

WESTCHESTER MEDICAL CENTER

Administrative: Policy & Procedure

Manual Code: A-Gov-HW-001

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SUBJECT: LOBBYING AND POLITICAL ACTIVITY

EFFECTIVE: 03/2020

REVIEWED OR REVISED date: 03/2022

Applicable Campus:

MidHudson

Valhalla

Patient population:

Neonate Pediatric

Adult Behavioral Health Not applicable

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PURPOSE:

To ensure Westchester County Health Care Corporation's (WCHCC) compliance with local, state, and federal lobbying and political activity laws.

SCOPE:

Valhalla and MidHudson campuses

RESPONSIBILITY: Workforce members

POLICY STATEMENT:

It is the policy of Westchester County Health Care Corporation (WCHCC) to abide by local, state, and federal lobbying and political activity laws. Accordingly, this policy provides information relative to lobbying and political activity to WCHCC workforce members

AUTHORING DEPARTMENT:

Government Affairs, Legal Affairs, and Corporate Compliance

PROCEDURE

I. Lobbying:

Federal and state laws allow public benefit corporations such as WCHCC to engage in some lobbying activity. Such activity triggers registration and reporting requirements. Failure to abide by these laws could result in substantial penalties for WCHCC and individuals engaged in such activities.

To assure that applicable lobbying laws and policies are fully complied with, no WCHCC workforce member shall engage in lobbying without express authorization from the Senior Vice President, Government Affairs or designee. Workforce members must obtain the express authorization from the Senior Vice President, Government Affairs or designee prior to engaging in any lobbying activity. Therefore, any lobbying encounter on behalf of WCHCC with a public official or his or her staff or any unit of government, except through a formal grant process, must be reported to the Senior Vice President, Government Affairs or designee.

Workforce members granted this authorization may periodically be called upon to make contact with members of local, state, or federal legislative bodies and other government officials to set forth and advocate for WCHCC's positions on certain issues.

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Any WCHCC workforce member who is subsequently authorized to lobby on behalf of WCHCC must abide by applicable laws at all times, including, without limitations, complying with all rules on conduct, and registration reporting.

Depending on the circumstance, individuals and lobbying firms granted this permission may be required to register as lobbyists and/or file reports concerning their activities.

The requirements for state lobbying registration and reporting are found on the New York State Joint Commission on Public Ethics website:

[Http://www.jcope.ny.gov/about/laws_regulations.html](http://www.jcope.ny.gov/about/laws_regulations.html).

Requirements for federal lobbying registration can be found on the lobbying disclosure website of the U.S. House of Representatives Office of the Clerk:

http://lobbyingdisclosure.house.gov/amended_lda_guide.html.

Please note that other local rules (e.g., county rules) and regulations may apply.

The Office of Government Relations, the Office of Legal Affairs, and/or the Office of Corporate Compliance can be contacted if there are any questions regarding a proposed activity that would constitute lobbying.

Retention of a Lobbying Firm

WCHCC may engage the work of certain external lobbying firms. Engagement of these firms requires express authorization from the Senior Vice President, Government Affairs and approval of the President and Chief Executive Officer

Log of Authorized Individuals / Lobbying Firms

The Office of Government Relations shall keep a log of individuals/lobbying firms with permission and authority to lobby on behalf of WCHCC. A copy of this log shall be provided from the Office of Government Affairs to the Office of Corporate Compliance upon request.

The Office of Government Relations shall complete, maintain, and monitor applicable regulatory filings.

Grant Application Process

A grant application does not constitute lobbying. However, state law prohibits any lobbying regarding a grant during the competitive phase of the grant application process. Violation of this law could result in the loss of the grant and other penalties.

Contacts With Government Officials

WCHCC has many contacts and dealings with governmental agencies and officials (e.g., grant applications). WCHCC and its workforce members shall conduct all such contacts and transactions in an honest and ethical manner. No one shall attempt to influence the decision making process of government agencies or officials by an improper offer of any benefit. This includes paying for meals, refreshments, travel or lodging expenses of government officials.

Workforce members shall immediately report any suspected or actual improper requests or demands by a government agency or official to the Office of Corporate Compliance.

Employment of Former Government Official

WCHCC representatives shall obtain clearance from the Office of Corporate Compliance prior to discussing the employment or possible retention as a consultant of any current or former government representative.

