



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

OSC Obtains Disciplinary Action in Two Hatch Act Cases

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

WASHINGTON, D.C./April 29, 2014–

The U.S. Office of Special Counsel (OSC) resolved two Hatch Act investigations this month with significant penalties for federal employees who admitted to violations of the law. In both cases, the federal agencies involved referred the matters to OSC and cooperated with OSC's investigations.

"These two cases are examples of how government agencies can work together to ensure partisan politics stay out of the federal workplace," said Special Counsel Carolyn Lerner.

The Hatch Act prohibits all federal employees from soliciting, accepting, or receiving political contributions from any person and, with limited exceptions, they may not engage in any political activity while on duty or in the federal workplace. Some federal employees are further restricted under the Hatch Act, meaning they may not take an active part in partisan political management or partisan political campaigns, including the distribution of campaign literature.

OSC reminds federal employees covered by the Hatch Act not to engage in political activity while on duty or in the federal workplace. Information on the Hatch Act and permissible and prohibited activities is available at www.osc.gov.

FEC Attorney Resigns After Admitting to Hatch Act Violations

Under a settlement agreement with OSC, an attorney at the Federal Election Commission (FEC) agreed to resign and is barred from employment within the federal executive branch for two years after admitting to violations of the Hatch Act.

The FEC referred to OSC evidence that the employee posted dozens of partisan political tweets, including many soliciting campaign contributions to President Obama's 2012 reelection campaign and other political campaigns, despite Hatch Act restrictions that prohibit FEC and other "further restricted" employees from such activity. The employee also participated in a Huffington Post Live internet broadcast via webcam from an FEC facility, criticizing the Republican Party and then-Presidential candidate Mitt Romney.

Following a joint investigation between OSC and the FEC Office of Inspector General, the employee admitted to violating the Hatch Act and resigned.

Air Force Employee Agrees to 40-Day Suspension for Hatch Act Violations

Under a settlement agreement with OSC, a federal civilian employee with the U.S. Air Force agreed to serve a 40-day suspension without pay for repeatedly violating the Hatch Act's prohibitions against engaging in political activity while on duty and in the federal workplace, despite warnings to stop his behavior.

The employee sent numerous partisan political e-mails using a government account to a list of as many as 60 federal employees. The employee sent each e-mail while on duty in the months leading up to the 2012 election. The employee admitted knowing about the Hatch Act's restrictions, and even after receiving warnings from his supervisors, persisted in sending more e-mails. All of the e-mails were in opposition to then-candidate President Barack Obama and the Democratic Party.

Air Force colleagues complained to management about the employee's constant dissemination of offensive partisan political information while on duty. Two coworkers submitted statements to a supervisor complaining about his constant use of e-mail to send out inappropriate political messages and his poor work ethic. One coworker asked to be moved to a different office so they would not have to work with the employee anymore. A supervisor twice warned the employee to cease sending political e-mails while on duty and the employee agreed to no longer do so—despite this, the employee flagrantly chose to send additional political e-mails after these warnings, including one the day after the first admonishment. The employee continued to send political e-mails that conveyed a negative view of President Obama and his campaign even after being informed that OSC was investigating the conduct.

In its investigation, OSC confirmed that the employee knew and understood the Hatch Act restrictions on political activity. In addition to the direct warnings to cease his behavior, during the 2012 presidential election year, the employee received several e-mails reminding federal employees against engaging in political activity in the workplace, and warning them of the possible penalties including suspensions and removal.

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.



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

Federal Employee Violates Hatch Act Through Twitter

FOR IMMEDIATE RELEASE

CONTACT: Ann O'Hanlon, (202) 254-3631; aohanlon@osc.gov

WASHINGTON, D.C./Feb. 4, 2014 –

In violation of the Hatch Act, a federal employee posted dozens of tweets about partisan elections and candidates while on duty.

In its investigation of the matter, the Office of Special Counsel (OSC) confirmed that the employee knew of the Hatch Act restrictions on political activity. Nonetheless, the employee posted over 30 tweets, many of them soliciting contributions, another Hatch Act violation. Examples of these tweets were:

- "you don't have to live in ward5 to help put KenyanforWard5 over \$10K tonight -- only \$275 away. please help"
- "goes w/o saying, plz, tell all you know in the ward to not be apathetic 5/15 & vote for better candidate *cough, kenyan, cough*"

OSC intended to pursue prosecution but closed the case when the employee resigned, effective last month.

OSC reminds federal employees covered by the Hatch Act not to engage in political activity while on duty or in the federal workplace. Information on the Hatch Act and permissible and prohibited activities is available at www.osc.gov.

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.