

U.S. Department of Energy

Washington, D.C.

ORDER

DOE 3733.1

7-5-84

SUBJECT: EMPLOYEE PARTICIPATION IN POLITICAL ACTIVITIES

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1. PURPOSE. To advise Department of Energy (DOE) employees of the legal restrictions on their participation in political activities.
 2. COVERED EMPLOYEES.
 - a. Title 5, United States Code, chapter 73, Subchapter III, "Political Activities" (commonly known as the "Hatch Act"), and Title 5, Code of Federal Regulations, part 733, prohibit certain political activities of Federal employees (other than the head or the assistant head of an executive or military department, persons appointed by the President by and with the advice and consent of the Senate who determine policies to be pursued by the United States in its relations with foreign powers or in the nationwide administration of Federal laws, or employees paid from the appropriation for the office of the President). These provisions apply to all full-time and part-time employees in the competitive and excepted services including Schedule C employees. Those who are employed on an intermittent or occasional basis, such as experts or consultants, are only covered by the restrictions for the entire 24 hours of any day of actual employment.
 - b. A Federal employee continues to be covered by the laws and regulations governing participation in political activities while on leave with pay, leave without pay, or furlough status. If lump-sum payment is made for accrued annual leave, the person involved is not subject to political activity restrictions during the period covered by the lump-sum payment. It is not permissible for an employee to take leave of absence for the purpose of working with a political candidate, committee, or organization, or for the purpose of becoming a candidate for office.
 3. GENERAL. This Order provides general guidance to DOE employees concerning political activities. Employees in the field who have counsel assigned to their organizations should address any specific questions to their field counsel; Headquarters and other field employees should address any questions to the Office of the Assistant General Counsel for Standards of Conduct, GC-45. Employees may wish to review the booklet, "Political Activity and the Federal Employee," issued by the Merit Systems Protection Board. The booklet is available at Department of Energy servicing personnel offices.

DISTRIBUTION:
All Departmental Personnel

INITIATED BY:
Assistant General Counsel for
Standards of Conduct

4. DEFINITIONS.

- a. Political Party means a national political party, a State political party, or an affiliated organization.
- b. Elections include primary, special, and general elections.
- c. Nonpartisan Election means:
 - (1) An election at which none of the candidates is to be nominated or elected as representing a political party any of whose candidates for presidential elector received votes in the last preceding election at which presidential electors were selected; or
 - (2) An election involving a question or issue which is not specifically identified with a political party, such as a constitutional amendment, referendum, approval of a municipal ordinance, or any question or issue of a similar character.
- d. Partisan, when used as an adjective, refers to a political party.

5. PERMISSIBLE ACTIVITIES. Each employee has the right to:

- a. Register and vote in any election;
- b. Express his or her opinion as an individual privately and publicly on political subjects and candidates;
- c. Display or wear a political sticker, badge, or button;
- d. Participate in the nonpartisan activities of a civic, community, social, labor, professional, or similar organization;
- e. Be a member of a political party or other political organization and participate in its activities to the extent consistent with law;
- f. Attend a political convention, rally, fund-raising function, or other political " gathering " gathering;
- g. Sign a political petition as an individual ;
- h. Make a financial contribution to a political party or organization (other than contributions to the employer or employing authority of the contributor);
- i. Take an active part, as an independent candidate, or in support of an independent candidate, in a partisan election, when in accordance with paragraph 7, below.

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- j. Take an active part, as a candidate or in support of a candidate, in a nonpartisan election;
 - k. Be politically active in connection with a question not specifically identified with a political party, such as a constitutional amendment, referendum, approval of a municipal ordinance, or any other question or issue of a similar character;
 - l. Serve as an election judge or clerk or in a similar position to perform nonpartisan duties as prescribed by State or local law; and
 - m. Otherwise participate fully in public affairs, consistent with law, in a manner which does not materially compromise the efficiency or integrity of the employee or the agency.
6. PROHIBITED ACTIVITIES.
- a. An employee may not use his or her official authority or influence to interfere with or affect the result of an election.
 - b. An employee may not take an active part in political management or in a political campaign except as described above. Prohibited activities include but are not limited to:
 - (1) Serving as an officer of a political party, a member of a national, State, or local committee of a political party, an officer or member of a committee of a partisan political club, or being a candidate for any of these positions;
 - (2) Organizing or reorganizing a political party organization or political club;
 - (3) Directly or indirectly soliciting, receiving, collecting, handling, disbursing, or accounting for assessments, contributions, or other funds for a partisan political purpose;
 - (4) Organizing, selling tickets to, promoting, or actively participating in a fund-raising activity of a candidate in a partisan election or of a political party or political club;
 - (5) Taking an active part in managing the political campaign of a candidate for public office in a partisan election or a candidate for political party office;
 - (6) Becoming a candidate for, or campaigning for, an elective public office in a partisan election;
 - (7) Soliciting votes in support of, or in opposition to, a candidate for public office in a partisan election or a candidate for political party office;

