

## **The Hatch Act**

In 1939, the enactment of The Hatch Act was hailed as a critical step toward cleaning up government and ending political patronage. Its goal was to ensure a qualified, stable work force free from coercion and the constant threat of job loss for no reason.

Since that time, the federal workplace has changed a great deal and in 1993, The Hatch Act was reformed to reflect these changes. The law officially changed on February 3, 1994. Listed below you will find the guidelines for activities allowed and prohibited under the current Hatch Act law. If you are ever concerned about the legality of an activity, please contact NTEU's Legislative Office. You can call (202) 572-5500 or write to the NTEU Legislative Office at: NTEU Legislation Department, 1750 H Street NW, Washington, DC 20006.

### **Hatch Act DO's and DONT's**

#### **Employees May:**

1. Register and vote as they choose;
2. Assist in voter registration drives;
3. Express opinions about all candidates and issues, privately and publicly;
4. Run for election to a non-partisan office;
5. Contribute money to political organizations or attend a political fund raising function;
6. Sign petitions, including nominating petitions;
7. Wear political badges, buttons (except in government buildings);
8. Run for office within party organizations and affiliate groups;
9. Attend political conventions, rallies and meetings as an elected representative of a partisan organization;
10. Take an active part in political management of campaigns;
11. Solicit contributions to the political action committee of the organization to which both employees belong provided that the contributor is not a subordinate employee;
12. Spouses and other members of an employees' family may engage in all forms of partisan political activities.

#### **Employees May Not:**

1. Be candidates for public office in partisan politics;
2. Use their official position to influence or coerce colleagues and election results;
3. Wear political buttons in government buildings;

4. Collect, solicit, receive, handle, disburse or account for contributions from the general public;
5. Wear a government uniform or government insignia while engaged in political activities;
6. Sell tickets to a political fund raising function to the general public.

### **Use Your Rights to Legislative and Political Action**

The range of activities you can engage in to encourage elected officials to improve your work life is vast -- everything from writing a letter to your representative in Congress to managing a political campaign. You can use these rights most effectively if you also understand what you cannot do. This pamphlet will show you the lines you cannot cross, so that you can run full tilt at the activities you want to pursue.

### **Know the Basic Rules**

There are two basic rules which you need to keep in mind when you plan your activities.

- 1. You may pursue **legislative** activity on site and on official union time, but you may not perform **political** or electoral work on official time.
- 2. You may solicit financial contributions to TEPAC off-site, but you may only ask other NTEU members to give and you may not engage in any other solicitation of money.

### **Political V. Legislative Activity**

Your rights depend on whether you are doing political or legislative activity.

Political activity is work directed toward the success or failure of a political party or candidate. It relates to elections, not governing. Political activity includes everything you might do to help elect a candidate to office, from stuffing envelopes, through organizing a get-out-the-vote phone bank, to managing a political campaign. Expressing your opinion about politics and elections is not political activity, though, as long as it is not directed to influencing the success of a party or candidate.

Legislative activity is directed toward the activities of the government, rather than an election. It is directed at influencing legislators to do something about an issue of importance to NTEU members. Legislative activity may be as simple as

calling your local legislator's office to recommend a vote in favor of a pay raise or inviting a legislator to come and talk about issues of interest to employees. It may involve organizing a complex letter writing and lobbying campaign to influence a variety of important issues.

The line between political and legislative activities may be fuzzy at times. A periodic talk by your congressperson about issues of interest to federal employees is a legislative event. It may, however, seem like a political campaign event during October of an election year. If you have doubts about which side of the line an activity falls on, ask yourself the purpose of the event. Is it to affect policy or the election? If you think the purpose of the event might not be clear to an outside observer, make it clear. For example, the letter inviting the congressperson could explain that this talk is not a campaign event, but an opportunity for education and feedback.

The distinction between legislative and political activities is critical, because most current restrictions only apply to political activity. Legislative activity may be performed on official union time, as long as you are acting as an employee representative, this activity is authorized by your contract and you follow your contractual requirements. It may be performed throughout a federal building. Your use of work time and government facilities should follow the same rules as other union representation or, if the matter is not union business, any other non-work activity you engage in. The rules for political activity are much stricter, and you need to be very careful not to violate them. Political activity is limited to off-duty time and to off-worksites locations.

### **Off-Duty Political Activities**

You can do almost any political activity off-duty. You can volunteer to help a campaign, you can organize volunteers for a campaign, and you can manage a campaign. You can be actively involved in your political party, holding office and participating in conventions. You can give speeches and circulate petitions.

There are a few things you cannot do, on-duty or off-duty. You cannot run for partisan political office. You cannot use your official authority for political purposes. You cannot solicit or accept financial contributions from anyone, except contributions to TEPAC. TEPAC contributions may only be solicited from NTEU members and may not be solicited from subordinates. You can be indirectly involved in soliciting contributions, as long as you are not personally identified with the fundraising. For example, you can stuff envelopes asking for money, but you cannot make phone calls as part of a phone bank soliciting campaign contributions.

### **On-Duty Political Activity**

As a general rule, political activity on-duty is prohibited. This means that you cannot do political work on work time, on union time, or inside a federal building. If your agency occupies leased space, you can do political work in other non-federal parts of the building.

### **Fundraising for TEPAC**

Fundraising for union political committees is specifically allowed by law. This means that TEPAC is a great opportunity for you to help employees use their dollars to increase their voice in the political process. Now, giving to TEPAC is easier than ever, because employees can make their contributions automatically through payroll deductions. The process is explained in the attached fact sheet.

There is one restriction to keep in mind. You cannot solicit or receive TEPAC contributions from employees who are not members of the union. Non-members may give to TEPAC, but they must make unsolicited contributions. Employees may not physically accept a TEPAC contribution from a non-member. Non-members may send contributions by mail to NTEU National Headquarters or place them in the Chapter's mailbox. Employees may forward a received contribution to the National Office.

### **Getting the Message Out**

The restriction on political activity on site means that you will need to be creative in rounding up participants and volunteers for political events. Remember, employees have different skills and people who are not interested in other union duties may love political work.

- Generally announce that there are political opportunities when you hold non-political legislative events. Direct employees who want details to the legislative coordinator.
- Pass out leaflets on the public sidewalks outside the building to entering employees.
- Mail flyers and other material to your members at home.
- Build a phone tree to activate a group of volunteers for on the spot political duty.