

Ethics, The Hatch Act
AND THE
INTERIOR DEPARTMENT
EMPLOYEE

Presented by Art Gary and Hale Hawbecker

1

Hatch Act Training 2006

- **Executive Order 12674**
- **Title 18 of the United States Code**
 - § 201 - Bribery
 - § 203 and 205 - Representation
 - § 207 - Post-Employment
 - § 208 - Conflict of Interest
 - § 209 – Dual Compensation

2

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- **Public service is a public trust**
- **Employees shall not hold financial interests that conflict with the conscientious performance of duty**
- **Employees shall not engage in financial transactions using nonpublic Government information**

3

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- **An employee shall not solicit or accept any gift from a prohibited source**
- **Employees shall put forth honest effort in the performance of their duties**
- **Employees shall not knowingly make unauthorized commitments or promises of any kind purporting to bind the Government**

4

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- **Employees shall not use public office for private gain**
- **Employees shall act impartially and shall not give preferential treatment to any private organization or individual**
- **Employees shall protect and conserve Federal property**

5

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- **Employees shall not engage in outside employment or activities that conflict with their official Government duties and responsibilities**
- **Employees shall disclose waste, fraud, abuse, and corruption to appropriate authorities**
- **Employees shall satisfy in good faith their obligation as citizens, including all just financial obligations, especially those – such as Federal, State, or local taxes – that are imposed by law**

6

- **Employees shall adhere to all laws and regulations that provide equal opportunity for all Americans**
- **Employees shall endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards promulgated pursuant to this order.**

Title 18 of the United States Code

- § 201 – Bribery
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“..it is the right of any federal employee to give his vote at elections as a qualified citizen...it is expected that he will not attempt to influence the votes of others nor take part in the business of electioneering, that being deemed inconsistent with the spirit of the Constitution...”

- Thomas Jefferson

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- Hatch Act was originally passed in 1939.
- 1993 amendments expanded rights of most employees to actively participate in partisan political management and political campaigns.

10

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- Violations of the Hatch Act are investigated and prosecuted by the Office of Special Counsel.
- Merit Systems Protection Board may order an employee's removal or suspension (30 day minimum) for violations of the Hatch Act.

11

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POLITICAL ACTIVITY MEANS:

An activity directed towards the success OR failure of a:

- POLITICAL PARTY
- CANDIDATE FOR PARTISAN POLITICAL OFFICE, OR
- PARTISAN POLITICAL GROUP

12

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Categories of Covered Employees

1. **PAS: Presidential Appointee with Senate confirmation (least restricted)**
2. **Non-PAS: Non-Career SES, Schedule C, Career Employees, and all others not in the other two categories (somewhat restricted)**
3. **Career SES, Administrative Law Judges, Members of Board of Contract Appeals (most restricted)**

13

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Non-PAS: Non-Career SES, Schedule C, Career Employees, and all others not in the other two categories (somewhat restricted) MAY --

- Take an active part in or manage a political campaign while on non-official (off duty) time.
- Take an active part in political activities off government premises, including holding party office.
- Attend and speak at political fundraisers on off duty time (as long as you don't ask for money).

14

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Non-PAS: Non-Career SES, Schedule C, Career Employees, and all others not in the other two categories (somewhat restricted) MAY --

- Publicly endorse candidates in their private capacity.
- Travel to campaign and political events on personal time.
- Work for (be employed by) or be paid by a campaign or political committee on their own time.

15

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Non-PAS: Non-Career SES, Schedule C, Career Employees, and all others not in the other two categories (somewhat restricted) MAY NOT ---

- Use official authority or influence for the purpose of interfering with or affecting the result of an election.
- Knowingly solicit, accept, or receive a political contribution from any person.

16

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Non-PAS: Non-Career SES, Schedule C, Career Employees, and all others not in the other two categories (somewhat restricted) MAY NOT ---

- Wear a uniform or official insignia identifying the individual's office or position when participating in political activities.
- Engage in political activities using a Government vehicle.
- Mix official travel and political activity without written justification and prior authorization.
- Not solicit contributions, funds, or services.

