Building Public Policy Together:
Consensus Based Policy Creation, Employers and Employees Welcome
August 30, 2007

Tricia Dwyer-Morgan: Hello. Welcome to today's call. Thank you very much for being on the webinar today. (Inaudible) on Building Public Policy Together: Consensus Based Policy Creation, employers and employees welcome. This call is being cosponsored by the Business and Professional Women's Foundation, the Center for Lobbying in Public Interest, and Workplace Flexibility 2010 of Georgetown University Law Center.

I am Tricia Dwyer-Morgan ; I will be your moderator. I'm just going to do a little bit of housekeeping up front and then I'll turn the call over to our speakers. Just to let you know, our call is being recorded today for educational purposes so that it could be put up on the website, so we are being recorded. All of this information from the PowerPoint to the recording will be made available within the week on the BPW Foundation website, and you can also find links at our partner organizations of CLPI and Workplace Flexibility 2010.

During the presentation, because it is being recorded, we do ask that you keep your phone on mute to minimize outside noises. During the Q&A session you can put your phone to unmute. You also--because we are on a webinar, you'll see on the left-hand side of your screen you'll see a little hand or a little balloon. If you'd like to ask a question, all you have to do is click on the hand and it will alert us that you'd like to ask a question and we'll go through the row of people asking questions. Or if you prefer to just write a question, you can click on the balloon and it's actually a chat function and you can ask us a question. We're listed as BPW Foundation.

A last bit of housekeeping; don't put your phone on hold to take another call because we'll actually hear the background noise. There's plenty of lines open for the call today, so if you have to, you can just log out of the call and call back in. If you have to log out of the call, don't worry, you don't have to log out of the webinar section, it should stay up for you.

So, again, just to say welcome. We are so glad you're on the call today. Our program is entitled Building Policy Together, Consensus Based Policy Creation, Employers and Employees Welcome. Today you're going to learn about types of consensus based policy creation that can bring together employers, government agencies, advocates and working women, as well as men to work together to create common ground solutions to workplace issues. This process of consensus based policy creation is especially important when building public policy that builds equitable, flexible and diverse (inaudible).

I'd like to welcome our guest speakers for today and they're going to do a brief introduction of themselves and then we'll get started. I first would like to introduce Jim Hudson for the Center for Lobbying in Public Interest.

Jim Hudson: Hi. To start with I'd like to thank BPW and Georgetown for working with us on this. It's been a wonderful experience putting this together and moving forward. For those of you who aren't familiar with Center for Lobbying in Public Interest, we are a 501C3 organization whose primary mission is to increase the level of advocacy and in certain instances the effectiveness of advocacy within the 501C3 community, and in doing that, we send across a lot of different topics, one of which is coalition building.

As we start going through here, I want to go ahead and add a qualifying statement and that is the coalition (inaudible) with most things in politics is more art than science or many times more art than science. The consequence of what we're doing is we're going to be getting you some general principles that we found over time that hold true. Obviously there are other situations and principles that you may want to add and I certainly would encourage you to do so. We will raise those as possibilities during the question and answer.

Beyond that, this is my first true webinar, so I am a little bit nervous and usually when I do presentation I count quite a bit on my audience giving me feedback and looking at their faces to find out whether I'm making any sense or not. So the folks in the room, Katie, and Tricia, and Akeisha (sp?), and Jessica, if you hear a lot of muted forced laughter, you'll know that they're sort of acting as my laugh track.

Katie Corrigan: Great. I am Katie Corrigan, Co-Director of Workplace Flexibility 2010, a policy initiative at Georgetown University Law Center, and I also (inaudible) for inviting us today to participate in this webinar. And it's a great chance for us to take a step back because we are currently engaged in a consensus based process. Our goal is to develop consensus based policy solutions by the year 2010 on workplace flexibility and we're looking for solutions that will work for both business and family, which is exactly the (inaudible) to create a process and environment where we can bring both business and employees perspectives to the table. So, I'm looking forward to today's call.

Tricia Dwyer-Morgan: Excellent. And thank you everyone for being here today being both part of our audience who is going to ask questions and shape what we talk about, as well as our speakers today. I'm actually going to turn it over to (inaudible) at this point and, again, my name is Tricia Dwyer-Morgan with the Business and Professional Women's Foundation. And (inaudible) be engaged in informal consensus based policy development and we'll talk a little bit more about that later on. Jim.

Jim Hudson: Generally speaking, when we start talking about consensus based policy, what we're really talking about and in my mind is really coalition building, and whether that be an internal coalition that you're attempting to build within your organization, you should try and reach a consensus on policy decision. And whether that means reaching outside of your organization to bring others in in and to this process, trying and build a political movement or even if it's trying to develop a solution that you'll later push individually for, that is really what I think of as far consensus based policy.

Tricia Dwyer-Morgan: Okay. Consensus based policy decision, decision-making is defined in a variety of ways and sort of a general decision (inaudible) the general (inaudible) around it is that officially it's (inaudible) for a win-win outcome of collaborative problem solving and conflict resolution. Basically, it means that no one gets everything that they want and hopefully what comes out of it is something that everyone can buy into.

There's a spectrum (inaudible) consensus based policy (inaudible) that (inaudible). There's everything from informal, which just is essentially trying to deliberately reach out to any stakeholders, builds policy that reflects a perceived (inaudible) among the offered opinions, not really collaboration, it's just trying to make sure everyone has a voice. And then you flow from that all the way to a very formal one, which is actually banding together to develop common ground and influence policy and there's a full structure to that process.

And I think you'll find on the call today that actually what we have is the full spectrum here. BPW is working very informally, the Workplace Flexibility 2010 brings us a formal and informal process and then Jim is talking a great deal around (inaudible) formal coalition building.

