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OSC Files Hatch Act Complaint Against Commerce Employee

FOR IMMEDIATE RELEASE

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WASHINGTON, D.C./July 15, 2016 –

Yesterday, the U.S. Office of Special Counsel (OSC) filed a petition for disciplinary action with the Merit Systems Protection Board (MSPB) against a Commerce Department employee for violating the Hatch Act.

The GS-15 employee sent several emails, while on duty, in support of the Montgomery County Republican Party (MCGOP) and to assist candidates running for local and state office. He sent these emails in his role as an official of the MCGOP and during his federal work hours. He also invited over 100 individuals to attend an annual “Lincoln and Reagan” Republican Party fundraiser and asked them to send him a check if they wanted to attend.

While at work, federal executive branch employees are barred from engaging in partisan political activity. Employees are also prohibited from soliciting or receiving campaign contributions for candidates for partisan political office, political parties, and other partisan groups at all times. However, employees may contribute on their own time, out of the workplace, and in their personal capacity.

In addition to receiving regular Hatch Act training, the employee asked for and received guidance from a senior ethics official with the Commerce Department prior to becoming a member of the MCGOP. The ethics official specifically advised him not to solicit or receive political contributions at any time or engage in any MCGOP activity while at work.

OSC’s petition to the MSPB seeks discipline against the employee for violating the Hatch Act despite receiving guidance about the law’s restrictions and repeated warnings. The MSPB is a quasi-judicial body in the federal executive branch that has the authority to remove federal employees from their government jobs and to take other disciplinary actions.

The Hatch Act ensures that federal civil service is based on merit rather than on political affiliation and that federal programs are administered in a non-partisan fashion.

“As the presidential election approaches, it is important for federal employees to remember the Hatch Act’s restrictions on engaging in partisan political activities while at work and the ban on soliciting contributions for partisan political candidates or groups at any time,” said Special Counsel Carolyn Lerner.

The U.S. Office of Special Counsel (OSC) is an independent federal investigative and prosecutorial agency. Our basic authorities come from four federal statutes: the Civil Service Reform Act, the Whistleblower Protection Act, the Hatch Act, and the Uniformed Services Employment & Reemployment Rights Act (USERRA). OSC’s primary mission is to safeguard the merit system by protecting federal employees and applicants from prohibited personnel practices, especially reprisal for whistleblowing, and to serve as a safe channel for allegations of wrongdoing. For more information, please visit our website at www.osc.gov.