



CASEWORK NAVIGATOR

Give your team the tools they need to excel at casework.



CASEWORK BASICS

DEFINITION & RULES

developed by



DEFINITION & RULES

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WHAT IS CASEWORK?

In its simplest form, casework is when Members of Congress and their staff work on behalf of constituents to resolve difficulties with federal agencies, in accordance with the law.

ex: a veteran might call their Member of Congress when—without explanation—they stop receiving disability benefits from the Veterans Administration (“VA”) for injuries sustained in combat. Professional casework staff in that office will talk to the constituent to understand their situation, get their written permission to have the VA and other federal agencies release information to the Congressional office, and send a formal inquiry signed by the Member to the VA. Working with the VA liaison staff, the casework team will work to figure out what caused the benefit lapse, and serve as a liaison between the veteran and the VA to make sure that any remaining steps to resolve it are completed.

In the case of a simple bureaucratic error, like a file being misplaced or data entered incorrectly in the VA’s system, problems can be resolved quite easily. For more complicated cases, the caseworker’s efforts may not result in a favorable outcome for the constituent but can help the constituent understand what has happened; possible next steps; and what, if anything, they can do to avoid the problem in the future. Beyond individual cases, caseworkers’ expertise on the inner workings and pain points of federal agencies can also inform legislation and oversight.

53%

of Congressional staffers say solving constituents’ problems is the most important role of Senators and Representatives

Source: Partnership for Public Service
State of the Congress 2022

“

Where you *really* make a difference is in constituent services.

”

Former Congressman
Tom MacArthur (R, NJ)



Who is Served by Casework?

In this manual, we use the term “constituent” deliberately to indicate all people represented by a Member of Congress, including all citizens, non-citizen residents, and in some cases, business entities or other levels of government.

The House and Senate Ethics manuals clearly state that Members of Congress should only use official resources, including their office budgets and staff time, on their own constituents, though the ultimate decision about which cases to take is ultimately left to the Member. Examples of common cases that serve non-residents include: immigration cases, asylum cases, or cases related to Americans living abroad.

Where Does Congress Get Its Authority to Do Casework?

Congressional authority to perform casework falls under two Constitutional provisions: first, Congress’ Article I power to make laws, which courts have found includes the power to conduct oversight, especially with regard to the Executive Branch; and second, the public’s right to petition the government for redress of grievances, as described in the First Amendment.

Casework is the intersection point: by addressing individual constituents’ “grievances,” Members of Congress learn about problems with federal agencies that can be addressed through oversight and legislation.

Do Caseworkers Work Only with Federal Agencies?

Congress has direct oversight responsibility over federal agencies and federally-funded programs. However, some Members adopt a model of constituent service that prioritizes helping constituents solve problems, even if they are not directly related to a federal agency. For many constituents, the differences and relationships between levels of government are not exactly clear. Offices with a “no wrong door” policy may spend time referring constituents to their state and local counterparts, or even (as allowed by Ethics rules) to third party resources.



What is Casework Resolution?

“Resolution” is a term that indicates that a case has reached its conclusion: the agency has issued a final determination, or the constituent and the caseworker agree that there are no further worthwhile avenues to explore to resolve the initial problem.

There are cases in which no matter how hard the caseworker works, the resolution will not be in the constituent’s favor. For example, for a constituent receiving Social Security disability benefits whose benefits are suddenly cut off, the Social Security Administration may find, having given the case full and fair consideration in accordance with the law, that the constituent was never entitled to benefits—and must pay back all benefits improperly received.



It is important to begin the casework process by helping the constituent understand the full spectrum of what “resolution” could mean.

Even if the agency’s final determination is unfavorable, there is value in helping a constituent:

- Find closure,
- Understand the process,
- Feel confident that they have exhausted all possible resources,
- Learn about possible next steps, and
- Feel respected and heard by their elected representatives

For many constituents, knowing that their experience may help others by alerting the Member of Congress to a problematic area of agency policy or process is a source of satisfaction and validation, regardless of the outcome of their specific case.

It is also important to note that “resolution” may change with time: for many cases, the initial problem changes as the case goes on, or a problem that a constituent thought was resolved can reoccur further down the line. Casework teams should develop their own policies for when to reopen old cases or start new ones.



