



**U.S. OFFICE OF SPECIAL COUNSEL**

1730 M Street, N.W., Suite 201  
Washington, D.C. 20036-4505

June 27, 2001

XXXXX  
XXXXX  
XXXXX, NY XXXXX

Re: OSC File No. AD-01-0131

Dear Mr. XXXXX:

This is in response to your request for an advisory opinion concerning the Hatch Act. Specifically, you ask whether the Act would prohibit you from being the Republican candidate for XXXXX Town Supervisor. We understand that you are a Temporary Rural Carrier for the United States Postal Service (USPS).

The Hatch Act (5 U.S.C. §§ 7321-7326) generally permits most covered employees to actively participate in partisan political management and partisan political campaigns. However, a covered employee may not be 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.

As an employee of the USPS, you are subject to the provisions of the Hatch Act. See 39 U.S.C. § 410(b)(1). Furthermore, the Civil Service Commission has long held that "[t]emporary, part-time, and emergency employees are subject to the statute and the rule." *In the Matter of Hoeh*, 3 P.A.R. 4 (1969). Therefore, as a covered employee, you are prohibited from being a candidate for public office in a partisan election, such as the election for XXXXX Town Supervisor.

For your information, I am enclosing a copy of our pamphlet that explains the application of the Hatch Act to Postal Service employees. Please contact me at (800) 854-2824 if you have any further questions.

Sincerely,

\_\_\_\_\_/s/\_\_\_\_\_  
Amber A. Bell  
Attorney  
Hatch Act Unit