

LOBBYING **DO'S AND DON'TS**

FOR FEDERAL EMPLOYEES

2021 Edition

AFGE

**American Federation of
Government Employees**



**Lobbying Do's and Don'ts
For Federal Employees**

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American Federation of
Government Employees, AFL-CIO**

Your Right To Meet With Members of Congress

In general, federal employee's have a statutory (legal) right to "individually or collectively" petition (lobby) Congress. The law that covers this right is 5 U.S.C. 7211.

Section 7211 of Title 5 of the Unites States Code says:

"The right of employees, individually or collectively, to petition Congress or a Member of Congress, or to furnish information to either House of Congress, or to a committee or Member thereof, may not be interfered with or denied."

This right of federal employees to contact Members of Congress is undeniable to employees so long as they are **not on duty time and not using government property or government resources.**

Not every interaction with a Member of Congress, or their staff, is lobbying. For instance, meetings to discuss whistleblower type violations of law, rule, or regulation, or waste, fraud, or abuse would not be considered lobbying, and official time would be appropriate.

Negotiating Official Time For Local Officials To Meet With Representatives & Senators

Union officers can negotiate additional rights to present the views of the union on official time based on Section 7102, Title 5 of the U.S. Code, 5 U.S.C. 7102 that says in part:

"...Except as otherwise provided under this chapter, such right includes the right -

- (1) to act for a labor organization in the capacity of a representative and the right, in that capacity, to present the views of the labor organization to heads of agencies and other officials of the executive branch of the Government, the Congress, or other appropriate authorities..."

When official time is negotiated, the union official can then contact Congressional officials. However, even when you have negotiated such a provision, remember that you are doing so as a union representative. So, for example, you should not use your agency business cards or official government job title. You must use AFGE business cards that identify you as a union representative. Also be aware that yearly appropriations bills may contain changing language that may impact the ability to negotiate this activity, for lobbying.

For more information on negotiating official time for Local Officials, contact the AFGE General Counsels Office

The Importance of "Off the Clock" & "Don't Use Federal Property"

- **Can AFGE Activists Contact their Senators or U.S. Representative "on the clock" and by "using government property"? No**, with the exception of union officers who have negotiated the right to do so on official time. And even this right might be restricted if the federal employee is using appropriated funds to lobby on pending legislation.
- **Can AFGE Activists Contact their Senators or U.S. Representative "off the clock" and by "using personal property"? Yes**. Federal employees should contact their lawmakers from home using personal email, phones, letters, faxes or cell phones. And there are conditions under which you can exercise your right to lobby Congress while at lunch, or before or after work, but not on duty time and not using government property. You will find more details on pages 6 & 7.

Issue Education: You Can Use Government Property To Distribute Information on Legislative Issues.

In accordance with your Master Labor Agreement or past practices, you can use government equipment such as mail delivery, e-mail, interoffice phones or other communication systems to advise employees of legislative issues so long as the communication does not ask employees to contact their legislators. For example, you could discuss or distribute:AFGE's position on legislation

- The contents of specific legislative proposals

- When Congress will write (mark-up) a legislative proposal

- When Congress may vote on specific legislation

- Issue flyers that do not ask the reader to contact their lawmaker

But, you can not use agency e-mail, mail delivery or other communication systems and equipment to ask union members to contact a member of Congress. There is a clear difference between information/education activities and asking an employee to contact their lawmaker. You can never use your government email or government phone to lobby a legislator. But you can use those systems to provide information. Any action alert or email asking for lawmaker contact sent from the AFGE National Office will include the following warning from the AFGE General Counsel's Office:

"IMPORTANT: This information should not be downloaded using government equipment, read during duty time or sent to others using government equipment, because it suggests action to be taken in support of or against legislation. Do not use a government phone to call lawmakers on this issue.

Taking Action: How and When Can I Ask AFGE Members & Potential Members to Contact Their Lawmakers?

- 1) Ask your Local's volunteers to distribute copies of AFGE flyers calling for action on an issue to AFGE members or potential members on the way to or from work or at lunch. Ask them to sign a postcard or letter. Ask them to use their personal cell phone to call their lawmaker before or after work, or during a scheduled lunch break. The key is off the clock and not with government resources.
- 2) Time off the clock, lunch breaks, or union meetings can also be used to discuss issues and encourage members/potential members to contact their lawmaker.
- 3) Announce that you are holding a meeting during lunch to discuss a particular legislative issue for informational purposes. Assuming it is otherwise permitted by a collective bargaining agreement or past practice, the invitation or announcement flyer can be distributed over government email, posted on government bulletin boards or handed out to employees at the work place if it does not support or oppose legislation or include a plea to take action. It is simply information inviting potential members and members to a informational meeting. Don't forget that if your worksite operates around the clock then you should also hold meetings on the second and third shifts.

- 4) At the meeting, employees are "off the clock". If you provide the members with union bought paper and pens then they can write a brief letter or fill out a fax to their member of Congress during the union meeting. It is also permissible during the meeting to pass around a personal cell-phone to permit members to call lawmakers right then. Your Local union may pay for postage to mail the letters to Congress and/or the cell-phone bills. The Local may also use a non-governmental fax machine to fax letters to Congress.

- 5) AFGE members can and should contact their lawmakers from home using personal computers, email, faxes and phones. Each AFGE Local should collect home phone numbers and email addresses and use these lists to inform members about issues and what they can do about them. Remind members that most email providers such as hotmail and even AOL allow for free accounts. An AFGE Local can also mail action information to the home addresses of AFGE members and use union dues to pay for the postage. It is very important for Locals to regularly update home addresses in My Local.

Do's Checklist

Do visit lawmakers while on leave

Do write lawmakers using your own personal computer, stationary and postage or union bought stationary and postage

Do distribute copies of AFGE flyers, action faxes, sample letters and other information to AFGE members before or after work "off the clock" and at local union meetings.

Do invite AFGE members and potential members to "off the clock" meetings. Ask participants to use union bought paper and pens to write a brief letter or fill out a fax to their member of Congress during the meeting. You can also pass around a personal or union cell-phone to permit members to call lawmakers right then.

Do, if a union official on official time and under the provisions of a collective bargaining agreement which allows such conduct, contact lawmakers.

Do under a collective bargaining agreement or based on past practices, use an agency's mail delivery, e-mail, inter-office phone or other communication system to advise employees of:

- AFGE's position on certain legislation
- the contents of specific legislative proposals
- when Congress may mark-up a legislative proposal
- when Congress may vote on a certain issue
- when AFGE is to testify on a certain legislative issue

Don'ts Checklist

Don't write letters to or phone members of Congress when on duty time and using an agency's phone, paper or other equipment.

Don't use the Agency's e-mail, or other communication systems to circulate any material asking an AFGE member or potential member to write, call or email their Senators or Representative on legislative initiatives.

Don't use official time and any agency resources to present the views of the union to Members of Congress unless this is a past practice or is provided for in a collective bargaining agreement. Please contact the AFGE General Counsel's office for specific advice.

Need More Information?

Office of the AFGE General Counsel: 202-639-6415

Legislative & Political Action Department: 202-639-6413