ETHICS & LEGAL: WHAT CAN CASEWORKERS DO (AND NOT DO)?

House and Senate Ethics Guidance

House and Senate Ethics manuals list activities that are specifically sanctioned in casework. From the 2008 House manual:

“

*Whether promoting projects that will benefit constituents or assisting in the resolution of the problems that are an inevitable by-product of government regulation, the Member is serving as a **facilitator**, or an **ombudsman**.*

[...]

Pursuant to long-standing guidance, it is generally permissible for Members (and staff acting on their behalf) to:

- *Request information or status reports;*
- *Urge prompt consideration of a matter based on the merits of the case;*
- *Arrange appointments;*
- *Express judgment on a matter—subject to the ex parte communication rules; and*
- *Ask for reconsideration, based on law and regulation, or administrative and other decisions.*

”

On the Senate side, guidance from the 2003 Ethics Manual is similar, but chapter eight (page 178) adds in addition to the above, that Members may “perform any other service of a similar nature consistent with the provisions of this rule.”

These basic agency-focused services are the core of casework, leveraging staff knowledge and Congressional resources for assistance that a constituent could not access on their own. These simple tools can have substantial impact to resolve often intractable difficulties.

There are many additional steps that a caseworker may take to assist a constituent that are not explicitly named in the House and Senate manuals. However, it is essential that all actions respect the limitations on caseworker actions as established by Congressional Ethics.



Expressly Prohibited

01 Helping a constituent commit a crime

It should be self-explanatory that assisting with the commission of a crime is absolutely forbidden, but it is not unheard of for a particularly brazen constituent to approach a Member in an attempt to engage in benefit fraud or to circumvent an agency's normal decision-making process. Caseworkers should keep an eye out for any cases that don't seem to pass the "smell test."

02 Improperly pressuring an agency to rule in a constituent's favor

This includes both direct pressure (ex: threatening an agency's funding in response to an unfavorable decision) and more subtle pressure (ex: continuing to escalate a request for status when a final decision has already been rendered).

03 Ex parte communications

An ex parte communication is any communication made only to one party in a legal proceeding. Prohibitions on ex parte communications exist to make sure that all information that goes into a legal decision is transparent and accountable. This rule mostly applies to cases that have made it to administrative law review: for example, for a Social Security claimant with a pending hearing with an Administrative Law Judge over their disability claim, a caseworker could not attempt to communicate with the judge without also sharing that communication with the agency.

04 Acting as a constituent's attorney

While Congress is shielded from many liability rules, providing legal advice to a constituent is still prohibited. This includes instructing a constituent in how to proceed in an agency matter, including directing a constituent on how to fill out an agency form. A caseworker can provide general information, but decisions must ultimately come from the constituent.



05 Privileging casework inquiries because of the constituent's campaign contributions

It is completely acceptable to perform casework for constituents with personal relationships with the Member or constituents who have donated to the Member's campaign. However, caseworkers are not allowed to prioritize cases from constituents with personal relationships over other constituents in the same situation *because* of that relationship. Each office should develop a plan to establish reasonable expectations for how caseworkers will handle constituents with personal relationships with the Member, and processes to ensure that caseworkers do not gain any information from the campaign side about donors.

06 Accepting gifts in exchange for casework

All gift rule limitations apply to casework. In general, it is never allowable to accept a gift directly in exchange for providing a service—even something as small as a coffee gift card.

For gray areas, it is always helpful to call the professional staff at the House and Senate Ethics committees or the House and Senate General Counsel and to review relevant chapters of the House and Senate Ethics manuals.



Discretionary Activities

A wide range of authorized auxiliary constituent-facing activities fall under casework that might not appear on this formal list, including:



EDUCATION

helping constituents understand federal programs



CONVENING

bringing members of the community together to support constituents



TRANSLATION

putting dense jargon of federal programs into language that makes sense locally, whether actual translation or just paraphrasing and consolidating information



LISTENING

when constituents are facing a federal landscape of closing local field offices, automated phone trees, and confusing online forms, sometimes just being the accessible, respectful face of government is a service in itself

These kinds of constituent-facing services are where much of the creativity, professional judgment, and compassion that defines good casework come into play.



