



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

OSC Obtains Discipline Against Three Federal Employees for Hatch Act Violations

FOR IMMEDIATE RELEASE

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

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The U.S. Office of Special Counsel (OSC) has recently obtained discipline against three federal employees for violations of the Hatch Act. 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. The three cases below highlight Hatch Act restrictions on engaging in partisan political activity while on duty or in the federal workplace and improperly using official authority or influence. Federal employees are never allowed to solicit or receive partisan campaign contributions from others; however, they can contribute to campaigns while off duty and out of the federal workplace.

In March 2016, OSC reached a settlement with a Department of Labor (DOL) wage and hour investigator after investigating allegations that the employee had circulated a nominating petition to her coworkers for a mayoral candidate. The investigation showed that while on leave to assist the candidate's campaign, the employee returned to her office with a nominating petition and obtained three signatures from coworkers. In addition, although the employee had received guidance from a DOL attorney regarding the Hatch Act's limitations on her political activities, including soliciting campaign contributions, the employee retweeted one of the candidate's requests for political contributions. In the settlement agreement, the employee admitted that she violated the Hatch Act's prohibitions against engaging in political activity in the federal workplace and soliciting political contributions. As a penalty, the employee was suspended for three days without pay and received a letter of reprimand.

In May 2016, OSC entered into a settlement agreement with a U.S. Postal Service (USPS) letter carrier who displayed a congressional candidate's campaign sign in his USPS vehicle while delivering the mail. The employee delivered mail in the district the candidate was seeking to represent. As part of the settlement, the employee admitted that he violated the Hatch Act's prohibitions against using his official authority or influence to affect the result of an election and engaging in political activity while on duty, in a government vehicle, and while wearing his official uniform. As a penalty, the employee will be suspended for five days without pay.

In June 2016, OSC reached a settlement with an Internal Revenue Service (IRS) operations manager for her Hatch Act violations. OSC's investigation confirmed allegations that the employee, while on official travel to perform site visits with her subordinates, canceled a site visit and asked a subordinate to drop her off at the location of a presidential candidate's campaign rally. The employee did not return to her place of duty for over four hours and did not request leave. OSC concluded that the employee attended the campaign rally and thus violated the Hatch Act's prohibition against engaging in political activity while on duty. OSC, the IRS, and the employee entered into a global settlement, which resolved both the employee's Hatch Act violation as well as her violations of the IRS code of conduct. The employee agreed to serve an unpaid 14-day suspension.

"Federal employees are encouraged to participate in the political process, but they must do so on their own time, outside the workplace, and in their personal capacity," said Special Counsel Carolyn Lerner. "Our staff is available to answer questions and agency ethics officials can also provide guidance. OSC's website also provides information and answers to frequently asked questions."

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.