventions based upon their advocacy or social justice issue of choice.

Intervention Strategies and Methods can vary widely but typically require engaging elected officials to garner their cooperation and influence.

Some examples of influence include: to draft/sign or co-sign a Bill, to modify existing legislation or gain support to use internal or external funding sources.

CP's willing to engage will benefit from their own elected officials who are responsible to meet with them to hear their concerns and proposals.

Effective interventionists will learn how to identify action steps and to solicit legislator positions in writing that can be documented and conveyed to other legislators to build support for the intervention goals.

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Progress thus far

- ✓ A. Legal and Ethical issues
- ✓ B. ID Your Issue, Strategy & Method
- ✓ C. Three Intervention Examples
- D. Q & A

Thank you for Attending this Session !!

Public Policy 301

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