



U.S. Office of Special Counsel
1730 M Street, N.W., Suite 218
Washington, D.C. 20036-4505

OSC Files Hatch Act Complaints with Merit Systems Protection Board

FOR IMMEDIATE RELEASE

CONTACT: Nick Schwellenbach, (202) 254-3631; nschwellenbach@osc.gov

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In March, the U.S. Office of Special Counsel (OSC) filed two complaints for disciplinary action against federal employees who ran as candidates for partisan political office. The Hatch Act prohibits federal executive branch employees from maintaining their federal employment while they seek office in a partisan election. In its complaints, OSC charged the employees with violating this prohibition and asked the Merit Systems Protection Board (MSPB) to order appropriate disciplinary action. Available penalties include suspension, removal from employment, debarment from federal service, or a civil fine.

On March 8, 2016, OSC filed a complaint for disciplinary action with the MSPB against an employee with the National Oceanic and Atmospheric Administration (NOAA) in Seattle, Washington, for violating the Hatch Act. OSC charged the employee with being a candidate in the 2014 election for a seat in the U.S. House of Representatives. He became a candidate despite repeated warnings from both NOAA and OSC that the Hatch Act prohibited him from doing so while he is a federal employee. The employee also sought the same political office in 2012, and OSC advised him following that candidacy that he had violated the Hatch Act and cautioned him against future violations. OSC provided him with an opportunity to withdraw his 2014 candidacy, but he refused to come into compliance with the Hatch Act.

On March 18, 2016, OSC filed a complaint for disciplinary action with the MSPB against an employee with the U.S. Postal Service (USPS), for violating the Hatch Act. The employee was an independent candidate in a 2014 partisan election for county commissioner in Tennessee. Despite OSC and the USPS's warnings about the Hatch Act, he remained a USPS employee while pursuing his candidacy. He won the election and currently holds elective office.

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.