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OSC Issues Hatch Act Social Media Guidance in User-friendly Format, Announces Postal Service Employee Hatch Act Violation Over Social Media Use at Work

FOR IMMEDIATE RELEASE

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WASHINGTON, D.C./Feb. 13, 2018 – The U.S. Office of Special Counsel (OSC) today issued Hatch Act social media guidance for federal employees in a clear, easy-to-understand format with real world examples and a new quick reference tool. OSC also announced a 50-day suspension without pay of a U.S. Postal Service (USPS) employee for partisan political Facebook postings while on duty, conduct that occurred shortly after the employee received Hatch Act training.

“This office routinely receives questions from federal employees and the public about when social media use violates the Hatch Act,” Special Counsel Henry J. Kerner said. “With social media so accessible, employees want to know what political activity they can and can’t engage in on Facebook, Twitter, and other sites and stay clearly within the law. OSC’s new user-friendly guidance will help employees understand their obligations at a glance. It’s designed to improve compliance with the law. If employees know their legal obligations and still violate the law, OSC will bring cases accordingly, but first, employees have to be well-informed of their Hatch Act restrictions.”

OSC issued two documents today: [“Hatch Act Guidance on Social Media”](#) and the [“Social Media Quick Guide.”](#) The longer document in an easy-to-use format includes a number of real world examples to illustrate how social media and the Hatch Act intersect.

Here’s an example quoted in the guidance: “You stay at work during your lunch break and check Facebook on your personal cell phone. A Facebook friend posted a message about an upcoming event supporting a candidate in a partisan race. Even if you are not in a pay status during your lunch break, you may not like or share that post while you are in the workplace.”

The “Social Media Quick Guide” is the first of its kind from OSC. This quick reference tool has a checklist for allowed and disallowed social media activity for all federal employees and those who are further restricted from actively participating in partisan political management or campaigns under the Hatch Act.

In addition to the new materials, OSC’s [website](#) has comprehensive information on Hatch Act restrictions. OSC also is available by phone and email to answer questions and help federal employees adhere to the Hatch Act.

The recently settled USPS case, which resulted in a 50-day suspension, illustrates prohibited social media activity.

Between March and July 2016, an employee made at least 116 partisan political Facebook postings while on duty. Nearly all of the employee's actions were in the form of a "share" posting from pro-Bernie Sanders, anti-Hillary Clinton, or anti-Donald Trump Facebook accounts. The employee's Facebook postings requested that followers vote for Bernie Sanders; disseminated the political platform and campaign promises of Bernie Sanders; requested that followers contact their super delegates and bring pressure to bear in favor of Bernie Sanders; and generally disparaged the candidates opposing Bernie Sanders.

The employee also wore in and out of work for at least a week a USPS-logoed cardigan sweater with a Bernie Sanders campaign sticker on it. While at work, the employee draped the cardigan with the sticker on the back of a work chair, where it was visible to others.

USPS had provided the employee with information and training about the Hatch Act prior to these violations. In particular, the employee's supervisor had conducted a mandatory "Standup Talk" just three months before the violations began, which included information about the Hatch Act and social media use.

OSC educates the federal workforce about and pursues penalties for violations of the Hatch Act. The federal law, passed in 1939, limits certain political activities of federal employees, as well as some state, Washington, 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 based on political affiliation.

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.