

Campaign Rules 2023

The Labor-Management Reporting Disclosure Act requires that all candidates be treated equally with respect to the opportunity to campaign. Section 401(g) provides that any monies received by POPA, or any other labor organization by way of dues, assessments, or similar levy, or monies of any employer may not be used directly or indirectly to support the candidacy of any person in a union election of officers. This prohibition extends to equipment, vehicles, office supplies, records, and personnel of POPA and any other labor organization and to employers, whether or not they employ POPA members. Union officers and employees may not campaign on time that is paid for by the union.

Section 401(e) provides that members may not be subjected to penalty, discipline, or improper interference or reprisal of any kind in the exercise of their right to support the candidate of their choice.

These rules apply not just to candidates, but to everyone including candidates' supporters and members, even if the candidate is not aware that it is occurring. Candidates should be mindful of the following rules:

- Union or employer equipment (including copiers, computers, printers, fax machines, telephones, email), vehicles, office supplies, facilities, cash, or any other financial or in-kind resources may not be used to promote or attack any candidate. This prohibition includes the creation and duplication of campaign literature using the USPTO's and/or POPA's computers, copiers, printers, or paper.
- Sharepoint: The USPTO has provided access to employee organizations, including affinity groups and unions, for their use in representational activities. The USPTO is **not** providing those resources to individual candidates for union office at this time.
- Microsoft Teams instant messages: Because group messaging in Microsoft Teams does not easily allow disclaimers and bccs – and because Teams message notifications may not be as readily avoided during duty hours posing a disruption – it is also not available for union campaign messages.
- The use of any employer or any POPA logo is prohibited in campaign material.
- Campaign messages may be sent using USPTO email addresses to *union members* only. Email messages must clearly indicate that the content of the message is union business by using a subject line “Union Campaign Material: Read During Non-Duty Time.” As with other campaign materials, these email messages may not use the USPTO logo or otherwise indicate endorsement by the USPTO.
- Campaign emails cannot be sent from union or employer email accounts or computers.

- The employer has decided to let candidates leave campaign voicemail messages on USPTO telephones (including employees who have transitioned to Teams telephones). Campaign calls to work telephone numbers must be made on non-duty time and should only be made between the hours of 7:00pm and 7:00am. If an employee answers, they must be assumed to be working and they are not to be campaigned to. The person calling should state that they are calling regarding the POPA election, the law does not permit them to speak to the member during work time, and then ask if they may call back to leave a voicemail. All campaign voicemails to USPTO phone numbers must begin by informing the member that it is a campaign message and the member should listen to it while in a non-duty status. Union or employer membership lists cannot be used to obtain the names of union members or their telephone numbers.
- All candidates or members that campaign via email must save the email message. All candidates or members that campaign via voicemail to members' work telephones must keep a log of who they contacted via phone or voicemail (whether a union member or not.)
- Campaign telephone calls, voice messages, or voicemails cannot be made or sent from union or employer telephones or VOIP systems.
- Union and/or employer email and/or membership lists of any kind may not be used for campaigning, no matter how they were obtained.
- POPA will honor any reasonable requests by a candidate to distribute campaign literature to members at the candidate's expense. Requests will be honored in the order received and will take at least two working days. Campaign literature must be delivered to the union's office at Randolph 1D61 in sealed, stamped envelopes which are ready for mailing. Please contact the union's Administrative Assistant Brianna Wenger to schedule a delivery time by calling 571-268-6896. Each candidate should check with postal officials to determine proper postage. We cannot offer to mail campaign literature presorted. Candidates who wish to mail campaign literature to the entire membership must pay \$ 488. in advance for the cost of printed address labels. Arrangements have been made for POPA office staff to put address labels on the envelopes containing campaign literature at a rate of \$ 28 per hour for ten hours (\$280) that we anticipate it will take to place labels on envelopes for the entire membership. Both amounts (\$768 total) must be paid by check in advance which can be tendered when you deliver the pre-stuffed envelopes to the union office. If you wish POPA to mail campaign literature to fewer than all the members, please contact Ms. Wenger at the above number to discuss the cost.
- Campaign literature may be posted on the general bulletin boards in the pantries at the USPTO in accordance with USPTO rules for postings. Campaign literature may also be left on tables in the cafeteria with advance coordination through the Facility Help Desk.
- Employees may post campaign literature on their own office doors.

- Campaign literature may not be posted on union bulletin boards, elevators, or on USPTO walls.
- Candidates and their supporters are not allowed to campaign while on union or employer time.
- If you campaign to members, they should be on their own time. They should not be in a pay status with the employer or the union.
- Candidates and their supporters may campaign in the pantries, the cafeteria, the parking lot, and any other non-work areas as long as the candidate or their supporters are in a non-work status.
- In-person campaigning may NOT take place to employees in their offices
- Campaign literature may NOT be slipped under office doors.
- Union or employee websites, social media, newsletters, newspapers and other communications may not be used to promote or attack any candidate. This includes any union Facebook page or Twitter page, and any USPTO intranet bulletin board, Facebook, or Twitter.
- The USPTO weekly is not available for campaigning.
- Union officers and members are not to encourage support for or attack any candidate or group of candidates while discussing official union business during local union membership meetings. Campaigning and distributing campaign literature is allowed before and after membership meetings and during local union social events as long as all candidates and members are allowed equal time and access to campaign.
- Candidates and their supporters must pay full market price for all campaign related services unless a similar discount is given to all customers in the normal course of business. Receipts must be kept for all campaign purchases.