

Getting Started in Public Policy

Patrick Lester, Director of Public Policy ¹
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Is your United Way contemplating becoming engaged in public policy? Are you unsure how to present it to a skeptical board? Are you wondering how to get started?

If so, this unofficial and informal collection of thoughts and notes is for you. Some of the questions addressed here include:

- What are the pros and cons of public policy for United Ways?
- How do you get started? What do you do first?
- How do you avoid some of the common pitfalls?
- Once you get started, what comes next? Is there a way to do public policy on the cheap?
- If you get more ambitious, what would a high-impact public policy effort look like?
- What are some additional resources? How can you get help from United Way of America?

This document does not try to be the end-all, be-all of resources. But it should give you a sense of what to expect.

Public Policy – Why?

Since you are reading this, it is probably safe to assume you or your United Way are at least considering involvement in public policy. But how do you convince skeptical board members who wonder about this latest flavor-of-the-month, and worry about potential adverse consequences? This paper will address some of those concerns a little later, including the dreaded impact on fundraising, but let's begin with the benefits.

Why? – Community Impact

The primary justification for United Way's engagement in public policy is the central role it plays in the transformation of United Ways to the community impact model. This transformation is, at its core, a change in United Way's business model. Engaging in public policy, if done right, will not only positively impact the community. It also makes good business sense.

¹ For more information, contact the author at (703) 836-7100, x497# or patrick.lester@uwa.unitedway.org. This article is based on a presentation at the United Ways of California state association meeting on August 28, 2006.

1. **United Way can not compete purely on the basis of cost. We must compete on the basis of value-added and results.** United Ways are facing increased competition as fundraisers. While keeping costs low is important, we are unlikely to prevail as the lowest-cost provider. This will become increasingly true as the Internet and other low-cost alternatives, such as the J.K. Group, become increasingly available.

To succeed in this new environment, we must instead stress a value-added approach that makes our core strengths an asset, not a potentially costly or distracting liability. These include a long history, established relationships, and knowledge of the community.

Under the old paradigm, success was measured by the thermometer. While money raised is still an important indicator, it is important to remember that people do not give to reach a fundraising target, but to positively affect their communities. They want impact.

Pure fundraising organizations are judged by their administrative efficiency. By contrast, impact-driven organizations are judged by results. To remain relevant and successful, United Ways must refocus on community impact and leverage our core strengths to achieve results.

2. **High-impact United Ways are growing. Others are flat or shrinking.** For more information, see UWA Research, “Engines of Growth: Community Impact and Resource Development.”² See also the UWA Community Impact Lab’s “Aligning for Growth” series.³
3. **Public Policy is central to, and leverages, community impact.** Nearly every community issue of interest to United Ways has a strong public policy element, including early learning (Success By 6), 2-1-1, housing, and child health, among others. According to United Way research, the average United Way agency receives over 40 percent of its funding from government, versus only 6 percent from United Way.⁴ Public policy helps us leverage our impact by influencing not just how much is spent on issues that we care about, but how that money is spent.

Why? – Redefining and Repositioning the United Way Brand

If the tree falls in the forest and no one is there to hear it, does it make a sound? This old question is relevant to United Ways involved in public policy. Impacting the community is important for its own sake, but if no one knows about it, are United Ways likely to benefit?

The key question here is: what role can and should public policy play in transforming not just the organization, but the United Way brand?

1. **The United Way approach to public policy = A constructive, “united” alternative to the destructive divisiveness too often seen in politics.** A major reason for United Way’s involvement in community impact is to redefine and reposition the United Way brand. As a core community-impact strategy, however, public policy is not just a tool for shaping the brand, it should also reflect that redefined brand.

For most United Ways, this means pursuing an activist public policy agenda that reflects

² Available online at <https://online.unitedway.org/site/vopenfile.cfm?fid=2615667&NoFrame=1>

³ Available online at <http://online.unitedway.org/site/vopenfile.cfm?fid=2731617&NoFrame=1>

⁴ United Way of America Research Services, 1999 Community Impact Survey.

the community's values in the broadest sense. As Kevin McCarthy, CEO of United Way of the Inland Valleys in Riverside, California, has noted: "We are the United Way, not the Divided Way."