- (8) Acting as a recorder, watcher, challenger, or similar officer at the polls on behalf of a political party or a candidate in a partisan election;
 - (9) Driving voters to the polls on behalf of a political party or a candidate in a partisan election;
 - (10) Endorsing or opposing a candidate for public office in a partisan election, or a candidate for political party office, in a political advertisement, a broadcast, campaign literature, or similar material;
 - (11) Serving as a delegate, alternate, or proxy to a political party convention;
 - (12) Addressing a convention, caucus, rally, or similar gathering of a political party in support of, or in opposition to, a partisan candidate for public office or political party office; and
 - (13) Initiating or circulating a partisan nominating petition.
- c. An employee is accountable for political activity by another person acting as the employee's agent or under the employee's direction or control if the employee is thus accomplishing indirectly what may not lawfully be done directly and openly.

7. EXCEPTIONS FOR CERTAIN MUNICIPALITIES OR POLITICAL SUBDIVISIONS. Employees who reside in certain municipalities or political subdivisions designated by the Office of Personnel Management (OPM) may take an active part in political management and political campaigns in connection with partisan elections for local offices of the municipality or political subdivision itself, subject to the following limitations:

- a. Participation in politics shall be as an independent candidate or on behalf of, or in opposition to, an independent candidate.
- b. Candidacy for, or service in, an elective office shall not result in neglect of, or interference with, the performance of the duties of the employee, or create a conflict-of-interest or appearance of conflict-of-interest.
- c. The designated communities are:
 - (1) Maryland. Annapolis, Anne Arundel County, Berwyn Heights, Bethesda, Bladensburg, Bowie, Brentwood, Capitol Heights, Cheverly, Chevy Chase, sections 1 and 2, Chevy Chase, section 3, Chevy Chase, section 4, Martin's Additions 1, 2, 3, and 4 to Chevy Chase, Chevy Chase View, College Park, Cottage City, District

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Heights, Edmonston, Fairmont Heights, Forest Heights, Garrett Park, Glenarden, Glen Echo, Greenbelt, Howard County, Hyattsville, Kensington, Landover Hills, Montgomery County, Morningside, Mount Rainier, New Carrollton, North Beach, North Brentwood, North Chevy Chase, Northwest Park, Prince Georges County, Riverdale, Rockville, Seat Pleasant, Somerset, Takoma Park, University Park, and Washington Grove.

- (2) Virginia. Alexandria, Arlington County, Clifton, Fairfax County, Town of Fairfax, Falls Church, Herndon, Loudoun County, Manassas, Manassas Park, Portsmouth, Prince William County, Stafford County, and Vienna. (According to OPM, the City of Fairfax is also treated as a designated community.)
- (3) Other Municipalities. Anchorage, Alaska; Benicia, California; Bremerton, Washington; Centerville, Georgia; Crane, Indiana; District of Columbia; Elmer City, Washington; Huachuca City, Arizona; New Johnsonville, Tennessee; Norris, Tennessee; Port Orchard, Washington; Sierra Vista, Arizona; and Warner Robins, Georgia.

8. PROHIBITED CRIMINAL ACTS. Employees should also be aware that the following acts, among others, by Federal employees are crimes under Title 18, United States Code: soliciting political contributions from Federal employees; intimidation of Federal employees to secure political contributions; promise of employment or other benefit as compensation for political activity; and contributing to an election campaign if the person receiving such contribution is the employer or employing authority of the contributor. Further information concerning these prohibitions may be obtained from the Office of the Assistant General Counsel for Standards of Conduct. Employees are cautioned that violation of the rules and regulations on prohibited political activities may be cause for disciplinary measures, up to and including removal from the Federal service.

BY ORDER OF THE SECRETARY OF ENERGY:



WILLIAM S. HEFFELFINGER
Director of Administration