There are a variety of models of consensus based policy creations. There's being a third-party broker, which actually Workplace Flexibility 2010; we'll speak more to that as (inaudible) a case study. There is specifically coalition building, which is very a much a used process that's probably the predominant process in how this happened and Jim will be speaking to that. And then there are additionally cooperative ventures, neighborhood city, state, or county task forces that may work in this area. You may have civic coalitions; you may just have very informal forums and dialogues that happen within different groups or within different meetings that try to build an understanding of everyone's concept. And then you may have more formal advisory commissions.

Who uses consensus based decision-making? On the list, you'll a variety of different groups and different intents for the use of consensus based decision-making and policy development. Katie spoke a little

bit about what they're doing. Do you want to give another sort of little overview in terms of how (inaudible), and Jim is there something that you sort of see on there that can give an example of different groups that are using consensus based decision-making?

Katie Corrigan: I think I'm actually just going to hold because that's essentially, what I'll describe in my slide.

Tricia Dwyer-Morgan: Excellent.

Jim Hudson: The one point that I did want to bring out is that when I think about consensus building, I always first think about the administrative legal process. Whether it be at the national or the state level, you have, and particularly when I'm thinking in terms of both formal and informal, when you look at administrative law, what you find is you find a formalized structure within the notice proposed rule making that I'm sure we've all dealt with at some level. Those are very formalized and we have the federal government or the state government or some entity attempting to coordinate and bring everyone to a consensus on a regulatory matter.

On the other side or on the other side of that, you have--they're driven by that formal process, you have a more informal process wherein organizations will tend to come together into coalitions or into like minded formations to try and influence that NTRM and that regulation. And those tend to be a little more informal.

Tricia Dwyer-Morgan: I'm actually going to turn it over to Jim now who is going to talk a little bit more about sort of the overarching look at what consensus based policy making looks like.

Jim Hudson And, again, I mean, these are general principles, I am not going to dwell on them too much. The things that, as we look at organizations that are very successful in coalition building some of the items that really stand out is that first of all there's a longer timeframe involved. It's not an organization, I mean, there are some very successful coalitions that form around one specific issue; once that issue is resolved, they disappear. However, those that have a more longer-term impact are the ones that tend to form around a set of issues and continue to work on those as they come up and as a general rule, they get to know each other and they get to trust each other a little more.

The other thing that I want to very much point out is that every successful coalition that I've been a part of or that I've observed has at least a philosophy of an unbiased mediator. Now, I do mean truly a mediator in the sense that this individual is someone who needs to, or this entity rather, is someone who needs to weigh both the pros and the cons of whatever question

has come up and to some degree play devil's advocate for both sides rather than making an absolute decision, which will be the arbitrator example.

The other thing that I do want to point out is on the slide it is possible for someone to look at this and think that you need to (inaudible) a single person that is going to act as your mediator and while in some instances that may be productive, most of the time what I like to see when I'm in coalitions is this mediator role float back and forth between individuals. So, in one particular question I may be the mediator between Tricia and Katie. On the next, Tricia may be the mediator between Katie and I, depending on what our stake is in this particular question.

Tricia Dwyer-Morgan: And I'm actually going to throw this out to the speakers. There is coalition building and consensus based decision-making that happens in a variety of venues whether it's trying to make a business decision or different ways. How does consensus based decision-making for policy change differ from other forms of consensus building instead of just trying to create a service outcome, a policy outcome? How does it feel different from other groups? And I'll start with Jim.

Jim Hudson: Okay. Well, you know, usually when we have certain types of coalition or consensus based policy decisions are being made, I think there is - it may be in some ways a little less personal for some of the folks it involves. And usually the divergent interests aren't quite as far apart as they usually are in policy making. I always like to compare policy making, the decision-making process, this process for policy making to an (inaudible) and for those of you who have had the misfortune of attending one of my sessions before, you know that I'm a lover of analogy whether they work or not.

I compare it to an octopus because the head of the octopus generally knows where it wants to go. However, in order for an octopus to move forward, it has to have all it's tentacles in near unison, otherwise it's just going to flounder on the ocean floor. Well, similarly when we're talking about a policy question if we have more than one entity involved, we need to get folks moving if not in unison, at least almost in unison so that they'll move forward. Otherwise, they tend to sit in one place and argue about the different issues all the time. And I think there's a little more of that when we start talking about policy issues as opposed to business matters or other things.

Tricia Dwyer-Morgan: Katie?

Katie Corrigan: I think that, and this may be true in other consensus building activities, butt at least in policy, I think one of the key questions we really grappled with early on was definitional. What are we talking about? The being very clear both about our goal, but also substantively what issues fall into this particular bucket, and depending on what issues are there will also relate to what

organizations and constituencies are there. And so I think sometimes it's to your advantage to broaden the conversation out because there may be connections, other constituencies that hadn't been at the table before, and sometimes I think it may make more sense to really zone in on a very narrow or particular topic. So I think that, you know, I think that's probably true in any advocacy efforts. But particularly when you're trying to build consensus and have both the relative players in the room and a very good understanding of the relevant substantive issues, I think that definitional piece of, you know, what exactly are you talking about is key.

Tricia Dwyer-Morgan: And now actually we're going to look at a couple of different ways of doing consensus based policy building and go into a bit more detail about each of them. The first one is going to be looking at a third-party case study and Katie will be sharing that with us.

Katie Corrigan: Great. Let's just start, you know, in my background I had actually done legislative and policy campaigns that were very traditional advocacy campaigns. That is where you decide on your organizational position, you draft legislation in or develop a policy position that goes along with that, and then you go out and you shop it, you know, you lobby it, you try and sell it, and then you negotiate at the end of the day. I mean first try and sell your idea. You may make some modest changes in order to bring in some of your allied groups and then at the end of the day is when you negotiate.

So, in terms of that type of traditional advocacy campaign, in my work I had often thought about it in terms of six different steps or six different tools that you'd have; kind of a strategy, you'd have a lobbying piece, you'd have kind of a policy management piece and a research piece. You've got your outreach in terms of grass root support, and you have your communications piece. Now, depending on what issue I was working on and which organization I was working in, sometimes that was one person doing all six things and sometimes that was several different people with different expertise.

