

Free Speech in the Workplace: *Where is the line With Political Action?*

As a union of public employees, IFPTE Local 17 is especially affected by political decisions. The people who are elected to public service can determine whether cost-of-living adjustments (COLAs) will be approved and whether public health clinics will remain open.

Union stewards are encouraged to keep members informed of how local elections have an impact on jobs and lives. They are encouraged to participate in Local 17's Political Action Committee (PAC) and to support candidates and ballot measures that are friendly to the interests of working people.

While educating members about political issues that impact them, it is critical to know the rules of political activity in a public sector workplace. Violating these rules can have serious consequences for the employee, the steward, the union, and the campaign a member is trying to support.

In 1972, the people of Washington passed Initiative 276, enacting a series of laws related to campaign finance reform. Part of Initiative 276 created the rule that public employees may not use, or authorize the use of, public facilities "for the purpose of assisting a campaign for election of any person to any office or for the promotion of or opposition to any ballot proposition."¹

The prohibition on use of public facilities doesn't just mean you can't have a fundraiser luncheon in the break room. It is bigger than that. The law prohibits the use of office supplies, postage, equipment, work time, vehicles, publications, and client lists. This is a strict prohibition and contains no exception for "*de minimis* use"—you simply can't use public facilities to support or oppose candidates or ballot measures.

In 2004, a teacher at Ballard High School placed petitions supporting Initiatives 884 and Referendum 55 in teachers' mailboxes at school, and emailed staff instructions regarding the collection of the petitions using the employer's email system. The Washington State Public Disclosure Commission (PDC) found him in violation of the law, and fined him \$500. An appeals court affirmed his penalty in December 2006.²

There is an exception to the prohibition on use of public facilities for campaign purposes: "Activities which are part of the normal and regular conduct of the office or agency."



PAC FACTS

There are several ways members can donate to the PAC including:

- payroll deduction
- donating union reimbursement funds
- on-line at Local 17's website: www.ifpte17.org
- by clipping out the donation form in every issue of the Local 17 magazine, *InSight*, and sending in the donation.

However, to fall within this exemption, the activity must be "specifically authorized, either expressly or by necessary implication, in an appropriate enactment, and (2) usual, i.e., not effected or authorized in or by some extraordinary means or manner."³

There are some general rules for members who want to be politically active without running afoul of Washington's ethics laws:

- Keep campaign activity off the premises of your employer's property.
- Only engage in campaign activity during your non-work hours.
- Make clear you are not representing your employer, but yourself and/or your union.
- Always treat people with respect!

— *By Local 17 Union Representative Sean Leonard*

(Footnotes)

¹ RCW 42.17.130

² *Herbert v. PDC*, 136 Wn. App. 249 (2006). The opinion does not say whether he was also disciplined for violation of school email policy.

³ WAC 390-05-273