In choosing issues, United Ways should focus on issues with broad, usually centrist appeal (with the meaning of 'centrist' varying by community), not issues more likely to divide the community. The typical United Way will focus on such mom-and-apple-pie issues as early childhood education and 2-1-1, not controversial and divisive issues such as abortion, gun control or the death penalty.

Of course, controversy can lurk below the surface of almost any issue, and we will look at strategies for dealing with that later. But in general, these problems can be minimized by focusing on issues and solutions where there is broad agreement, and emphasizing an approach that is constructive, practical, and oriented toward pragmatic problem-solving.

Pursued correctly, United Ways engaged in public policy can and should be seen as the constructive, pragmatic answer to the destructive, do-nothing divisiveness too often found in politics.

2. **The importance of media.** The United Way brand is shaped by numerous factors, including its long history, direct interactions with the community, and existing relationships – including with prominent businesses, charities, and individual donors and volunteers. But the media should also play an important role. This does not just include Public Service Announcements (PSAs), which are important, but also hard news.

Fortunately, public policy is very media-friendly. United Ways that become active and prominent on their selected issues can expect to draw media attention, and this will be critically important in reshaping the public's view of your organization and the brand. We will spend more time later outlining strategies for synching your United Way's media and public policy work. For now, it is sufficient to note that, if done right, public policy can and should play a critical role in re-branding your United Way because of its inherent appeal to the media.

Why? – It Is Strongly Endorsed by United Way of America

Your United Way's involvement in public policy is strongly supported by United Way of America. Consider the following:

1. **Brian Gallagher, President and CEO of UWA, has repeatedly cited the importance of public policy.** This includes a November, 2004 Council of States meeting in Tampa, Florida, where Brian cited public policy as the number one responsibility of state associations.
2. **Public Policy is included prominently in the United Way Standards of Excellence.** Standard 1.4 reads: "Because government is a critical decision-maker and the major provider and funder of health and human services, United Way must actively engage in public policy and develop partnerships that include local, state and federal governments along with the public sector and nonprofit sector."
3. **UWA spends significant time and money on technical assistance for public policy.** Preaching the importance of something is one thing, but a willingness to spend limited resources on it is where the rubber meets the road. UWA public policy staff is available to provide on-site and off-site trainings, call into board meetings, and provide advice and

technical assistance. For more information, see the resources section at the end of this paper.

Public Policy – What Is It?

Public policy is more than lobbying. While no United Way is likely to do all of the following, some examples include:

- Issue identification, research and analysis;
- Education of the public on critical issues;
- Lobbying for or against legislation;
- Voter registration and education;
- Litigation;
- Participation in referenda or initiative campaigns;
- Grassroots organizing and communication with local leaders;
- Testifying before governmental bodies;
- Lobbying governmental agencies at all levels.

Why Not? – Overcoming Common Barriers to Public Policy Involvement

1. **Legal Issues:** The most important point to make to skeptical board members and others about legal issues is that nonprofit lobbying is legal. Federal law specifically provides for lobbying by charities like United Way, including reporting requirements on the annual Form 990 and very generous lobbying limits. Most United Ways will want to file IRS Form 5768 (sometimes referred to as taking the “501(h) election”), a simple one page form that indicates that they want to report their lobbying as a total expenditure on the annual Form 990.⁵ Thereafter, as far as federal law is concerned, United Ways and other charities are free to lobby on any legislation at the federal, state, or local levels, so long as they spend less than certain limits, which are very generous and unlikely to pose much of an issue for any United Way.⁶

Before proceeding, United Ways should also look into state laws. Many states have separate reporting requirements for organizations and individuals who lobby the state

⁵ Available online at <http://www.irs.gov/pub/irs-pdf/f5768.pdf>

⁶ For more information, see: <http://clpi.org/toc3.html>.

legislature.⁷

2. **Impact on Fundraising:** This question is often foremost on the minds of local United Way executives and board members. Won't public policy work, no matter what the topic or position taken, alienate some elements of the community, and thus undermine United Way fundraising efforts?

