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OSC Files Disciplinary Complaint Against USDA Senior Official for Hatch Act Violations

FOR IMMEDIATE RELEASE

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Yesterday, the U.S. Office of Special Counsel (OSC) filed a Hatch Act complaint for disciplinary action against a senior official with the U.S. Department of Agriculture (USDA). OSC's complaint alleges that the official, a career member of the Senior Executive Service (SES), violated the Hatch Act when the official solicited political contributions from co-workers, including a subordinate. The complaint was filed with the Merit Systems Protection Board (MSPB), a quasi-judicial agency that hears disputes alleging merit system violations in the federal workplace. The Hatch Act is a federal law that ensures federal programs are run in a nonpartisan fashion, protects federal employees from political coercion in the workplace, and ensures a merit-based civil service.

OSC's complaint alleges that around September 2011 the USDA official approached a subordinate and outlined the official's proposal to establish a political action committee (PAC) in support of President Barack Obama's 2012 reelection campaign. According to the complaint, the official told the subordinate that the official hoped to obtain a political appointment by contributing a large sum of money to President Obama's campaign. The official also told the subordinate that if the subordinate contributed to the official's proposed PAC and the official received a political appointment, the official would help the subordinate obtain a career SES position. OSC alleges that the official asked the subordinate for a \$2,400 contribution. Twice in October 2011, the official suggested that the subordinate contribute their performance bonus to the proposed PAC. The official solicited the subordinate again in January 2012.

Also in September 2011, the official informed another USDA coworker of the proposed PAC and asked the coworker to contribute \$2,000, according to OSC's complaint. The official told the coworker that donating to PACs is how federal employees advance their careers.

According to OSC's complaint, the official learned of the Hatch Act's restriction against soliciting, accepting, or receiving political contributions at least as early as 1998. In 2010 and 2011, the official received USDA emails and briefings on the Hatch Act.

OSC's complaint charges the official with two counts of knowingly soliciting, accepting, or receiving a political contribution from any person; one count of using official authority or influence for the purpose of interfering with or affecting the result of an election; and one count of engaging in political activity in any room or building occupied in the discharge of official duties by an individual employed by the United States government.

The USDA fully cooperated with OSC's investigation.

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.