



U.S. OFFICE OF SPECIAL COUNSEL
1730 M Street, N.W., Suite 300
Washington, D.C. 20036-4505

November 25, 1997

This letter is in response to your request for an advisory opinion concerning the Hatch Act. Specifically, you ask whether the Act would prohibit you, as an employee of the Veterans Administration, from running for public office in a partisan election. We understand that you are scheduled to work three hours every Tuesday and Thursday.

The Hatch Act Reform Amendments of 1993 (5 U.S.C. §§ 7321-7326) prohibit a covered employee from becoming a candidate for public office in a partisan election, i.e., an election in which any candidate represents, for example, the Democratic or Republican party. Temporary, part-time and regularly scheduled employees are covered by the provisions of the Act.

Employees who work a regular schedule, every Tuesday and Thursday in your case, are covered by the Hatch Act at all times. Consequently, an employee, like yourself, who has regularly scheduled duty hours, is prohibited by the Act from running for public office in a partisan election. However, contract employees are not considered employees for purposes of the Hatch Act. Therefore, if you were to be hired as a contract employee you would not be covered by the provisions of the Hatch Act and would not be prohibited from running for public office in a partisan election. Please call me at 800-854-2824 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "K. Dalheim".

Karen Dalheim
Attorney