The best way to address this issue is head-on. Yes, engagement in public policy can pose risks for United Way fundraising. Happily, simple common sense will avoid most problems. Strategies for addressing any that remain are described below.

Before proceeding, however, it is important to repeat that, if done correctly as part of a larger focus on community impact, public policy should be a net plus for the organization financially. That said, it is possible to run into a few problems. Some strategies for dealing with them include:

- **Making sure your issues have been vetted by both a Public Policy Committee and your board during the agenda setting process.** This is described later on in this paper.
- **Focusing on non-controversial issues with broad, bi-partisan appeal.**
- **Starting slow on smaller, easier issues.** It is often important to gain experience and build a track record of success before taking on larger issues.
- **Considering the role of convener for more controversial issues** However, United Ways should not pursue this strategy in all cases. In the end, United Ways should become advocates, not just neutral conveners. But for controversial issues, there can be value in pulling together different constituencies with differing points of view, and seeking common areas of agreement.
- **Letting other organizations, including funded agencies, take more prominent roles on controversial aspects of an issue.**
- **Looking for compromise .**
- **Being willing to change positions or walk back from an issue if necessary.** Changing a position can be embarrassing, but it can and does happen, and it is not the end of the world.
- **Realizing that some fights are worth it.** In the end, if your United Way is effective, it is almost inevitable that someone will disagree with you and complain. In such situations, your United Way should not automatically compromise or retreat, especially if the issue is important and the view is a distinct minority in the community. However, when this happens it is important to keep the board (or at least an executive committee of the board) informed, and get its explicit blessings to proceed. In doing so, the board may wish to consider: the impact on the United Way brand, the impact on fundraising, and the impact on the issue itself.

In the end, some issues are important enough to justify the risks they pose to the organization. If your United Way could ensure that all children in your community were

⁷ If you do not know the rules in your state, a good starting point can be found here: http://www.ncsl.org/programs/ethics/e_ethicsURLs.htm

able to obtain quality pre-K education or health care, would that be worth risking a drop in fundraising totals? More to the point, if your United Way was associated with such an outcome, would such totals actually drop? Or, more likely, would any declines be more than offset by increases elsewhere due to a perception that your United Way is having an impact – that your United Way matters?

3. **Resources (staff, experience, time, money):** Concerns about legal and fundraising issues influence whether your United Way should get involved. But what about more practical issues that determine whether it is even possible? There is no shortage of work for United Way CEOs and staff. Even if it is worth doing, where do you find the resources to do this work?

Thankfully, if necessary, public policy work can be done cheaply and with few resources. (See the discussion of beginner programs under *How? – What Comes Next*, later in this paper). Of course, you will get out of it what you put in, so resources are important. When considering resources, consider the following:

- **Use volunteers, especially board members.** For more information, see the notes about Public Policy Committees later on.
- **Work with partners at the local, state, and national levels.** At the national level, UWA public policy staff are an important resource and partner. At the state level, state associations (where they exist) and other United Ways are important partners.
- **Consider devoting 2-3 percent of your operating budget to public policy.** Experience suggests that many effective United Ways are devoting this much of their operating budgets to public policy work.
- **Consider applying for outside foundation grants.** Many foundations are interested in working with United Ways on issues of common concern. For example, United Ways of California has received grants from The California Endowment and The California Wellness Foundation to support its public policy work on children's health.

Public Policy – How?

Assuming you and your board have decided that public policy is an important, impact-oriented activity worth pursuing, how do you do it? A full answer is beyond the scope of this short paper. Indeed, whole books have been devoted to the topic (for examples, see *Staff Development & Resources* later in this article).

Nevertheless, we will look at some things that are worth your immediate attention – including creating a board-level Public Policy Committee and a public policy agenda. Beyond that, we will take a look at what beginning, intermediate, and advanced programs might look like.

How? – Creating a Public Policy Committee

The principal role of the Public Policy Committee is to create a public policy agenda that delineates and prioritizes the issues your United Way will work on. The committee should make recommendations to the full board, which should ultimately be responsible for approving the agenda.

