

Despite warnings against [factions](#) in [Washington's Farewell Address](#), partisan politics have intertwined with the government since the start. But for civil service employees and those in non-elected positions, what are the rules for political involvement and engagement? How does the nation heed Washington's warning and, at a minimum, ensure that partisan politics do not impact programs that are meant to be run in nonpartisan ways? These questions, along with others, were first tackled in a law known as An Act to Prevent Pernicious Political Activities, or the [Hatch Act](#).

The Hatch Act, passed by Congress in 1939, was created to protect the integrity of the U.S. government by limiting the political activities of federal employees. Before the law was passed, some government workers were pressured to support political parties or candidates to keep their jobs or gain promotions. The passage of the Act came on the heels of a scandal that involved forcing [Works Progress Administration](#) (WPA) employees to work on campaigns during the 1938 congressional elections.



The restrictions in the Hatch Act apply to most federal civilian executive branch employees, and some state and local employees of federally funded programs. The prohibited activities vary based on position. [Some examples include](#): employees cannot wear campaign buttons at work, use government email to promote a political party, host political fundraisers, run for office in partisan elections, or solicit campaign donations. These rules apply even when employees are on leave or using government property like a vehicle or laptop.

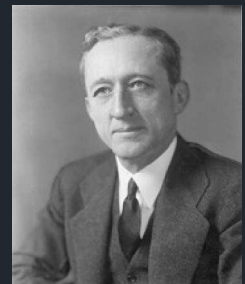
Since its passage in 1939, the Act has been amended twice, and the [U.S. Office of Special Counsel](#) (OSC), an [independent federal agency](#), regularly issues updated guidance regarding the law. For example, the law was updated to reflect changes in technology and communication, including rules about political posts on social media. According to the [current version of the Hatch Act](#), federal workers cannot engage in political activity on social media while on duty, in a federal building, or using government devices. This includes posting, liking, sharing, or retweeting content that supports or opposes political parties or candidates. Even if an employee is using a personal account, they must avoid political activity during work hours or when using government resources. Outside of those

parameters, federal employees are still able to participate in politics in their personal lives. They can vote, express opinions, and support candidates. However, some employees in sensitive positions, like law enforcement or intelligence, face stricter rules and cannot participate in partisan political activity at all—even on their own time. In 1947, the Supreme Court upheld the Hatch Act against a [First Amendment challenge](#), ruling that free speech must be balanced against "the requirements for orderly administration in government agencies."

Complaints about Hatch Act violations are investigated by the U.S. Office of Special Counsel (OSC). If OSC finds enough evidence, it can bring the case before the [Merit Systems Protection Board](#) (MSPB), which decides what disciplinary action should be taken. The exception to this process involves White House-commissioned officers and/or Senate-confirmed presidential appointees. Violations by these individuals are reported directly to the president with a recommendation for discipline.

Violating the Hatch Act can lead to [serious consequences](#) for federal employees. Penalties may include suspension, demotion, or even removal from their job. In some cases, employees can be banned from working in federal service for a period of time or fined up to \$1,000. The severity of the punishment depends on how serious the violation is and whether the employee has a history of similar behavior. For state or local employees whose jobs are funded by federal money, their agencies could lose federal funding if they don't take action against the violator.

The Hatch Act is designed to preserve the neutrality of the federal workforce, but ongoing enforcement and differing interpretations have led to the current debate about its effectiveness in maintaining nonpartisan public service.



Senator Carl Hatch

To Think and To Do: Examine the following two Hatch Act violations: [Report of Prohibited Political Activity, Navy Secretary Del Toro](#) and [Report of Prohibited Political Activity, Kellyanne Conway](#). Do you agree with the conclusions reached in each case? Explain your reasoning.

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