In a coalition what's nice is usually you bring a group of people and you can cobble together different skill sets whether that's at a local or national level. So that's kind of, how I traditionally thought of a kind of an advocacy campaign. You know many of those things absolutely translate into the work that we're doing now. So keeping those different steps in mind as I go through I'll reference back in terms of how we've folded in some of those same things into our consensus based process.

So, again, just to remind everyone, our mission is to achieve by the year 2010 consensus based policy solutions on workplace flexibility that works for both business and families. Our goal is to make workplace flexibility the norm in the workplace, just the way business and work gets done. To us, that includes flexibility in the scheduling of work hours,

flexibility in the amount of hours worked, career flexibility over a lifetime, and the ability to deal with emergent needs. And this was originally, when I talked before about definitions, this had been our initial definition of workplace flexibility. I won't get into it in much detail here, but we've spent probably four months (inaudible) step back and saying okay, well that's a nice general idea, but how does that translate into actually policy components. And we took a next step where we actually came up with six policy components that talk about short-term time off, extended time off, flexible work arrangements, reduced hours, career entry and exit, and episodic time off. And then based on that you have either your different laws, different policy issues that come into play.

Our challenges in this work for those of you that do work on, you know, work and family labor and employment issues, again, at any level, you'll know that there is traditionally a great divide between where the business community is and where employee groups are particularly on legislation involving labor and employment. And in DC in the federal congress, there had been a very, you know, kind of long period of time where nothing had happened on workplace flexibility issues. The Family and Medical Leave Act had been passed in '92 but since that time, and we started out around 2003-2004, there really had been a stalemate in this conversation about both, I would say kind of a partisan divide and a divide between business and employees, on what would work in terms of workplace flexibility and policy, again, for both business and for families. So, our baseline is that we think these issues are too big and too important to get bogged down in partisan divide, but you can say that again and again, but let me just sort of really articulate what the challenges were in overcoming that.

First, when people think about workplace flexibility in their own lives you think okay, I need to get my child to school, and then I need to go to the grocery store, I need to get to work, and then my husband needs to work late, and how are we going to fit all of this together. Well, you're not alone. There's lots and lots of research data out there that shows there is a basic mismatch between the way the workplace is currently structured and the needs of the modern family. The biggest change obviously that's taken place in the last 30 years is that women are in the workforce; therefore, they are not at home so you have kind of a third job of the home, both taking care of kids and running the operation, that isn't covered.

So, the first challenge we had is defining workplace flexibility is a compelling public policy issue, not simply the problem of an individual family or as an individual company. The second challenge we had is bringing together stakeholders including employer/employees with very different perspectives on workplace policies and, again, the role of government in that conversation. And the most obvious is I would say the business community and maybe the labor employee community. But when you think about people who care about family issues you have what might become more of a conservative

perspective, a more liberal perspective, those groups often hadn't worked together either so we had to overcome different issues in terms of that concept of the role of government.

And then finally we wanted to engage these stakeholders while remaining a neutral facilitator, as Tricia mentioned, we consider ourselves to be a third-party broker. So, our baseline is that we had to really figure out how do we make it clear that we are not on one side or another of this issue? So, as mentioned, we decided to come up with a combination of formal and informal consensus building. To start, we built a substantive knowledge base on workplace flexibility so that we could really serve as a resource center from both sides of the aisle and for both business and for employees on what does the law currently say on these issues.

The second thing was we really did a lot of outreach to expand a consistency base that cares about workplace flexibility. One of the things I think that (inaudible) was disability groups obviously have done a lot of work around what is called reasonable accommodations. But they could never engage in this broader conversation around work and family, even though it's extremely, you know, obvious that they needed flexible scheduling for lots of different reasons. But they had always been looking at this as an exception to the rule rather than just trying to change the rule itself. So, we have really reached out to that community and brought them in, which is a very obvious ally.

We also began some meaningful conversations between employers and employees, i.e., I always have said there wasn't a reasonable conversation going on anywhere in DC between these two different sides. And so what we really tried to do was to create a room, an environment where we actually could at least begin a reasonable conversation. That alone would be progress for these first couple of years.

And then just in terms of some lessons learned, one of the things we think is we've obviously taken advantage of a longer timeline on a consensus bases. Workplace Flexibility 2010, the year 2010 is closer now than it was three years ago, but we really decided on this issue and we needed to take our time and what we've done obviously went out and found some resources to support ourselves for that period of time. That allowed us to get institutional knowledge base and really understand the issues from both the perspective of business and the perspective of employees.

We also provided opportunities for discussion without saying okay, we want to walk out of this room with a deal. We just started some very kind of slow conversations where we just said, okay, let's just talk. Again, (inaudible) successful first steps, and then finally reaching out to individuals and organizations that you might not ordinarily identify as an ally. And, again, there we've done everything from sort of obvious communities like the disability

community. We've also--we developed some principles on flexibility, again, not promoting one position or one bill or one perspective, but rather just base line principles that this is an important issue that the federal congress should pay attention to and for lots of different reasons and we got a range of different constituency groups to sign on from kind of left to right reaching out to groups (inaudible) in the political community that were obvious, but just (inaudible) were in the room, but we really decided to come up with a nice, interesting (inaudible).

And, again, that's not so different than what you'll hear on (inaudible) coalition building, but for us it wasn't again to move a bill, but even getting a baseline agreement that this is an issue we all care about and, therefore, moving to that next step as having a conversation.

Tricia Dwyer-Morgan: Well, we are--actually, if we want to we can take like maybe like one question now if you want to specifically have with Katie and we'll have a full Q&A at the end of all of this so you can ask both Katie and Jim questions. But if you have a specific question now around the third-party broker, if you'd like to either put your hand so that I'll call on you to ask the question verbally, or if you'd like to hit the chat function and ask a question, we'll give you a little bit to do that.

Okay. We'll move on to our next section, which will be on focusing coalitions and coalition building.

Jim Hudson: Okay. Well, I would just like to say that I don't know how long you've been in DC, but the fact that you thought there might be a reasonable conversation these days, I find that amazing so.