Both the Public Policy Committee and the board-approved agenda will provide important internal checks and balances that will help avoid potential problems. They also lend permanence, which ensures that your efforts will live on even if you lose supportive executives or key staff.

When creating your Public Policy Committee, it is important to remember that personnel drives policy. Your choice of members will, in large part, determine the kinds of issues and positions that it recommends. For this reason, look for members who are both diverse and capable of working together (to facilitate the latter, consider short terms for committee members, at least at first). When serving on the Public Policy Committee, members must be able to set aside their own agendas and think about what is appropriate for your United Way.

That said, typical candidates for your Public Policy Committee may include:

- **Board members.** At least 2-3 members of your full board should serve on the Public Policy Committee. Their dual role should include providing a reality check for the committee, advising about what is likely to pass muster with the full board, while at the same time acting as an advocate for the committee and its positions during board meetings, explaining why certain recommendations have been made.
- **Funded agencies.** Staff from your funded agencies have valuable experience and an obvious interest in your issues. However, take care not to overstock your committee with these representatives. They are an important voice, but not the only one.
- **Sympathetic business leaders.** Such individuals should be sympathetic to your objectives, while simultaneously providing a reality check, including (but not limited to) potential adverse impacts on fundraising. They should be politically aware and possibly active members of the local chamber of commerce. Such members can often have very important political and organizational connections, but (fair warning) they can often have views that are very different from those of funded agencies.
- **Issue experts.** Academics and government professionals who know your issues should contribute valuable, substantive expertise.
- **Political experts.** Ex-legislators and professional lobbyists for other organizations who know the political terrain can provide strategic advice.
- **Media experts.** Good public policy work can and should draw media attention. It is useful to have someone on your committee who has that experience and those connections.
- **Worker bees.** Especially if you are understaffed, it is worth including some members who may not have the experience of others on the committee, but bring a willingness to do some of the work. Smart retirees are an especially good resource.

How? – Creating a Public Policy Agenda

Once you have recruited your Public Policy Committee, its first task should be to create an agenda for consideration and approval by the full board. The agenda should list issues your United Way will become involved with and positions on those issues. It should also prioritize and delineate the kinds of work that will be done on each issue, or each tier of issues.

Issues on your agenda should be:

- **Community Impact-Driven:** Since your public policy work flows from community impact, if you have a community impact agenda, the public policy agenda should be closely tied to it, covering the same issues.
- **Consensus-oriented (avoiding obvious controversy), centrist (relative to your community), and achievable.**

Some additional thoughts:

- **Don't get bogged down.** Don't create an unnecessarily bureaucratic process that takes more than a few months to devise an initial agenda. Your agenda will not be set in stone. Expect a lot of learning and revising. You do not want to be trapped in an agenda-setting process that becomes an end in itself, with actual work being forever sidelined.
- **Expect to revise and update the agenda at least annually.** Conditions change. So do priorities. Your agenda should change with them.
- **Don't be overly vague or prescriptive.** The agenda should lay out the issues, principals, and positions. But it should probably stop short of referencing specific legislation, which can change very quickly and radically.
- **Consider the UWA public policy agenda as a working model.** It is available on UWA online.⁸
- **Focus.** Even the most active United Ways can not expect to work effectively on more than 1-3 issues at any given time. Expect to devote three-quarters or more of your time to those top priority issues. Other issues are typically monitored, with occasional contributions to work and activities led by others.
- **Differences between national, state and local issues.** Your agenda should consider issues at all three levels, but expect to spend most of your time on state and local issues.
 - **National Issues:** In general, positions on national issues are set by United Way of America's board of directors. On issues where UWA has an established position, local United Ways may either support UWA's position or take no position. However, the national position is very much influenced by the positions of local United Ways, and these positions should be communicated to UWA public policy staff, both directly and through participation in periodic surveys, which are built into the UWA agenda-setting process. On issues where there is no UWA position, local United Ways are free to take their own positions and communicate with policy makers accordingly. However, United Ways should inform national public policy staff when doing so.
 - **State Issues:** Unlike national issues, there is no fixed process for establishing positions on state issues. In some states, there are state associations that serve as the vehicle for setting policy. In others, each local United Way is free to set its own policies, regardless of the positions of other United Ways in the state. In general, negotiation and consultation should be the rule, with some sensitivity given both to: (1) the fact that different United Ways in the same state can represent very different communities and have different levels of comfort with given issues; and (2) all United Ways share the same brand. The public often does not distinguish between one United Way and another, so be sensitive to the

⁸ Available online at: <https://online.unitedway.org/site/uwaservices/teampage.cfm?aid=24>.

fact that the positions your United Way takes will affect other United Ways too.

