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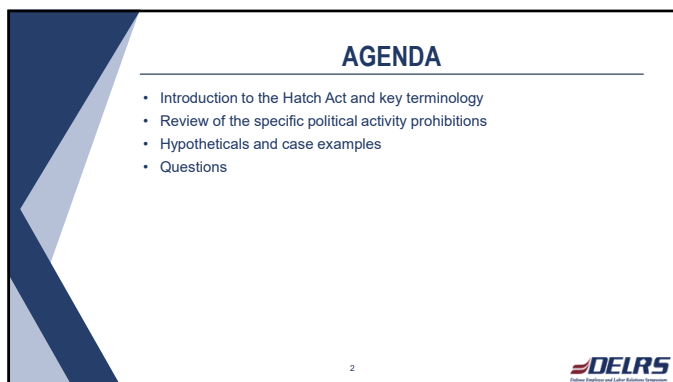
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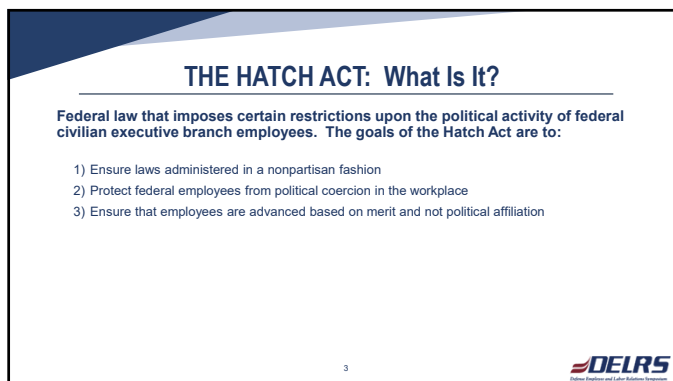
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**OSC'S ROLE**

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**OSC performs three functions with respect to Hatch Act enforcement**

- 1) Advise
- 2) Investigate
- 3) Litigate

**OSC has exclusive authority to investigate and prosecute alleged Hatch Act violations**



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**COVERAGE**

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**The Hatch Act has two categories of employees:**

- 1) Less Restricted Employees  
May actively participate in partisan political management and campaigns, subject to the prohibitions we are about to discuss
- 2) Further Restricted Employees  
Subject to additional restrictions regarding active participation in partisan political management and campaigns



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**FURTHER RESTRICTED AGENCIES**

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**Employees of certain intelligence or enforcement agencies and offices (except PAS):**

• Central Intelligence Agency	• Secret Service
• National Security Agency	• Internal Revenue Service's Office of Criminal Investigation
• Defense Intelligence Agency	• Federal Elections Commission
• National Geospatial-Intelligence Agency	• Election Assistance Commission
• Office of the Director of National Intelligence	• Merit Systems Protection Board
• National Security Council	• Office of Special Counsel
• Department of Justice's Criminal and National Security Divisions	
• Federal Bureau of Investigation	



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**FURTHER RESTRICTED POSITIONS**

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**Employees holding certain positions (in any agency)**

- Career Senior Executive Service (Career SES)
- Administrative Law Judges
- Contracts Appeals Board Members
- Administrative Appeals Judges



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**THE BASICS**

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**Definition of Political Activity**

- Political Activity is any activity directed toward the success or failure of a political party, partisan political group, or candidate for partisan political office



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**WHAT IS NOT POLITICAL ACTIVITY?**

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- Discussing nonpartisan elections
- Discussing issues or legislation
  - Covid-19 mandates, abortion, immigration, 2<sup>nd</sup> Amendment, Supreme Court nominees, PRIDE, Black Lives Matter, All Lives Matter, Blue Lives Matter, Antifa, Proud Boys, QAnon, January 6, etc.
- Attending an issue march or rally
  - March for Life, Women's March, or March for Science

*Key: Activity does not include showing support for or opposition to a political party or candidate*



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**PERMITTED ACTIVITIES**

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**All employees may:**

- Register and vote as they choose
- Display campaign signs at home
- Display a political bumper sticker on a personal vehicle
- Be members of political clubs or parties
- Be candidates for public office in nonpartisan elections
- Campaign for or against referendum questions, constitutional amendments, or municipal ordinances



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**PERMITTED ACTIVITIES (cont.)**

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**While off duty and away from work, all employees may:**

- Contribute money to political parties, campaigns, or partisan groups
- Attend political rallies, meetings, or fundraisers
- Sign nominating petitions
- Follow, like, or comment on the social media pages of a candidate for partisan office, political party, or partisan group



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**PERMITTED ACTIVITIES (cont.)**

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**While off duty and away from work, less restricted employees may:**

• Circulate nominating petitions	• Hold party office
• Work as campaign volunteers	• Serve as delegate to a party convention
• Distribute campaign literature	• Organize party events
• Organize campaign events	• Serve on a party committee
• Speak on behalf of a candidate	



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### ON DUTY & IN THE WORKPLACE

**Employees may not engage in political activity while:**

- On duty
  - Includes teleworking and official union time
- In a government room or building
  - Includes breakrooms, gyms, and cafeterias
- Wearing an official uniform or insignia
- Using a government vehicle

**Examples:**

- Wearing buttons, t-shirts, hats, etc.
- Displaying campaign materials or candidate photographs by any means (e.g., signs, screensavers)
- Making online donations
- Emailing, texting, or using social media



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### ON DUTY & IN THE WORKPLACE (cont.)

**Emailing, texting, blogging, or using social media for political activity is a violation even if:**

- Using a personal device or email account
- Sharing or forwarding content authored by others
- Sharing or forwarding to friends or like-minded coworkers

*Prohibition includes union email activity if it meets the definition of political activity*



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### PERMITTED OR PROHIBITED?















