

POLITICAL ACTIVITY

And the State and Local Employee

Subject to Provisions of the Hatch Act

The federal **Hatch Act** (5 U.S.C., Chapter 15 – Political Activity of Certain State and Local Employees) restricts the political activity of individuals principally employed by State or local agencies who work in connection with programs financed in whole or in part by federal loans or grants, regardless of the source of salary or merit system coverage. State and local employees subject to political activity laws continue to be covered while on annual or sick leave, leave without pay, administrative leave, or furlough.

PERMITTED ACTIVITIES

- **May** be a candidate for public office in a nonpartisan election
- **May** campaign for and hold elective office in political clubs and organizations
- **May** actively campaign for candidates for public office in partisan and nonpartisan elections
- **May** contribute money to political organizations or attend political fundraising functions
- **May** participate in any activity not specifically prohibited by law or regulation

PROHIBITED ACTIVITIES

- **May Not** be a candidate for public office in a partisan election
- **May Not** use official authority or influence for the purpose of interfering with or affecting the results of an election or a nomination for office
- **May Not** directly or indirectly coerce contributions from subordinates in support of a political party or candidate

ADDITIONAL LIMITATIONS

Committee Treasurers, Treasurers and Financial Agents (W. Va. Code § 3-8-3, § 3-8-4)

Solicitation of Political Contributions, Coercion of Employees, Promise of Employment (W. Va. Code § 3-8-12)

Division of Highways Employees (W. Va. Code § 17-2A-5)

Political Activities Prohibited - Classified State Employees (W. Va. Code § 29-6-20)

PENALTIES FOR VIOLATING THE HATCH ACT

If the U. S. Merit Systems Protection Board finds that the violation warrants dismissal from employment, the employing agency must either remove the employee or forfeit a portion of the federal assistance equal to two years salary of the employee.

If the Board finds the violation does not warrant the employee's removal, no penalty is imposed.

For clarification or additional information concerning political activities of State employees, contact:

West Virginia Division of Personnel, Employee Relations Section

Telephone 304/558-3950, Extension 57209

<http://www.state.wv.us/admin/personnel/emprel/>

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