- **Local Issues:** Local issues are perhaps the easiest of all, agenda-wise. Your United Way is free to take on whatever local issues and positions it chooses within its own area. However, local issues may end up taking more time than national and state issues, where you have other United Way partners who share the work.
- **Other Committee Tasks:** Ideally, your Public Policy Committee should do more than just recommend the agenda. There is any number of other tasks, ranging from advising staff and volunteers on an ongoing basis to helping with some of the actual work. This is especially important for smaller United Ways that have no paid public policy staff.

How? – What Comes Next

Once you have a Public Policy Committee and board-approved public policy agenda in place, it is time to get to work. But what do you do? A more complete review would take many more pages than we have here, and cover much more territory, but here is a brief summary of the kinds of work you can do, based on your level of resources and commitment.

- **Beginning-Level Public Policy Work [aka “Public Policy on the Cheap”]:** The following activities should be achievable by all United Ways with existing staff, a volunteer board, and a work-oriented, volunteer Public Policy Committee.
 - Just get started! Learn as you go.
 - Start by being a follower, not a leader. Work with other organizations.
 - Team up with UWA on national issues and other United Ways on state issues.
 - Learn and monitor the issues.
 - Learn and meet the players (build relationships).
 - Easy Tasks = Sign group letter drafted by others, participate in lobby visits and local events organized by others.
- **Intermediate-Level Public Policy Work:** At the intermediate level, you may want to hire at least one full time staff person, who may be split between public policy and community impact work depending upon how you are organized. Intermediate-level work usually utilizes a team-based approach, with an emphasis on working with other, like-minded organizations.
 - Become an active participant in coalitions.
 - Engage in direct lobbying, both legislative and executive branch.
 - Provide occasional testimony before state legislative committees and/or city councils.
 - Write letters to policy makers signed by your United Way CEO.
 - Write letters to the editor of the local newspaper. Submit signed op-eds.
- **Advanced Public Policy Work:** This is the level most large United Ways and state associations should aspire to. It takes more time and commitment, but will produce the most significant results.
 - Become the (or at least a) leader on your top 1-3 issues.
 - Assemble and lead coalitions on those issues.
 - Initiate direct communication with policy makers and their key staff. A key mark of success is when they call you.
 - Issue significant, media-friendly reports on your issues. They establish your United Way as one of the substantive experts in your chosen field, not just a political player.

These reports should receive significant attention from both the press and policy makers, so be prepared to think about distribution and content in those terms.

- Establish strong media relations. A key mark of success is when reporters call you for stories they are already writing on your issues.
- Serve on appointed government boards and commissions.

How? – Staff Development and Resources

Obviously, this paper has only scratched the surface. If you want more information, here are some places to look:

- UWA Public Policy Handbook ⁹
- UWA case studies
- UWA trainings, including at annual conferences and via a special in-depth program run in partnership with Georgetown University (inquire with UWA public policy staff for more information).
- UWA public policy staff
- UWA's public policy email list (to get added to this list, contact Patrick McIntyre at patrick.mcintyre@uwa.unitedway.org).
- Charity Lobbying in the Public Interest (www.clpi.org).
- Bob Smucker, "The Nonprofit Lobbying Guide" ¹⁰
- Other United Ways
- Other state and local partners.

For more information, contact Patrick Lester, Director of Public Policy, at (703) 836-7100, x497 or patrick.lester@uwa.unitedway.org.

⁹ Available online at: <https://online.unitedway.org/site/vopenfile.cfm?fid=2340517&NoFrame=1>.

¹⁰ Available online at: <http://clpi.org/toc.html>.