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CIVILIAN HR FLIGHT FACT SHEET

HATCH ACT FOR FEDERAL EMPLOYEES

The Hatch Act restricts the political activity of executive branch employees of the federal government, District of Columbia government and some state and local employees who work in connection with federally funded programs. In 1993, Congress passed legislation that significantly amended the Hatch Act as it applies to federal and D.C. employees (5 U.S.C. §§ 7321-7326).

Part-time employees are covered by the Act. However, employees who work on an occasional or irregular basis or who are special government employees, as defined in title 18 U. S. C. 202(a) are subject to the restrictions only when they are engaged in government business.

PERMITTED ACTIVITIES FOR EMPLOYEES WHO MAY ENGAGE IN PARTISAN ACTIVITY

- **May** be candidates for public office in nonpartisan elections
- **May** register and vote as they choose
- **May** assist in voter registration drives
- **May** express opinions about candidates and issues
- **May** contribute money to political organizations
- **May** attend political fundraising functions
- **May** attend and be active at political rallies and meetings
- **May** join and be an active member of a political party or club
- **May** sign nominating petitions
- **May** campaign for or against referendum questions, constitutional amendments, municipal ordinances
- **May** campaign for or against candidates in partisan elections
- **May** make campaign speeches for candidates in partisan elections
- **May** distribute campaign literature in partisan elections
- **May** hold office in political clubs or parties

PROHIBITED ACTIVITIES FOR EMPLOYEES WHO MAY ENGAGE IN PARTISAN ACTIVITY

- **May not** use their official authority or influence to interfere with an election
- **May not** solicit, accept or receive political contributions unless both individuals are members of the same federal labor organization or employee organization and the one solicited is not a subordinate employee
- **May not** knowingly solicit or discourage the political activity of any person who has business before the agency
- **May not** engage in political activity while on duty

- **May not** engage in political activity in any government office
- **May not** engage in political activity while wearing an official uniform
- **May not** engage in political activity while using a government vehicle
- **May not** be candidates for public office in partisan elections
- **May not** wear political buttons on duty

VIOLATIONS OF THE HATCH ACT

The Office of Special Counsel (OSC) is responsible for investigating reports or complaints concerning Hatch Act violations committed by covered federal employees and by employees of the District of Columbia government.

If an investigation uncovers evidence of a violation of the law and OSC determines that the violation warrants prosecution, a written complaint for disciplinary action is filed with the U. S. Merit Systems Protection Board (MSPB). A copy of the complaint is served on the charged employee. Full opportunity is provided to contest the charges, including a right to a hearing before the MSPB. The employee may be represented by counsel at all stages of the proceedings.

After consideration of the entire record, the MSPB will notify the employee and the employing agency of its decision. If the MSPB finds that the employee has violated the law, the maximum penalty that can be imposed is removal from government service. The minimum penalty that can be assessed is suspension without pay for 30 days.

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