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## OSC WINS SIGNIFICANT DISCIPLINARY ACTION IN TWO FEDERAL HATCH ACT CASES

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### FOR IMMEDIATE RELEASE

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WASHINGTON, DC /October 18, 2010 – The Office of Special Counsel (OSC) continues its commitment to enforcing the Hatch Act. The following two Merit Systems Protection Board (MSPB) decisions should remind all federal employees of the importance of understanding and observing the Hatch Act’s restrictions on political activity. As seen from these decisions, the penalties for violating the Hatch Act are significant. The federal employee in the first case was ordered removed; and the second employee was ordered suspended without pay for 120 days.

The first employee was a Program Analyst/Contracting Officer Technical Representative with the Bureau of Engraving and Printing (BEP). This employee, while on duty and in the federal workplace, forwarded several partisan political e-mails, including two that solicited political contributions, to BEP employees and BEP contractor employees over whom she had authority and influence.

In finding that the BEP employee violated the Hatch Act’s restrictions on using official authority or influence to affect the result of an election, soliciting, accepting or receiving political contributions, and engaging in political activity while on duty or in a room or building occupied in the discharge of official duties, the MSPB found that the employee’s conduct was “little different than distributing campaign literature prepared by others, a clear violation of the Hatch Act.” Special Counsel v. Ware, 114 M.S.P.R. 128, 138 (2010). The MSPB also ruled that “soliciting contributions from persons doing business with an agency is a serious violation of the Hatch Act because of the threat of coercion and the appearance that government contracts are awarded based on political patronage rather than competitive bidding.” Id. at 137.

The second case involved an employee of the Internal Revenue Service (IRS). The employee, while on duty and in the federal workplace, disseminated a fundraising e-mail to approximately 44 recipients. The e-mail requested contributions for then-Presidential candidate Barack Obama, and provided three links for recipients to make contributions online.

In affirming the Initial Decision finding that the IRS employee violated the Hatch Act’s restrictions on soliciting, accepting or receiving political contributions, and engaging in political activity while on duty or in a room or building occupied in the discharge of official duties, the MSPB stated that “any Hatch

Act violation by a federal employee, on duty and in government offices, [is] a serious matter.” Special Counsel v. Mark, 114 M.S.P.R. 516, 520 (2010). Also, the MSPB determined that the employee’s violation warranted a “significant penalty” of a 120-day suspension. Id. at 525.

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*OSC is an independent investigative and prosecutorial agency with jurisdiction to enforce the Hatch Act. OSC is authorized to provide advisory opinions on the Hatch Act, and enforces the provisions of the Act by investigating allegations of violations and filing complaints for disciplinary action before the MSPB. For more information please visit our web site at [www.osc.gov](http://www.osc.gov) or call 1-800-872-9855.*