Katie Corrigan: I should also say to be a successful third party broker on a consensus based, first you absolutely must be an optimist. You must have an optimistic perspective on the world.

Jim Hudson: Okay. Well, now we will look at a little more at the coalition side of things. And really when you start out, when you're first building your coalition, as I'm sure you'll have recognized in Katie's presentation, one of the key things is bringing the stakeholders to the table in order to effect policy decisions. And when you start thinking of stakeholders and determining who it is you are going to bring to the table and who it is you're going to reach out to, we very much encourage you to think broadly. And there are many times I've seen different lobbying efforts or different coalitions that have come together. They went and they got all of the usual suspects, all of the folks that they truly thought would have an iron in a particular fire so to speak and low and behold a month or two after they got started they reached their decision as to how they're going to move forward and they found out that someone who actually had a very strong interest in this particular issue was going to oppose them because they hadn't

been at the table. So, it's very important to think broadly and get all the folks in that should be.

What is a coalition? Well, quite honestly you folks could probably tell me what your definition of it is. I consider it to be anything from an ad hoc taskforce, which may just be a bunch of folks who get together every so often to bounce ideas off each other or to report the news to share information, to an actual advocacy coalition that may be may be more formalized. It may be a legal entity in and of itself.

Why do we want to build coalitions? As an organization, particularly the 501C3 of organizations, standing alone can be very difficult, particularly for organizations who are small to mid size. As a result, if you can get into an effective coalition, you can build greater scale, you'll have more reach and the impact. The other thing is when policy holders and when staff people meet with a coalition of four or five groups, particularly if it's – or even fewer, if they meet with those groups, particularly if those groups have some divergent interest and they don't necessarily see them as allies, there's a formal perception that's left with that staff person that there's some momentum going on and this is something that they truly need to pay attention to.

The last thing I want to talk about is more practical and some may say underhanded. I personally can speak to a coalition that I was involved in my organization when I--a few years ago that I worked for, not CLPI, had very few political contacts. I essentially held all the political contacts in the palm of my hand, they were my personal contacts. In order to get into organizational contacts, I joined and became much more active with a very, very large coalition, which held regular meetings, coalition meetings, on the Hill. What that allowed me to do was go along on those meetings even though my organizational interests wasn't as great as the others, but it put me in that office with that staff person with that member and allowed me to make greater contacts for my organization, so that's also something to think about.

Tricia Dwyer-Morgan: Jim and Katie, I have a quick question. Especially when we're talking about coalition or consensus based that's based on consensus based policy building, do you feel that it also brings a higher level of credibility when you bring people together and bring them to politicians, people who might normally be considered foes or adversaries on opposite sides of the question. Is that sort of the hope that you have with the consensus based things that you do?

Jim Hudson: For me, absolutely. I compare that to, you know, and usually or many times when you go into an office or when someone as a staff person when you're sitting there and I do have a strong, you know, I mean, a long history of working for politicians, when somebody comes in and sits in front of your office you're always looking for your out, you're always looking for the

other side of the issue that you can argue, you know, well, we can't support this because of X, Y, or Z. But when you have both sides of the interests or the issue coming in and sitting down in front of you in consensus, where do you go? You're left with very few options as a legislative office or fewer options as a legislative office and now you have to jump through hoops in order to tell people no.

Katie Corrigan   Yeah, I mean, and also I think it's credibility and it's interesting. I mean, with any policy office, again, whether it's from the mayor's office on up, staff people especially, you know, they have very little time. And so I think that when you go in in a sense with a packaged good and that's--the whole point of our project I think is we want to try and develop a packaged good that, you know, lots of different people have signed off on, it saves that fact person a ton of time that they can take it in and as you say, it gives them fewer outs, but also it gives them this package deal where they can kind of say, okay, all of the coalition work has been done, all of the sort of thinking through what are the downsides from different perspectives has been done. So I'm, you know, ten steps ahead of where I would be if it was just one organization was one (inaudible).

Jim Hudson: So, it's important to remember that whenever you're meeting with staff people and when you leave the office only half of the lobbying job is done, now that staffer is going to have to go lobby their boss most of the time and convince them that they need to do a certain thing.

          Collaboration, what does it require? It requires common goals or at least reasonably common goals, structures for planning and decision making. The more contentious the issue you're dealing with, the more structured in my personal opinion, your organization should be or your coalition should be. That's going to eliminate a lot of problems down the road. If we agree that only--we will undertake an issue if two-thirds of the membership agrees or is in favor, or perhaps that we will only take an issue after a full vetting of the opposite side has been aired and they are ready to move forward or ready to opt out on this particular issue.

          You also have to have a sense of shared risks and rewards. If an organization such as the one that I mentioned earlier, going into it if a situation develops where I'm the only one taking any risks, but everyone else is getting the reward because I'm the biggest name or I'm the smallest person or whatever the case may be, you're going to have problems with your coalition. It's going to stagnate most--or generally they stagnate.

          This is sort of the list of some of the things that--some of the tips that I want to touch base on and I promise I won't go into every single one in great detail; nonetheless, sort of a general list. Go to the next slide.

I always suggest when you start looking to build a coalition or even if you have a coalition that's in existence and you're trying to improve upon on it, I just always suggest to people that they look around their community, look around whatever their community, or you know, whether it be their actually community, their city, or their issue area, and try and figure out if there's anyone else out there that's not currently involved that you have a history of collaborating with. It may be that your organization has a program that you work very (inaudible). For instance, let's say your organization is a health care organization and you vaccinate children. Maybe there is an organization, a hospital or another children's health organization that you work very closely with on that programmatic goal of getting children vaccinated. Is there a possibility in looking at that relationship that you can take that programmatic relationship and transfer it into a coalition for advocacy or another purpose?

The last thing is rapprochement. One of the things that I've seen over the years that really becomes a problem for organizations is they may recognize that someone has an issue or has a stake in an issue; however, they just never bothered to really approach them. The worst thing they can do is they can say no. And if they say no then you sort of just let them go until at some point when the issue becomes real for them and now they may be ready to come back to you and become a member of the coalition.