17

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Non-PAS: Non-Career SES, Schedule C, Career Employees, and all others not in the other two categories (somewhat restricted) MAY NOT ---

- Use their Government office to hold any meetings with campaign staff and may not attend such meetings held by PAS employees during duty hours.
- Attend political events while on official time, or using a government vehicle.
- Write or assist others in writing political speeches on official time.
- Make calls, set up appointments, or use Government facilities or equipment for a political campaign or committee activity during duty hours.

18

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Career SES, Administrative Law Judges, Members of Board of Contract Appeals (most restricted) MAY NOT ---

- Run for public office in partisan elections.
- Use Government funds to support political activity.
- Directly or indirectly solicit campaign contributions from the general public. This includes collecting contributions or selling tickets to political fund raising events.
- Campaign for or against a candidate or slate of candidates in partisan elections, including making campaign speeches or distributing campaign materials, or organizing political rallies or meetings.

19

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Career SES, Administrative Law Judges, Members of Board of Contract Appeals (most restricted) MAY NOT ---

- Make campaign speeches.
- Distribute campaign literature.
- Organize a political rally, meeting or fundraiser.
- Hold political party office or be a party delegate.
- Circulate nominating petitions in partisan elections.
- Hold office in political clubs or parties.
- Work to register voters for one party only.

20

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Career SES, Administrative Law Judges, Members of Board of Contract Appeals (most restricted) MAY ---

- Run for public office in nonpartisan elections.
- Register and vote in any election,
- Assist in non-partisan voter registration drives.
- Actively participate in campaigns only where no candidates represent a political party.

21

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Career SES, Administrative Law Judges, Members of Board of Contract Appeals (most restricted) MAY ---

- Contribute money to political organizations and attend political fundraising functions.
- Have a political event in their home, provided the employee is not the "host" of the event (e.g. for the employee's spouse) and the employee is not active
- Sign a political petition, including nominating petitions.

22

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Career SES, Administrative Law Judges, Members of Board of Contract Appeals (most restricted) MAY---

- Express personal opinions, privately or in public, on political subjects and/or candidates.
- Campaign for or against referendum questions, constitutional amendments, municipal ordinances, etc.
- Run for office in local, nonpartisan elections.

23

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Career SES, Administrative Law Judges, Members of Board of Contract Appeals (most restricted) MAY---

- An employee is allowed to give a speech or keynote address at a political fundraiser, as long as he or she is not on duty, and does not solicit political contributions.
- Join a partisan political club as a member only and attend a political convention, fund raising function, or any other such gathering, but may not actively manage.

24

Prohibited Political Activity (Examples):

- Buttons - "Vote for . . ." "I support . . ."
- Posters
- Coffee mugs
- Bumper stickers (Cars/Office)
- Pictures (official agency picture in common space vs. employee w/candidate)
- E-MAIL

Displaying Candidates' Photos in the Office

- For candidates other than the President and Vice President:
 - Is the employee in the photo? AND
 - Is the photo overtly political?

Displaying Candidates' Photos in the Office

- Where is the picture hung?
- How large is it?
- Has it been altered/defaced?

**Email – when does its use go beyond
“water cooler” discussion?**

• **Determining factors**

- What is the content of the email?
- Who are the recipients?
- How many people received it?
- Was it sent on government time?

Not Prohibited Political Activity (Examples):

- “Crime control not gun control”
- “Right to life”
- “Pro-choice”
- “I support the war”
- “Peace not war”

Contacts:

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Site Coordinators

• Please fax your sign-in sheets to the appropriate Ethics Counselor

31

Fax Numbers

• BIA (202) 219-2432	• NPS (202) 371-5659
• BLM (202) 501-6718	• OIG (202) 219-1944
• BOR (303) 445-6348	• OSM (202) 219-3107
• FWS (703) 358-2127	• OS & SOL (202) 208-5515
• MMS (703) 787-1046	• USGS (703) 648-4132

32
