Memorandum

To: All Department of the Interior Employees

From: Todd Willens
Chief of Staff

Subject: Prohibited Partisan Political Activity Reminder as Required by the Hatch Act

I want to take this opportunity to reach out to all Department of the Interior (Department) employees and their families during this challenging time. I hope that you and your families are safe, continue to follow best practices, and stay well informed on the status of the ongoing efforts to combat the coronavirus (COVID-19). As a reminder, I strongly encourage Department employees to keep abreast of the latest developments with respect to COVID-19 by using the Department’s COVID-19 Information Portal, which is an excellent source for the most current information and guidance to help you do your job and to help you and your family stay safe.

As the 2020 election cycle approaches, this is an appropriate time to remind all Department employees to be mindful of their obligations under the Hatch Act, 5 U.S.C. §7323(a) and §7324(a), and to highlight how the Hatch Act applies to the social media activities of Department employees. It is imperative that Department employees maintain the public’s trust that the Federal programs and activities undertaken by the Department will continue to be administered in a nonpartisan manner.

The Hatch Act generally prohibits Federal employees from engaging in political activities while on duty, in a Government room or building, while wearing an official uniform, or while using a Government vehicle. Under the Hatch Act, “political activity” is defined as any activity directed toward the success or failure of a political party, candidate for partisan political office, or partisan political group. Violations of the Hatch Act carry serious penalties, which may result in disciplinary action or removal from Federal employment.

The Hatch Act applies to all Department employees; however, application of its restrictions is generally broken down into two groups, which can be determined by an employee’s position. One class, “less restricted” employees, includes most Department employees. This class of employees can participate actively in political management or partisan political campaigns, while off duty, outside a Federal facility, and not using Federal property.
“Further restricted” employees at the Department are held to stricter rules that preclude active participation in political management or partisan political campaigns, even when off duty. The following Department employees are “further restricted” under the Hatch Act: (1) all career Senior Executive Service employees; (2) administrative law judges; and (3) administrative appeals judges. For further guidance on the Hatch Act for “further restricted” employees, please contact either the Departmental Ethics Office at DOI_Ethics@ios.doi.gov or your Bureau or Office Deputy Ethics Counselor.

“Less Restricted” Department Employees MAY NOT:

1. Engage in political activities, (including wearing a political button or displaying campaign materials) while on duty, while in a Government-occupied office or building, while wearing an official uniform or insignia, or while using a Government vehicle;

2. Use their official authority or influence to interfere with or affect the result of an election;

3. Solicit, accept, or receive a political contribution; solicit, accept, or receive uncompensated volunteer services from an individual who is a subordinate; allow their official titles to be used in connection with fundraising activities; or host a fundraising event;

4. Run for nomination or election to public office in a partisan election; or

5. Solicit or discourage the political activity of any person who has business before the Department.

“Less Restricted” Department Employees MAY:

1. Register and vote as they choose;

2. While off duty, engage in political activities (including, campaigning for or against referendum questions, constitutional amendments, and municipal ordinances; campaigning for or against candidates in partisan elections; distributing campaign literature; making campaign speeches for candidates; contributing money to political organizations; or attending political fundraising events and rallies);

3. Run for public office in nonpartisan elections;

4. Assist in voter registration;

5. Express opinions about candidates and issues; or

6. Be an active member of a political party or club.

Hatch Act Limitations on the Use of Social Media

When using social media platforms such as Twitter, Facebook, LinkedIn, etc., Department employees should be mindful that prohibitions of the Hatch Act apply. Accordingly, the Hatch Act prohibition on engaging in political activities while on duty or in a Government office applies to all social media and other online activities. Employees are prohibited from “posting,” “blogging,” “retweeting,” and “liking” partisan political content while on duty. While it is not a Hatch Act violation to receive a partisan political email while on duty, it is a violation to forward or share political email while on duty, in a Government office, or with others from a Government
email address. When off duty, a Department employee may advocate for or against a political party or candidate on social media or through other online activities, but while engaging in these activities Department employees **may not** solicit contributions on social media or through other online activities. Whether on duty or off duty, a Department employee may not post comments to encourage contributions to—or post a link to the contribution page of—a political party, partisan political group, or candidate.

In addition to the general restrictions discussed above, Department supervisors must be vigilant that their social media and other online activities do not appear to influence their subordinates. Therefore, Department supervisors should not send subordinate employees email messages or links to webpages that are directed at the success or failure of a partisan political group or candidate. Department supervisors who have subordinates who are part of their social media or online network may post personal views and opinions on political activities, but must ensure that their posts or comments cannot be interpreted as an attempt to influence and coerce a subordinate.

To summarize, Department employees are encouraged to exercise fully, freely, without fear of penalty or reprisal, and to the extent not expressly prohibited by law, their rights to participate in, or to refrain from participating in, the political processes of the Nation.

Department employees who want further guidance on the Hatch Act, should contact the Departmental Ethics Office at [DOI_Ethics@ios.doi.gov](mailto:DOI_Ethics@ios.doi.gov) or their Bureau or Office Deputy Ethics Counselor. Information is also available on the Departmental Ethics Office’s webpage at: [https://www.doi.gov/ethics/political-activity](https://www.doi.gov/ethics/political-activity).