01 Distributing educational materials

Many cases result from constituents not having adequate information to make informed decisions on federal programs. To provide proactive assistance to constituents navigating federal programs, casework teams may consider developing educational materials to help answer common questions. These may take any form that works best for the team's constituents, from a social media campaign to an in-person workshop to a written guide to a federal program. Partnering with community stakeholders to fact check, provide feedback, and help distribute materials is helpful to make sure the team gets the most out of their investment in developing materials.

02 Referrals

When a constituent comes to a Congressional office with a request the casework team can't answer, it's helpful to be able to refer them to a trustworthy local resource. Be sure to check with Ethics and General Counsel to ensure compliance with updated rules; offices may also want to develop internal ethics policies around making referrals to local resources constituents can trust. Safe bets usually include outreach representatives from federal programs, state and local legislative offices, federally-funded resources like Medicare or Veterans counselors, and nonpartisan, nonprofit, state-funded institutions like hospitals, community health clinics, homeless shelters, and food banks.

03 Events with other entities

Partnering with community stakeholders in your district can also be a great way to extend a team's presence and help target a particular constituent need. For example, casework and district teams have hosted employment fairs, legal clinics, college fairs, and more. Make sure to check with Ethics and General Counsel to ensure compliance with Congressional ethics rules on event logistics and advertising.



ETHICS POLICIES CHECKLIST

While the House and Senate rules cover many gray areas for caseworkers, offices may want to set specific additional procedures and guardrails to reduce even the *appearance* of impropriety in casework. These sample policies should be written to provide details including relevant contact information, links, etc.

SITUATION

GUIDANCE NEEDED



CASEWORK REFERRAL FROM THE MEMBER

If a relative of the Member is having a problem that seems like casework, are there any particular things caseworkers should be aware of? Should those referrals come directly from the Member, or go through the Chief of Staff or casework manager? Will these cases receive any additional prioritization? Does the Member want additional briefings on the status of these cases, separate from normally-tracked casework metrics?



CASEWORK REFERRAL FROM STAFF

The same considerations above apply to casework referrals from staff (and family of current staff).



CASEWORK REFERRAL FROM COMMUNITY STAKEHOLDERS

Are there any other referrals from community stakeholders (ex: referrals from other elected officials) that should receive priority?



CASEWORK REFERRAL FROM THE CAMPAIGN

For constituents who get in touch with the campaign and appear to have a casework problem, how should those concerns be referred? Will they receive a warm handoff to the correct caseworker, or will the constituent be encouraged to reach out directly to the Member's office?



CONSTITUENTS WHO ASK ABOUT THE CAMPAIGN

For constituents who ask a caseworker about donating, volunteering, etc., sample language explaining the difference between the official and campaign sides may be helpful.



CONSTITUENTS WHO OFFER A GIFT TO CASEWORK STAFF

Sample language explaining the ethics rules for Congressional staff may be helpful.



CONSTITUENTS ATTEMPTING TO COMMIT A CRIME

It may be helpful to include contact information for making non-emergency reports (ex: bribery, fraud, etc.) to your local police department(s) and FBI office.



CASEWORK **BASICS**

Caseworkers often report frustration with finding basic resources on setting up and running a standout casework operation. Our free Casework Basics program fills in the gaps between existing casework resources and on-the-ground wisdom, and serves as a central clearing point for internal and external information on casework.

01 DEFINITION &
RULES

04 AGENCY
CORRESPONDENCE

02 STRUCTURING A CASEWORK
OPERATION

05 CLOSING
CASES

03 CASEWORK
INTAKE

06 SAFEGUARDING
CONSTITUENT INFO

Available now at
popvox.org/casework

PROFESSIONAL **DEVELOPMENT**

For offices interested in taking their casework operations to the next level, we offer a subscription-based professional development program exploring elements of standout casework. In particular, the program will focus on what caseworkers can learn from other industries and fields, and how casework teams can focus on process efficiency and effectiveness.

Learn more at
popvox.org/casework



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Give your team the tools they need to succeed.