



U.S. Office of Special Counsel
1730 M Street, N.W., Suite 218
Washington, D.C. 20036-4505

OSC Updates Hatch Act Guidance for Social Media

FOR IMMEDIATE RELEASE

CONTACT: Nick Schwellenbach, (202) 254-3631; nschwellenbach@osc.gov

WASHINGTON, D.C./November 12, 2015 –

In advance of the upcoming presidential election year, the U.S. Office of Special Counsel (OSC) has revised its guidance regarding the Hatch Act and federal employee use of social media and email. The guidance is in an online [Frequently Asked Questions](#) (FAQs) format and was last issued in April 2012.

The Hatch Act limits certain political activities of federal employees. Under the Hatch Act, “political activity” refers to any activity directed at the success or failure of a political party or partisan political group (collectively referred to as “partisan groups”), or candidate in a partisan race. Given the unique challenges social media poses to federal employees, OSC crafted guidance to help federal employees understand what is and is not allowed under the Hatch Act. Generally, federal employees can avoid violating the Hatch Act if they (1) do not engage in political activity while on duty or in the workplace; (2) do not engage in political activity in an official capacity at any time; and (3) do not solicit or receive political contributions at any time.

OSC has streamlined the text of its FAQs to be shorter, clearer, and more accessible to federal employees.

While most of OSC’s advice remains the same, there are some notable changes and new issues contained in the revised guidance. For example:

- Federal employees may display campaign logos or candidate photographs as their cover or header photo situated at the top of their social media profiles on their personal Facebook or Twitter accounts.
- Federal employees may display campaign logos or candidate photographs as their profile pictures on their personal Facebook or Twitter accounts. However, because a profile picture accompanies most actions on social media, employees would not be permitted, while on duty or in the workplace, to post, “share,” “tweet,” or “retweet” any items on Facebook or Twitter, since each such action would show their support for a partisan group or candidate in a partisan race, even if the content of the action is not about those entities.
- “Further restricted employees”—similar to all federal employees—may “like” a social media post from a partisan group or candidate in a partisan race and may comment on such an entity’s social media pages when not at work. Note: No federal employee may “like” a post soliciting for partisan political contributions at any time. Most further restricted employees work in law enforcement and intelligence agencies.

OSC also has issued brief [guidance](#) on the Hatch Act implications of federal agencies’ use of official social media accounts.

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.