You need to immediately, from the outset, you need to acknowledge any competing interest. A great example that I feel anyway, and these guys may correct me, I feel it sort of ties into the workplace flexibility issue is some of the children's issues again. For instance, there are organizations that may be primarily focused on Head Start. Other organizations may be primarily focused on something like After Care. Those organizations may have, when you look at a budgetary standpoint or from a government budget standpoint, they may have divergent views on where the money should ultimately flow. However, usually they can agree that overall there should be more money for children's programs. So, you can admit from the outset that you're going to be fighting with each other as far as breaking up the pie, but you can agree on this one issue, you want to try and do that.

You also want to immediately understand that the coalition is going to serve both the organizational self interest, as well as that common interest. So, in my case, the coalition I mentioned earlier, you know, I made no bones about the fact that part of the reason that I was taking a more active role in the coalition was that I was getting these benefits from my organization by expanding our contact list. It wasn't a completely underhanded effort on my part.

Along with that, you want to immediately identify as best you can the partners' or the members' strengths and weaknesses. For instance, you wouldn't--if you had a great, big research project to do you wouldn't

want to assign that to an organization with two staff people unless that's all they did and it was a strength of theirs. You know you want to keep the individual member organizations' capacity in mind, as you move forward. You also have to create--foster an atmosphere of flexibility and (inaudible). It has to be okay to say no, and it has to be okay to have rational discussions as to why you disagree with the particular position the coalition is taking.

Is it workable for everyone? Absolutely; there are many coalitions throughout the United States in all of these different listed areas. However, when I go out into the area outside the beltway here in the United States, I often find that there are certain organizations who just don't feel like it's right for them. Rural groups, for instance, you know because we--you know all of these organizations that would be in a coalition are 10, 15 miles apart it's really not feasible. That's not necessarily true. You don't have to meet every week, you know. It can be a situation where you meet once every two months and the rest of the time you come to conclusions or you discuss via e-mail or conference call. So it actually does work for every single organization or every single type of organization as long as you set it up correctly.

Individually as an organization and as a coalition, you need to identify your logistical capacity before you move forward. You need to figure out where there's--who is going to be tracking things, whether they have the availability. Do they have a desktop that you can do it? Does someone have a website that you can tag on to either for organizing purposes or for your more media related purposes, and who is going to be responsible for each piece? Maybe it's that group with two individuals, maybe they're going to be responsible for updating the website, but the group with 30 employees is going to be responsible or doing the research and maybe even the actual direct lobbying.

This is my favorite part, okay, as a former staffer--my second favorite part. We'll get to my favorite part in a moment. This is my second favorite part and that is identifying the policy process. There is another misconception with folks out there that in order to participate in the policy process and be an effective lobbyist, you essentially have to be a parliamentarian, and that's not true. Basically, what you have to know is schoolhouse rock, you know, how a bill becomes a law. If you can understand those fundamentals or ways that you can maneuver, it will allow you to pick up the rest as you go along to a very large degree.

Another thing I always recommend to folks is if you really don't know the process and you're really nervous about that, get an appointment with a staffer to discuss the process; they will love you. Anybody that has ever been on staff on the Hill it becomes engrained in you. You're just fascinated by the entire process whether you want to be or not, it just happens. As with any other true teacher/pupil relationship when you go in and you sit down and you talk to someone, if they're teaching you something and they're providing

education to you, they're providing knowledge to you, they now have a stake in you, they're vested in you to some degree. So I always encourage folks, you know, don't be afraid if you don't know the process, just learn the very basics and then the rest will fall into place.

Organize. And the next thing we need to do and particularly when we're just forming the coalition is we need to find an ally and commit them to assisting. That may be someone in your organization, it may not be that person outside your organization; or it may be another organization that has an interest. Maybe you can commit them to making contact with other organizations that they work with regularly.

Another thing is to delegate and assign responsibility. I think everyone who has worked in the non-profit realm has run across or has personal knowledge of a non-profit who either has a chip on their shoulder because they don't think they get enough respect or who is looking to make their bones into policy or the non-profit world. When you identify those folks or when you recognize those, delegate responsibility to them, give them an opportunity to take something and run with it. A lot of times you'll find that because they are trying to make a name for themselves in some way, shape or form, they'll put a lot more work into it and they'll also get a lot more out of it.

And we want to get down to work we want to manage our coalition. We want to try and choose issues based on common ground, issues in which we can agree to disagree. It doesn't always work, but that's the goal that we want to work towards. In order to do that many times what I suggest and this is, you know, the old organizing principle I'm sure most of you have heard about in some shape or form, is you want to figure out what your stop sign is going to be. Very simply put, we want something that is achievable at the very outset so that we have some sort of model and something we can point to to keep people involved and interested. A stop sign is the first thing we're going to shoot for and next we're going to try and get a street light. After the street light is up, we're going to try and get the road repaved. We're going to build on that initial success.

A couple of other things on this is your coalition needs to be focused on the battles that are important today. There is a tendency among organizations and among coalitions to try and continually fight the battle they lost two or three years ago, to try and revisit constantly. If you've lost the battle, you need to give it up; it may come back at some point, it may be relevant and it may be time to fight it again, but for now, leave it lay. Fight today's battles.

Also, don't be afraid of using innovation. Just because someone hasn't tried something before and approach before, it doesn't necessarily mean it doesn't work. Someone always has to be first. So, when you look at your campaign and what you're going to do or your coalition, how

you're going to organize it, how you're going to move forward, think of innovative ways that you're going or are innovative ways that you might be able to approach things.

