



U.S. OFFICE OF SPECIAL COUNSEL

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

July 19, 2000

XXXXX
XXXXX
XXXXX, AL XXXXX

Re: OSC File No. AD-00-0112

Dear Mr. XXXXX:

This letter is in response to your request for an advisory opinion concerning the Hatch Act. Specifically, you seek an opinion as to whether the Hatch Act prohibits you from running as the Republican candidate for XXXXX County Commission, District 1. We understand that you are a Disaster Reserve Specialist for the Small Business Administration.

The Hatch Act Reform Amendments of 1993 (5 U.S.C. §§ 7321-7326) prohibit a covered employee from being a candidate for public office in a partisan election, i.e., an election in which any candidate represents, for examples, the Democratic or Republican party. Temporary, part-time and regularly scheduled employees are covered by the provisions of the Act. However, employees who work an irregular schedule are not prohibited from running for public office in a partisan election.

According to information received from the Small Business Administration, you are an intermittent employee currently in a non-pay status. Further, as a Disaster Reserve Specialist, you are only called to duty when there is a disaster and a need for your services. Accordingly, for Hatch Act purposes, you are an employee with an irregular schedule who is subject to the Hatch Act restrictions only while on duty. Therefore, as long as you do not campaign for the office of XXXXX County Commissioner while on duty, your candidacy does not violate the Hatch Act.

For your information, I am enclosing our publication, *Political Activity and the Federal Employee*. Please call me at (800) 854-2824 if you have any further questions.

Sincerely,

_____/s/_____
Amber A. Bell
Attorney
Hatch Act Unit