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Hatch Act Advisory Opinion Regarding Jurisdiction Over Former Employees

The U.S. Office of Special Counsel (OSC) has jurisdiction to enforce the Hatch Act against federal employees, and leaving federal service does not diminish OSC's enforcement authority.

In April 2025, OSC announced it would refrain from filing new complaints against former employees for Hatch Act violations committed during their federal employment until the U.S. Merit Systems Protection Board (MSPB) ruled on whether it had jurisdiction over such complaints.<sup>1</sup> Since that time, an MSPB Administrative Law Judge ruled that the MSPB has jurisdiction over Hatch Act complaints filed against former employees. Accordingly, subject to its discretion and the circumstances of each case, OSC will no longer refrain from filing complaints at the MSPB alleging Hatch Act violations where the subject employee has left federal service.

If you have questions about this advisory opinion, please contact OSC's Hatch Act Unit at 202-804-7002 or [hatchact@osc.gov](mailto:hatchact@osc.gov).

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<sup>1</sup> See U.S. Off. of Special Couns., Hatch Act Advisory Opinion Rescinding Advisory Opinions Dated May 20 and October 15, 2024 (Apr. 25, 2025).