Now we've come to the legal part, my favorite part. And after I get done you'll--no one will understand why it's my favorite part, but nonetheless, I guess just being a lawyer it is. Okay. The first thing we want to look at when we're thinking about the legal problems that are surrounding coalition building is the purpose of your organization. Now, what we're trying to create is a legislative--are we doing legislative advocacy as the consequence, we're going to have questions as to how much the law allows us to lobby? Is it strictly for a specific ballot initiative in which we're going to bring in not only C3 but contract C4 and business interests as well? Is it for electoral activities? Is this intended to do something around get out the vote or voter registration? We need to narrow down what it is we intend to do with our coalition. We have to have a very good idea of where that's at so we'll know where to go legally.

It's always about the money when it comes to determining the legal situation. We need to ask who is the fiduciary and when we do that, when we're asking who the fiduciary is, the question we're really asking is, is where is the most flexibility for us under the law for our coalition? Is this a situation where we can have (inaudible) 501C3 with the limits that are placed on 501C3's as far as the amount of lobbying they can do? Is this a place where a 501C3 can actually be the fiduciary or is this organization, this 501C3 going to take up all of their lobbying limits that they have or you know all of their lobbying money that they--by undertaking this project? Are we better off to have a 501C4 act as the fiduciary? That way the 501C3s are only paying a percentage that they have to count towards their lobbying money.

Another thing that we need to be considering is if we're going to form a coalition. I've run into this a number of times where particularly around ballot initiatives it seems to happen where you bring in a whole bunch of different organizations and the 501C3's, 4's, so on and so forth. The 501C3's will then send out a message to their membership requesting contributions to support the proposition X, Y, or Z. What happens is, if you send out as a 501C3 if you send that out and that is specifically for that campaign, that contribution that comes back in, it loses its tax-deductible nature. And so as long as you're still raising money based on your general fund like you would normally and then shifting the money, the contribution remains deductible. One you detag it or earmark it just like with the foundation, earmark it for lobbying, it becomes problematic. So, those are some of the things that you want to think about.

Tricia Dwyer-Morgan: Jim has put together an interactive exercise that we'll have available on the website that you would be able to use within your employer or within your local organization or within your community to actually sort of get this conversation going. It's sort of an example, and Jim will give you a brief little

overview of that. And then we'll actually go into our Q&A session so that you can ask questions of our speakers and I actually have a few questions of our speakers as well.

Jim Hudson: On the interactive exercise it's actually intended to be used either by groups of individuals or by individuals. If you just want to sit down with it and go through it yourself, you should be able to do so. The key is, is that you're going to read a fictional scenario about a community, as well as three or four individual groups and you're going to assume the identity of one of those groups and try and pick out the different things that your coalition partners might have a problem with and how you're going to address those particular instances to move forward as a coalition. And the interactive exercise actually will have instructions that come with it.

Tricia Dwyer-Morgan: Thank so much. Because we wanted this to be not only something you listen to, but something that you can take away and actually begin this in your community whether it's a third-party or whether it's an official coalition building.

So, I'm going to open up the Q&A. Is there any situation or issue in your community that you think would benefit from consensus based policy building and you'd like to ask our experts a couple of questions? I know people may be unmuting, so I have a couple of questions to ask, but we'll keep watching the lines and listening. You're welcome to unmute at this point if you'd like to ask a question.

I have a question is how--when you're thinking about overall all the different kinds of lobbying and advocacy that happens and there's probably no real statistic on this, but when you're looking at all of the real lobbying advocacy that's out there, how common do you guys think consensus based creation really is in comparison to sort of what you were talking about originally, Katie, when you state your position and go out from there?

Katie Corrigan: I can tell you at least in terms of our model that we're using is of a meaningful third-party broker, there aren't many. In fact we, you know, have done a search to try and find other models that we might learn from their experiences and we didn't find too many; at least we were then really focused on federal legislative work, so I can't speak for the rest of the country.

There is an organization called the Constitution Project that really focuses on issues related to the Constitution and the Bill of Rights, and, you know, obviously is therefore is very legal. They've done a lot of work building consensus around (inaudible) to anti-terrorism and government (inaudible) so they've talked about privacy and First Amendment and things like that. So, I think they have been--they have very much of kind of a clear consensus building strategy and model and they've actually followed it through

on several different issues so you can see the outcomes. You know, the downside to us is them speaking to you right in the middle of our consensus based process, so we can't kind of say, okay, therefore, in 2010 here's what happens.

But, I'm really not too many and I have to tell you, you know, one reason I think is we've had to be extremely disciplined about not taking positions, about being seen as an organization that really can understand both sides of the issue; that we can really listen to, you know, the concerns of the business community in the same way that we can really hear the concerns of the employees. In order to do that, we've had to really be disciplined and built up our own personal individual credibility over a period of time.

So, I think that's one reason, you know, why it doesn't happen more often and, again, resources, they're always an issue. I would say we are lucky to have some foundation funding that kind of buys us some time. Because again, when you're really trying to actively lobby (inaudible) if this is a real issue, you know, time always is is one of the most scarce resources. So, I feel like we've kind of gotten our time bought out over these years. And, again, I don't think years is necessarily (inaudible) we're trying to deal with something that I think has been very deeply entrenched issue in a very complicated area of law and not every issue is like that. So, you know, a lot of time might be a month or two months depending on the scale of issue you're talking about.

Jim Hudson: I was just going to concur and I would also as, you know, and I think upon some level almost all legislation at some point is part of a coalition or part of a consensus, otherwise it just won't get passed, at least anything meaningful. So, I think to some degree everything is--consensus building involves (inaudible) or everything involves (inaudible).

Katie Corrigan: At some stage, absolutely.

Jim Hudson: Yeah.

Tricia Dwyer-Morgan: Well, from BPW's perspective, we were so excited to (inaudible) of something with Katie where they were starting to talk about their consensus based policy building and we met two years ago because that was something that the foundation realized need to start happening if we were going to help work on the (inaudible) workplace flexibility and other issues as sort of (inaudible) some systemic barriers that are the last barriers to women having full empowerment in the workplace. So, our difference is that we actually definitely have a stand on certain aspects of things, but how it's achieved, we're neutral on as long as it drives forward certain areas. So, it's very interesting being at that part of the spectrum and watching other groups who are much very much advocacy or in the case for workplace flexibility 2010 very much neutral. So, it is--I do think it is--I think there are more groups becoming aware of it, I think just

sort of the bipartisan aspect of things people are starting to talk about that more, it's interesting.