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II. Political Activity

Pursuant to the NYS Public Authorities Law, WCHCC may not “participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of (or in opposition to) any candidate for public office.” This shall include making contributions to any political organization or campaign for a political candidate, and includes both direct and indirect participation and intervention.

Accordingly, WCHCC workforce members acting in their professional capacity for or on behalf of WCHCC shall not use WCHCC’s funds, facilities, time, equipment, or other assets to support or oppose any political candidate or slate of candidates. This includes monetary contributions as well as in-kind contributions (e.g., contributions of WCHCC services, facilities, publicity, or advertising). For example, this would include the contribution of t-shirts, hats, or any other tangible item that includes the WCHCC logo. Some other examples of prohibited political activity include:

- Writing a check drawn from WCHCC to a candidate, a candidate’s political action committee (PAC) or a political party (including political party picnics, holiday parties, and galas);
- WCHCC paying/reimbursing a workforce member for the workforce member’s expenses for contributions or attendance at political functions
- Using WCHCC’s resources (e.g., office supplies or employee time during work hours) to support or encourage support for a candidate;
- Providing a candidate with WCHCC facilities to conduct any kind of political event, fundraiser, or other similar activity; and
- Allowing the placement of signs for or against a candidate on WCHCC’s property.
- Questioning, directly or indirectly, WCHCC workforce members or potential workforce members about their political party affiliation, whether or not they made any political contributions, or how they voted.

Regardless of intent, the mere fact that an improper activity occurred may be a violation of the law.

Personal Political Activity Is Not Banned

Workforce members are encouraged to participate in the political process as individuals, but they may not represent WCHCC in any manner in such process.

Allowance for Forums and Ceremonial Events

WCHCC may host public forums and other ceremonial events (e.g., ribbon cuttings), provided that such activities are authorized by the Office of Government Affairs if either public officials or qualified political candidates are expected to participate.

The activities surrounding public forums and ceremonial events shall comply with applicable law, including adhering to the following:

- (i) for the local government jurisdiction where the event will be held, legally qualified candidates and elected officials can be invited to attend;
- (ii) the program agenda shall be broad and nonpartisan; and
- (iii) if one candidate is given the opportunity to speak, equal time should be given to his/her opponent(s). In order to avoid equal time controversies, the recommended but not mandated practice is to recognize the public officials in attendance, but not give them the opportunity to speak.

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Sanctions

Violations of this policy will be subject to disciplinary action as outlined in the Human Resources Policies

Enforcement

Violations of this policy shall be reported to the appropriate manager/supervisor/director or to the Office of Corporate Compliance for appropriate resolution of the matter. Call can also be made anonymously to the Compliance Help-Line, 24 hours a day, 7 days a week.

REFERENCES:

- Internal Revenue Code Section 501(c)(3)
- New York State Legislative Law Article 1-A (Lobbying Act)
- New York Public Authorities Law ("PAL") Section 2987
- 19 NYCRR Part 933 Gift Regulations for Public Officers
- 19 NYCRR Part 934 Gift Regulations for Lobbyists and Clients
- New York State Joint Commission on Public Ethics:
http://www.jcope.ny.gov/about/laws_regulations.html.
- U.S. House of Representatives Office of the Clerk:
http://lobbyingdisclosure.house.gov/amended_lda_guide.html.
- Mehta, Nayantara. "Lobbying For Nonprofits. Yes They Can." American Bar Association. Vol. 18 Issue 4. April 2009.
- Healthcare Association of NYS and Allied Associations' Federal PAC, Guidelines on PAC Participation, Private Political Fundraising, and Political and Lobbying Activity for 501(c)(3) Organizations.

DEFINITIONS:

- **Lobbying:** Lobbying is generally defined as any request for assistance in obtaining funds or to influence legislation or policy actions as made to: (1) a public official or his or her staff; or (2) any administrative unit of government. Generally, lobbying regulations do not apply to a formal grant application process, contract request-for-proposal process, or governmental requests for information or testimony. Lobbying communications include personal visits, emails, letters, telephone conversations, so-called association lobby days, or chance meetings.
- **Political Activity:** Political activity is participating in, or intervening in (including the publishing or distributing of statements), any campaign in support of or in opposition to any candidate for public office. This includes monetary contributions and in-kind contributions (e.g., use of WCHCC services, facilities, publicity, or advertising).

Archival history:

Reviewed:	n/a
Revised:	n/a