



Current as of: 8 Sept 16

## CIVILIAN PERSONNEL SECTION FACT SHEET

### HATCH ACT FOR FEDERAL EMPLOYEES

The Hatch Act restricts the political activity of executive branch employees of the federal government, District of Columbia government and some state and local employees who work in connection with federally funded programs. In 1993, Congress passed legislation that significantly amended the Hatch Act as it applies to federal and D.C. employees (5 U.S.C. §§ 7321-7326).

Part-time employees are covered by the Act. However, employees who work on an occasional or irregular basis or who are special government employees, as defined in title 18 U.S.C. 202(a) are subject to the restrictions only when they are engaged in government business.

#### **PERMITTED ACTIVITIES FOR EMPLOYEES WHO MAY ENGAGE IN PARTISAN ACTIVITY:**

- **May** register and vote as they choose.
- **May** assist in nonpartisan voter registration drives.
- **May** participate in campaigns where none of the candidates represent a political party.
- **May** contribute money to political campaigns, political parties, or partisan political groups.
- **May** join political clubs and parties.
- **May** sign nominating petitions.
- **May** campaign for or against referendum questions, constitutional amendments, or municipal ordinances.
- **May** be candidates for public office in nonpartisan election.
- **May** express opinions about candidates and issues.
- **May** campaign for or against candidates in partisan elections.
- **May** attend and give a speech at a political fundraiser, rally or meeting.
- **May** distribute campaign literature in partisan elections.
- **May** hold office in political clubs or parties.

#### **PROHIBITED ACTIVITIES FOR EMPLOYEES WHO MAY ENGAGE IN PARTISAN ACTIVITY:**

- **May not** use their official authority or influence to interfere with an election.
- **May not** solicit, accept or receive political contributions unless both individuals are members of the same federal labor organization or employee organization and the one solicited is not a subordinate employee.
- **May not** knowingly solicit or discourage the political activity of any person who has business before the agency
- **May not** engage in political activity while on duty, in a government office, while wearing an official uniform or while using a government vehicle.
- **May not** be candidates for public office in partisan elections partisan elections.
- **May not** wear political buttons on duty.

**VIOLATIONS OF THE HATCH ACT:** The Office of Special Counsel (OSC) is responsible for investigating reports or complaints concerning Hatch Act violations committed by covered federal employees and by employees of the District of Columbia government. If an investigation uncovers evidence of a violation of the law and OSC determines that the violation warrants prosecution, a written complaint for disciplinary action is filed with the U.S. Merit Systems Protection Board (MSPB).

**PENALTIES:** On December 19, 2012, Congress passed the Hatch Act Modernization Act of 2012 (the Act). The Act modifies the penalty structure for violations of the Hatch Act by federal employees. The changes became effective on January 27, 2013. Under the modified penalty structure, an employee who violates the Hatch Act is subject to a range of disciplinary actions. This includes removal from federal service, reduction in grade, debarment from federal employment for a period not to exceed 5 years, suspension, reprimand, or a civil penalty not to exceed \$1,000. (Before enactment of these amendments, an employee was subject to removal, or in some cases, a suspension of no less than 30 days for Hatch Act violations). The modified penalty structure applies to violations that occurred before, on, or after January 27, 2013, unless OSC has already initiated a complaint with the Merit Systems Protection Board as of that date, or an employee has already entered into a settlement agreement with OSC.

**HOW TO FILE A COMPLAINT ALLEGING A VIOLATION OF THE HATCH ACT:** Filers alleging a violation of the Hatch Act may use [Form OSC-13](#) (Complaint of Possible Prohibited Political Activity) to submit their allegation to OSC. Form OSC-13 can be printed from this Website. Filers can complete the form online or by hand after printing the form. Once the form is completed it should be mailed or faxed (202-254-3700) to OSC. If filers use another format to submit a Hatch Act violation, the following information should be included:

- Name, mailing address, and telephone number of the complainant, and a time when the complainant can be safely contacted, unless the matter is submitted anonymously;
- The department or agency, location, and organizational unit complained of; and
- A concise description of the actions complained about, names and positions of employees who took these actions, if known to the complainant; and dates, preferably in chronological order, together with any documentary evidence the complainant may have.

**Complaints should be sent to:**

Hatch Act Unit  
U. S. Office of Special Counsel  
1730 M Street, N.W. Suite 218  
Washington, DC 20036-4505

Telephone: 800-854-2824 or 202-254-3650

E-mail: [hatchact@osc.gov](mailto:hatchact@osc.gov)

Homepage: <http://www.osc.gov>

If OSC charges an employee with a violation of the Hatch Act, those charges are adjudicated before the Merit Systems Protection Board. 5 U.S.C. §§ 1504 – 1508; 7321 – 7326.