

ADVOCATE: IT'S YOUR RIGHT



SAFE STATES
Strengthening the practice of injury
and violence prevention

HEALTH DEPARTMENT EMPLOYEES CAN & MUST ADVOCATE

The role of federal, state, and local government in public health is inextricably linked to policy. In its seminal 1988 report, *The Future of Public Health*¹, the Institute of Medicine (IOM) stated:

The government role in public health is made up of three functions: assessment, policy development, and assurance...[Policy development] is the process by which society makes decisions about problems, chooses goals and the proper means to reach them, handles conflicting views about what should be done, and allocates resources...In contrast to private entities, [government] alone has the power to give binding answers...Government has a special obligation to ensure that the public interest is served by whatever measures are adopted. As with other governmental entities, the public health agency bears this responsibility.

Given the instrumental role that government employees – particularly health department employees – have regarding public health policy, it is critical that employees of federal, state, and local governments are actively engaged in informing, implementing, evaluating, and advocating for policies that promote and protect the public's health.

As a health department employee, you can and should engage in policy and advocacy activities as part of your daily work, as your participation in these activities is a critical part of your job role. These activities can include (but are not limited to): promoting the importance of injury and violence prevention; sharing information and data with policymakers; reviewing and recommending health department positions on proposed policies; testifying at state and local hearings; evaluating the impact of proposed and existing policies; and communicating the return on investment provided by injury and violence prevention programs and policies.

Unfortunately, many government public health employees may erroneously believe that they are prohibited from participating in policy and advocacy activities. However, according to a study published by a Johns Hopkins Bloomberg School of Public Health research team, this is not true. **The study by Frattaroli et al. (2015), titled, "[State Health Department Employees, Policy Advocacy, and Political Campaigns](#),"² determined that:**

- There are no prohibitions barring state employees from participating in policy and advocacy activities.
- Most states have explicit language that describes how state employees can legally participate in policy and advocacy activities.

To draw these conclusions, the Johns Hopkins research team reviewed laws and organizational policies across all 50 states, including state statutes, organizational policies in state health department employee manuals, and other materials.

The table on page two summarizes specific legal rights that health department employees have related to their participation in policy and advocacy activities, as documented by the Johns Hopkins study. *Please note: If a state does not have a check mark associated with a specific right within the table, it does not mean that health department employees do not have that right as government employees; rather, the study's search strategy simply did not reveal a specific state policy document that explicitly supports that right.*

The study's authors recognize that "scenarios may arise in which employees may seek additional assurance or guidance about their ability to participate in policy advocacy on their own time, especially if their advocacy is at odds with their department's position." In these cases, you are encouraged to have an open dialogue with your leadership, government relations staff, and/or ethics committees about your participation in policy and advocacy activities.

As a government employee, we encourage you to use this document (and the [study](#) on which it is founded) to inform and support your participation in policy and advocacy activities. For more information about the Safe States Alliance's policy and advocacy efforts and to get involved, contact:

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The legal information provided in this document does not constitute legal advice or legal representation. As always, we encourage you to confirm your policy and advocacy-related rights as a government employee with your organizational leadership, government relations staff, and/or ethics committees. For legal advice, please consult a lawyer in your state.

¹ Institute of Medicine (US) Committee for the Study of the Future of Public Health. *The Future of Public Health*. Washington (DC): National Academies Press (US); 1988. 2, A Vision of Public Health in America: An Attainable Ideal. <https://www.ncbi.nlm.nih.gov/books/NBK218220/>.

² Frattaroli, S., Pollack, K., Young, J. L., & Vernick, J. S. (2015). State Health Department Employees, Policy Advocacy, and Political Campaigns: Protections and Limits Under the Law. *Journal of Law, Medicine and Ethics*, 43(s1), 64-68. <https://doi.org/10.1111/jlme.12219>.

State ³	You have the right to participate in policy and advocacy activities on your own time		You have the right to seek elected office or support political campaigns on your own time		You have the right to vote without partisan pressure from your colleagues	
	Support from a state statute	Support from a state employee manual	Support from a state statute	Support from a state employee manual	Support from a state statute	Support from a state employee manual
Alabama	✓		✓		✓	
Alaska			✓		✓	
Arizona		✓	✓			✓
Arkansas	✓		✓		✓	
California	✓					
Colorado		✓	✓			
Connecticut	✓		✓		✓	
Delaware					✓	
Florida	✓		✓		✓	
Georgia			✓		✓	
Hawaii		✓		✓		✓
Idaho	✓		✓		✓	
Illinois	✓		✓		✓	
Indiana	✓		✓			✓
Iowa			✓			✓
Kansas	✓		✓			
Kentucky	✓		✓		✓	
Louisiana	✓		✓		✓	
Maine	✓		✓		✓	
Maryland	✓				✓	
Massachusetts		✓		✓		✓
Michigan	✓		✓		✓	
Minnesota	✓		✓		✓	
Mississippi				✓	✓	
Missouri	✓		✓		✓	
Montana	✓		✓			✓
Nebraska	✓			✓	✓	
Nevada		✓				
New Jersey	✓		✓		✓	
New Mexico	✓		✓		✓	
New York	✓				✓	
North Carolina	✓		✓			✓
North Dakota	✓					✓
Ohio	✓		✓		✓	
Oklahoma	✓		✓		✓	
Oregon	✓		✓		✓	
Pennsylvania	✓		✓		✓	
Rhode Island	✓		✓			
South Carolina	✓		✓			✓
South Dakota		✓	✓			✓
Tennessee	✓		✓		✓	
Utah	✓		✓		✓	
Vermont		✓	✓			✓
Virginia		✓	✓			✓
Washington	✓		✓		✓	
West Virginia		✓	✓			✓
Wisconsin		✓		✓		✓
Wyoming			✓			✓

³The states of New Hampshire and Texas were not included, as the study's search strategy for these states did not yield any relevant information.