



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

October 16, 1996

This responds to your request for clarification of the Hatch Act Reform Amendments of 1993 (5 U.S.C. §§ 7321-7326). Specifically, your inquiry is directed toward the prohibition of soliciting, accepting and receiving uncompensated volunteer services from a subordinate employee as discussed at 5 C.F.R. § 734.302.

In reaching our answer to your inquiry we thoroughly reviewed the language of the statute and the regulations. Additionally, we reviewed the opinion of the Office of Legal Counsel (OLC) that addressed which agency had the authority to issue regulations under the Hatch Act Reform Amendments. In its opinion, OLC discussed the tripartite system of Hatch Act implementation, discussing the roles of the Merit System Protection Board, OPM and OSC. OLC concluded that the Hatch Act Amendments ratified and supplemented OPM's authority to issue general Hatch Act regulations, while concomitantly reaffirming and augmenting OSC's traditional role in investigating and prosecuting Hatch Act violations.<sup>1</sup> Complying with OLC's opinion, OPM has issued two sets of regulations and OSC has interpreted these regulations through the issuance of advisory opinions.

Following are our interpretations of the OPM regulations with respect to your specific questions. First, we believe that an employee who is a Presidential appointee confirmed by the Senate (PAS) and a noncareer Senior Executive Service (SES) appointee would not violate the Hatch Act by attending a political convention and assisting another PAS supervisor in performing political activities. The political party organizing the convention has accepted the volunteer services of the PAS and SES appointee. With regard to your second question, a schedule C employee may write a policy speech to be given at a political event. However, if the schedule C includes partisan political advocacy in the speech, the

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<sup>1</sup>18 U.S. Op. Off. Legal Counsel 7 (1994)

Secretary would not be able to accept the speech from the schedule C employee.

As you know, the advisory opinions issued by OSC are limited to the specific factual situations presented by the requesting party. Moreover, our opinions do not address the propriety or impropriety of action under laws or regulations enforced by agencies other than OSC. Please call Karen Dalheim at (202) 653-7143 if you have any further questions.

Sincerely,

A handwritten signature in dark ink, appearing to read "Ralph B. Eddy". The signature is written in a cursive style with a large initial "R" and "E".

Ralph B. Eddy  
Senior Trial Attorney