



CIVILIAN PERSONNEL SECTION FACTSHEET

Current as of December 2023

HATCH ACT FOR FEDERAL EMPLOYEES

Applicable to U.S. appropriated fund civilian employees

PURPOSE: The Hatch Act, a federal law passed in 1939, limits certain political activities of federal employees, as well as some state, D.C., and local government employees, who work in connection with federally funded programs. The law's purposes are to ensure that federal programs are administered in a nonpartisan fashion, to protect federal employees from political coercion in the workplace, and to ensure that federal employees are advanced based on merit and not political affiliation.

Except for the President and Vice President, all federal civilian executive branch employees are covered by the Hatch Act. Even part-time employees are covered by the Act, and all employees continue to be covered while on annual leave, sick leave, leave without pay, or furlough. 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.

CATEGORIES OF EMPLOYEES: Federal employees fall within two categories under the Hatch Act: Further Restricted and Less Restricted. Generally, Further Restricted employees are those employed in intelligence and enforcement-type agencies (except employees appointed by the President, by and with the advice and consent of the Senate). Most other federal executive branch employees are considered Less Restricted under the Hatch Act. Less Restricted employees may take an active part in partisan political management or partisan political campaigns. Further Restricted federal executive branch employees are prohibited from engaging in partisan political management or partisan political campaigns.

PROHIBITED AND PERMITTED ACTIVITIES: For detailed information regarding prohibited and permitted activities based on category, employees should refer to the U.S. Office of Special Counsel's (OSC) Federal Employee Hatch Act Information website linked in the References section. As most employees will fall into the less restricted employee category, please see the prohibited and permitted activities for less restricted employees below.

Less restricted federal employees may not:

- Use their official authority or influence to interfere with or affect the result of an election, by for example:
 - Using their official titles or positions while engaged in political activity
 - Inviting subordinate employees to political events or otherwise suggesting to subordinates that they attend political events or undertake any partisan political activity
- Solicit, accept or receive a donation or contribution for a partisan political party, candidate for partisan political office, or partisan political group by for example:
 - Hosting a political fundraiser
 - Collecting contributions or selling tickets to political fundraising functions*
- Be candidates for partisan political office
- Knowingly solicit or discourage the participation in any political activity of anyone who has business pending before their employing office
- Engage in political activity – i.e., activity directed at the success or failure of a political party, candidate for partisan political office, or partisan political group – while the employee is on duty, in any federal room or building, while wearing a uniform or official insignia, or using any federally owned or leased vehicle. For example, while at work employees may not:
 - Distribute campaign materials or items
 - Display campaign materials or items
 - Perform campaign related chores

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- Wear or display partisan political buttons, t-shirts, signs, or other items
- Make political contributions to a partisan political party, candidate for partisan political office, or partisan political group
- Post a comment to a blog or a social media site that advocates for or against a partisan political party, candidate for partisan political office, or partisan political group
- Use any email account or social media to distribute, send, or forward content that advocates for or against a partisan political party, candidate for partisan political office, or partisan political group

*Except in limited circumstances as outlined on the OSC website linked under references.

Less restricted employees may (off-duty):

- Register and vote as they choose
- Assist in nonpartisan voter registration drives
- Participate in campaigns where none of the candidates represent a political party
- Contribute money to political campaigns, political parties, or partisan political groups
- Attend political fundraising functions
- Attend political rallies and meetings
- Join political clubs or parties
- Sign nominating petitions
- Campaign for or against referendum questions, constitutional amendments, or municipal ordinances
- Be a candidate for public office in a nonpartisan election
- Express opinions about candidates and issues. If the expression is political activity, however – i.e., activity directed at the success or failure of a political party, candidate for partisan political office, or partisan political group – then the expression is not permitted while the employee is on duty, in any federal room or building, while wearing a uniform or official insignia, or using any federally owned or leased vehicle.

HOW TO FILE A HATCH ACT COMPLAINT: The OSC has the authority to investigate violations of the Hatch Act. 5 U.S.C. § 1216 (a)(1)(2). 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. §§ 1215, 1504 – 1508, 7321 – 7326. Filers alleging a violation of the Hatch Act can use OSC's Online Filing Portal by linked below under references.

The Online Filing Portal includes a section where filers can indicate that they do not consent to the disclosure of their identity for any purpose. In the alternative, filers have the option to electronically submit a Hatch Act complaint anonymously. However, if such a filer does not provide sufficient information in the complaint, OSC may not be able to fully investigate the alleged Hatch Act violation. In addition, anonymous filers will not receive any information about OSC's investigation, including its outcome.

REFERENCES:

- 5 USC Chapter 73, Subchapter III
- 5 CFR Part 734: [eCFR :: Home](#)
- U.S. Office of Special Counsel: [Federal Employee Hatch Act Information \(osc.gov\)](#)
- How to File A Hatch Act Complaint Online: [How to File a Hatch Act Complaint \(osc.gov\)](#)
- Department of Defense (DoD) Standards of Conduct Office Political Activities: [Department of Defense Standards of Conduct Office > DoD Personnel > Ethics Topics for DoD Personnel > Political Activities \(osd.mil\)](#)
- DoD Partisan Political Activity Rules for “Less Restricted” DoD Civilians: [hatch_act_q_a_less_restricted.pdf \(osd.mil\)](#)
- FAQ, U.S. Office of Special Counsel, Social Media and the Hatch Act: [dodsoco.osc.osd.mil/Portals/102/hatch_act_and_social_media.pdf](#)

Additional guidance on this topic is available from your Employee Relations Specialist. Contact information found in the footer below.