Oh, we have two people. Let me go to them first. Akeisha (sp?), what question would you like to ask?

Akeisha: I have a question. I work for a health care conversion foundation in Central Louisiana, and we're getting ready to embark on some initiatives in health prevention and promotion and we see consensus building for policy and also coalition building is going to be a major strategy for us. One of my questions is I think this has been a really wonderful session to give me an overview of what's going to be required. You talked about, you know, just a little cheat sheet, you know, if you remember how a bill becomes a bill, I'm just a bill. How do--is there a resource that could help us get a better handle on what the legal constraints are? Because we are a not for profit foundation, is there something that we can look to as we start to look at, you know, drafting our community grants to work with groups so that they can have funding to do this advocacy work? Is there a guide to help us understand, you know, what the constraints are, what we need to do to develop that kind of program?

Jim Hudson: Yes. What you need to do is, and I'll go ahead and just throw it out there. You can either e-mail at jim@clpi.org. Go to our website, which is www.clpi.org, or you can call me and my number is 202-387-5072. We stand ready to help you. We have an incredibly large library of publications directly addressing the legal piece. We also have a publication we refer to as our resource guides, *Make a Difference for Your Cause.* Is that right? Make sure I get my title straight. It's downloadable for free off the website. Actually, if you are doing the conversion thing my assumption is, is you're going to be switching from--to a--you're with the foundation side of the conversion I assume?

Akeisha: No, we're already a health care conversion foundation. We've already (inaudible) it. What I'm really interested in is as we start developing our RFPs to develop these coalitions throughout the region to work on health promotion and prevention, how do we get a handle on what our constraints are? There is only a certain amount that we can do as a not for profit ourselves, so how do we know, you know, when we talk about giving money in community grants, you were talking about the importance of having that money go to general operating funds as opposed to having, you know, them sort of solicit money, how do we know what those requirements are so that we're not, you know, stepping over any boundaries as we work with non-profits to do this?

Jim Hudson: Again, we would have the information you need regarding foundations. If you want to call me, I mean, you guys have a little different--I'd want to know really what your status was, you know, whether you guys are a public foundation or whether you're private. And honestly, I think some of the conversions actually ended up being private and some public, but

my memory is failing. If you want to give me a call, I'd be happy to talk you through it and we can figure out where you guys fit very quickly and easily I'm sure.

Akeisha: Okay. Thank you. I appreciate it.

Jim Hudson: No problem.

Tricia Dwyer-Morgan: We have two more speakers who have questions. Pat, what question do you have for us?

Pat: Well, actually I have two. One is a follow-up kind as to what Akeisha just said and asking Jim. When you went over the C3 and the C4, Jim, you did not speak about the C3 with an H elective and I was curious if that was excluded for a particular reason or you just didn't want to highlight it, you know, at this time or what. Because it seems to me--I've only worked in non-profit in the last two years with (inaudible) for Constitutional Reform Foundation in Birmingham, Alabama, and it seems to me coming from a private, I was a union organizer, union representative for years, so coming in from that perspective, it seems to me that a C3 with an H elective makes a lot more sense than either doing C3 or C4.

Jim Hudson: Amen. It kind of depends on your situation. Now, there are instances where, you know, particularly in a ballot initiative situation where an H election there are two ways that a 501C3 can file and the reason I didn't go into it very much is mostly time. It just takes a little bit of time.

There's two ways 501C3s can file. They can file as substantial part filers or as 501H electors, and really what that means is they are different ways of counting your lobbying either expenditures or activities. I am very much a big fan of the 501H election. I think it gives you clear definitions that you can work from and you know actually you have absolutely a set amount that you can spend on lobbying and you also gain a lot of exceptions to what is lobbying under the H election.

The reason I didn't really go into it as well or I mentioned 501C4s is that there are ballot initiatives in certain campaigns that a coalition might want to undertake where if you are a smaller 501C3, say you had $150,000 was your total budget and this was going to be a really big campaign, you might end up spending or accruing enough expenditures as an organization that it would really harm you whether you were a substantial part filer or 501H elector. It might be the only thing you could do all year. Does that make sense?

Pat: Yeah. Yeah. Okay, just one other follow-up real quick. I mean, not follow-up to that, but one other question I had. When you talk, Jim, about the consensus--the idea of consensus building back in an earlier slide

at the beginning, I thought you said something about that everyone needed to agree. And my experience is that you arrive at a consensus with as many people as you possibly can; there may be one or two people who are never going to agree.

Jim Hudson: And if I said that, I misspoke. I guess my best description of it is, is you get as many people to agree as you can and the rest hopefully agree to disagree.

Pat: Okay. Good.

Tricia Dwyer-Morgan: We have two more speakers with questions. Ann, do you have a question?

Renee: Actually, Ann stepped out. My name is Renee; I'm also with Families USA. I was wondering, to differentiate between an individual organization being an ally or a stakeholder, Jim, you alluded to that earlier in your discussion. How do you make that distinction between the two?

Tricia Dwyer-Morgan: Actually, I'd like to hear from both because I think you have some different (inaudible).

Jim Hudson: I will let Katie go first and then I'll build on it.

Katie Corrigan: The question is--say it again? The difference between…?

Renee: Yeah, when he was talking about you have some organizations that are more allies and then some that you actually make your stakeholder. Is there an actual difference between the two? Can one become the other?

Katie Corrigan: Yeah, I mean, I don't--I think that the terminology could be different, you know, depending on who is using it. But for me when I think about a stakeholder in an issue, you know, that's kind of a broad base of different constituency groups. So, for example, in our issue there are family groups that are interested from both a conservative and progressive perspective, there are health groups interested, there are disability groups interested, business, labor, et cetera. All of those are stakeholders in the issue. I guess an ally, if I was going to say the word ally, I would think of that as somebody that has actually kind of signed on the dotted line that they plan to work with us. But, again, I'm sure other people use that language (inaudible) in different ways.