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PERMITTED OR PROHIBITED?

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PERMITTED OR PROHIBITED?

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PERMITTED OR PROHIBITED?

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### PERMITTED OR PROHIBITED?



Conservative American



Moms Demand Action



Proud of My Liberal Values



National Fire Association



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### FUNDRAISING

- **Employees may not solicit, accept, or receive political contributions by any means at any time**
- **Examples:**
  - Asking for donations by any means (e.g., by mail, email, or social media)
  - Inviting others to a fundraiser or hosting one
  - Sharing or liking fundraising posts on social media
  - Distributing materials containing a request for donations (including QR codes)



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### CASE EXAMPLES

- A Federal Aviation Administration (FAA) employee solicited political contributions for his union's political action committee from two other FAA employees while on duty and in the workplace
- An employee posted a video of himself on Facebook in which the employee said he was selling t-shirts with proceeds going to benefit a political party and during which he gave viewers information about how to buy the shirts



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### USE OF OFFICIAL AUTHORITY

- **Employees may not use their official authority or influence to affect the outcome of an election**
- **Examples:**
  - Involving subordinates
  - Using one's official title or position (e.g., official speeches, press statements, travel)
  - Using agency resources (e.g., social media or website)

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### CASE EXAMPLES

- A United States Postal Service employee purposefully discarded over 60 pieces of mail intended for her route, because it was being sent by a political party and the campaign of a candidate for partisan political office
- A Veterans Affairs (VA) employee escorted a candidate for U.S. Senate and his campaign's political director through a VA facility, despite receiving advice on two occasions that doing so would violate the Hatch Act

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### CANDIDACY

- **Employees may not be candidates for public office in partisan elections**
- **Employees are permitted to be candidates for:**
  - Public office in a nonpartisan election
    - **But** a nonpartisan election can become partisan, if any candidate:
      - Is endorsed by a political party; or
      - Directly or indirectly works in concert with a political party to promote the candidate's campaign
  - Local office in specially designated localities, if running as an independent
    - Check with your ethics office and/or OSC to determine if a local election qualifies

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**CASE EXAMPLE**

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- A VA employee ran for a statewide partisan political office. Within a week of announcing her campaign, the employee was warned by both a VA ethics official and by OSC that her candidacy was in violation of the Hatch Act. The employee continued her campaign until the election



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**BUSINESS BEFORE EMPLOYING OFFICE**

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- Employees may not **knowingly** solicit or discourage the political activity of anyone with business pending before their employing office
- **'Business' defined:**
  - Ongoing audit, investigation, or enforcement action
  - Application for a grant, contract, license, permit, ruling, compensation or certificate



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**FURTHER RESTRICTED EMPLOYEES**

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- Employees may not actively participate in political management or campaigns by acting in concert with or on behalf of a political party, partisan political group, or candidate for partisan political office
- **Examples:**
  - Volunteering for a partisan campaign
  - Distributing campaign materials
  - Circulating nominating petitions
  - Holding party office or serving on a party committee
  - Serving as a party delegate or organizing party events
  - Forwarding campaign or political party emails
  - Linking to, sharing, or retweeting the social media pages or posts of a political party, partisan political group, or candidate for partisan political office



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### SOCIAL MEDIA RULES

- **Employees may not:**
  - Tweet, Retweet, Share, or Like a post or content that solicits political contributions
  - Engage in political activity via social media while on duty or in the workplace (e.g., share, like, or retweet a post from a candidate or partisan group; post/tweet a comment directed at the success or failure of a candidate or partisan group; like or follow the social media page of a candidate or partisan group)
  - Use a social media account in your official capacity to engage in political activity
    - But including your official title or position on the profile of your personal social media page is okay



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### CASE EXAMPLES

- A VA employee posted dozens of tweets while on duty that were directed at the success or failure of candidates for President and for U.S. Senate
- A Department of Homeland Security employee made numerous social media posts while on duty and in the workplace that were directed toward the success or failure of candidates for partisan political office. Many of the posts also solicited political contributions



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### HYPOTHETICALS

Mark is teleworking from home. While on his unpaid lunch break, he shares a post on Facebook from a congressional candidate that includes a link to the homepage of the candidate's website.

Later, while on duty, Mark shares a post on Facebook from a candidate running for local school board in a nonpartisan election that includes a link to the homepage of the candidate's website.



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**HYPOTHETICALS**

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Mark and his colleague Carol meet at work to discuss an assignment. At the end of their discussion, they talk about their weekend plans. Carol says she is going to a community-organized rally to (support or oppose) laws against abortion. Mark does not express his opinion on the subject.

Carol asks Mark if he wants to join her at the rally.



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**HYPOTHETICALS**

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On Monday morning, after Carol attends the community-organized rally to (support or oppose) laws against abortion, she brings in handmade stickers that say, "Vote for pro (life/choice) candidates!" and leaves them for others in the office breakroom.



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**HYPOTHETICALS**

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Carol is on duty. She receives a message on Facebook stating that she was tagged in a post by a friend. The post solicits political contributions for a political party. Carol clicks on the link and donates \$20.

Later that day, while at home and off duty, Carol decides to donate another \$20 to the party. She then shares her friend's Facebook post and encourages her followers to match her \$40 donation.



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### PENALTIES

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**The Merit Systems Protection Board may order:**

- Removal
- Reduction in grade
- Debarment from federal employment for a period up to five years
- Suspension
- Reprimand
- Civil penalty up to \$1,000



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### HOW TO CONTACT OSC'S HATCH ACT UNIT

**Hatch Act Hotline**  
(202) 804-7002 or  
hatchact@osc.gov

**OSC Website**  
www.osc.gov



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## ANY QUESTIONS



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