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## **OFFICE OF SPECIAL COUNSEL FILES COMPLAINTS FOR DISCIPLINARY ACTION AGAINST TWO FEDERAL EMPLOYEES FOR VIOLATING THE HATCH ACT**

### **EMPLOYEES OF THE U.S. ARMY CORPS OF ENGINEERS AND THE BUREAU OF ENGRAVING AND PRINTING FACE CHARGES**

FOR IMMEDIATE RELEASE

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WASHINGTON, D.C./September 21, 2009 – On September 9, 2009, the U.S. Office of Special Counsel (OSC) filed a complaint with the Merit Systems Protection Board (MSPB) requesting that a supervisor in the Alaska District of the U.S. Army Corps of Engineers (USACE) be removed from his employment for engaging in prohibited political activity while he was on duty and in the federal workspace and for using his official influence or authority for the purpose of affecting the result of an election.

OSC's investigation revealed that on the day before Election Day, while he was on duty and in the federal workspace, the USACE supervisor sent an e-mail supporting then-Presidential candidate John McCain and then-Vice Presidential candidate Sarah Palin to twenty subordinate employees. The e-mail contained a newsletter that states, in part: "I am compelled to urge you to make sure that you and your family, friends and associates go to the polls and vote for John McCain and Sarah Palin." Upon disseminating the e-mail to twenty subordinate employees, the USACE supervisor asked the recipients to forward the e-mail to those who would appreciate its message.

Thus, OSC's investigation found evidence that the USACE supervisor violated two of the Hatch Act's prohibitions – the prohibition against engaging in political activity while on duty and/or in a federal building (5 U.S.C. § 7324), and the prohibition against use of one's official authority or influence for the purpose of affecting the result of an election (5 U.S.C. § 7323(a)(1)). In fulfilling its mission to safeguard the merit system, OSC has filed a complaint with the MSPB, seeking the USACE supervisor's removal from employment for knowingly violating the Hatch Act.

Also, on August 18, 2009, OSC filed a complaint with the MSPB requesting that a Program Analyst (Analyst) with the Safety and Occupational Division, at the Bureau of Engraving and Printing, Department of Treasury, (BEP) be removed from her employment for engaging in political activity prohibited by the Hatch Act. An

investigation recently conducted by OSC found evidence that the Analyst, who works in Washington D.C., used her authority and influence for political purposes, solicited political contributions from coworkers and contract employees, and engaged in political activity while on duty and in a federal workplace.

OSC's investigation into the Analyst's activities found evidence that she solicited her coworkers for political contributions on two separate occasions. First, the Analyst invited sixteen coworkers to attend a Maryland campaign fundraiser for then-Presidential candidate Barack Obama. She sent the fundraiser invitation to several colleagues via e-mail while on duty and in the federal workplace. The invitation stated that Michele Obama would be a speaker at the fundraiser, at a cost of \$75 to attend the dinner, show and speaking event, or \$35 to hear the speaking event only.

The Analyst solicited her coworkers yet again when she sent them an e-mail that contained a Microsoft PowerPoint presentation, which asked the e-mail recipients to become a part of the largest grassroots movement in the history of presidential politics and make a donation to then-Senator Barack Obama's presidential campaign. This e-mail solicitation was also sent to contract employees. Likewise, OSC's investigation found evidence that the Analyst sent additional e-mails to colleagues and contract employees alike all while on duty and in the federal workplace.

Thus, OSC's investigation found evidence that the Analyst violated three of the Hatch Act's prohibitions including the prohibitions against: 1) using one's official authority or influence to affect the result of an election; 2) soliciting, accepting or receiving political contributions; and 3) engaging in political activity while on duty and/or in a federal building. To fulfill its mission to safeguard the merit system and protect federal employees from political coercion, OSC filed a complaint with the MSPB that seeks to remove the Analyst from her employment for knowingly violating the Hatch Act.

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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 petitions for disciplinary action such as the ones described above. For more information visit our web site at [www.osc.gov](http://www.osc.gov) or call 1 (800) 872-9855.*