Jim Hudson: And actually, I couldn't have said it any better. The only thing that I would add to that is that (inaudible) on your group dynamic how

you define ally and how you define stakeholder can quickly change. So, it's very fluid, I believe.

Renee: Okay. Thank you.

Tricia Dwyer-Morgan: Kathleen, do you have a question?

Kathleen Pierce: Yes. I was interested in the issue of whether you think the individuals who serve (inaudible) drawn from various organizations on a coalition should serve as individuals representing their own views representative of the organization. And in the latter case, people often have to go back and check with the folks in the organization to find out whether they can agree with where you are, which could slow down the process.

Jim Hudson: Yeah, I've seen that happen in almost every coalition meeting, you know, that where a big decision was being made or at least initially discussed I've seen that happen. You know, it may be one of those questions that you have to answer based on the circumstance at hand. You know, I think sometimes there is no getting around the fact that folks are going to have to go back and, you know, sort of run it up the flagpole so to speak.

The one thing that I have seen folks attempt to do and with some success is to try and get, rather than get people such as me in the coalition, have me attending the coalition, is to try and get the decision maker at the meeting themselves so that they can make a decision a that time to move forward. Then you get into the question as to whether, you know, that decision-maker is going to have to go back to the board. Well, you know, and then you get to another level. But usually if you can get that top-level person in the organization there, most organizations are going to give them enough latitude that they can actually tell you yes or no or give you a very strong maybe.

Katie Corrigan: Yeah, I think that's a really good question. For example, I had mentioned the Constitution Project earlier. They had made the decision on some of their documents that had people sign on in their individual capacity. They also had individuals who had name recognition so when their name was on a document, you know, it meant something to the policy makers up on the Hill. So, they are having an individual sign on (inaudible) worked quite well.

When we at Workplace Flexibility 2010 drafted principles (inaudible) general principles on workplace flexibility, we wanted the organization to sign on, so we would talk with an individual who may have been very excited or not, but then they would have to turn around and vet it internal to their organization. Because we want to make clear that the constituency was behind it and that wouldn't have worked if it was just one individual. We needed that organizational clout on the document.

Tricia Dwyer-Morgan: And this is Tricia. And I'm sure it's just much more complex than the policy sort of coalitions. In one group that I worked in we actually had the agreement when someone came on to the coalition that whoever they submitted as the person being the representative would actually be someone who had decision making power. Given how deep it is such as signing on to principles, that might be there's a certain level that you can't go beyond in terms of decision making, but that was one way; they actually had a written agreement that people signed onto that the person in--their representative could make decisions.

Jim Hudson: And as I said earlier, I think it really--in particular, it would be organization versus individuals. Often times it's a strategic decision that you as an organization have to make, you know. Is it better to have 1,000 individuals or three organizations on your letter?

Tricia Dwyer-Morgan: Well, I'm actually going to begin wrapping it up now, but what I want to do is actually ask Katie and Jim one question each. What do you want to be the top takeaway from this call for people on the call? And let's start with Jim.

Jim Hudson: Okay. You know, I probably thought through every possible angle about this presentation exception that question; just kidding. I think probably if I were name a takeaway for the folks, it would be just that number one, this is possible and just the general mindset that you should have as you walk in to building that coalition and that is just, you know, keeping these different factors in mind. These are the types of things that I'm likely to encounter and I want to address those up front so that they don't become problematic down the line. I think that would probably be the big thing that I would want folks to take away.

Katie Corrigan: Yeah, I think that, again, in terms of the phase that we're at in our process I think one of the things in order to really truly build consensus and, again, that may be in a third-party broker way that we're doing or it may be down the line when you actually are negotiating, you know, a deal at the end of the day (inaudible) legislation or other policies. I think that you need to go in with a very--it's almost like having an extremely bright light shining down so that you move beyond your basic talking point, that this conversation is not about batting back a particular argument or, you know, fighting back in the (inaudible) that this particular conversation in order to really build a consensus means that you have to absolutely be clear on (inaudible) the bottom line is. Also be able to listen to the other side and say, you know, they may have a point there so that is something we may need to (inaudible) or gosh, we had thought the answer was this, but we may be able to move so long as the core root problems gets addressed.

I just think--it's almost like you go into this operating room and all these lights on the ceiling so that you kind of let down your guard around the rhetoric, ultimately, because otherwise I think (inaudible) ever be able to hear the other side or come to some (inaudible) creative solution.

Jim Hudson: I think (inaudible) great point. I think, you know, it's very important (inaudible) way to ask yourself the question in am I disagreeing with someone because I'm disagreeing with them or I've always disagreed with them or do they really have a point, and that's something that you really have to examine every time you run into a conflict.

Tricia Dwyer-Morgan: Well, this is Tricia Dwyer-Morgan with BPW Foundation and I want to thank our two speakers, Jim Hudson, Center for Lobbying in the Public Interest, and Katie Corrigan, Workplace Flexibility 2010 at Georgetown University Law Center for being on the call with us today, but also for their organizations cosponsoring this call and making it possible for this to happen at all.

I also want to invite all of you--this is actually part of a year long series of calls on a variety of topics related to issues that impact the workplace and the development of policy and voluntary practices that help create more successful workplaces for both working with employers and family.

Upcoming in September, on September 20th from 1:00 to 2:15 Eastern, we'll be supporting women veterans in the workplace. We'll have information from a survey that BPW Foundation created looking at what is that transition from the military to the civilian workplace look like for women veterans, as well as other people on the call speaking from their experience about how to support women in the workplace.

And at the end of the month on September 28th, we're working with the Department of Labor Women's Bureau to bring you Catching On to Retirement wherever you are in your career. Whenever you are in your life there's a way that you can catch up and catch on to retirement. and we have a really great roster of speakers on that call as well.

So, thank you very much for being with us today and please take care.

Katie Corrigan: Thank you.

Jim Hudson: Thank you.