

ETHICS SHUTDOWN FAQ

HATCH ACT – PERSONAL SOCIAL MEDIA (LESSER-RESTRICTED EMPLOYEES)

Even though EPA is shut down, employees are still subject to all of the ethics laws and regulations, including the Hatch Act, which governs the *political activity* of employees *even in your personal capacity*.

The following prohibitions apply to all employees, all the time. You can never ever:

- Fundraise for a partisan candidate or political party
- Run for partisan election
- Use your EPA affiliation or title in connection with political activity
- Engage in political activity in the federal workplace ever, including telework locations (during the telework day)
- Coerce subordinates to engage in political activity
- Solicit or discourage political activity of anyone with business before EPA

Political Activity

Any activity directed at the success or failure of a candidate for partisan election, a political party or political group.

Lesser-Restricted Employees

These FAQs apply to career employees who are GS, SL/ST, ALJ, Title 42, and also to political appointees who are Schedule C or non-career SES. The answers also apply to AD appointees. The answers DO NOT apply to Presidential Appointees, Public Health Service officers, or to career SES.

If I list my official title on my personal Facebook profile page, may I fill in the field provided for "political views" on the Facebook profile?

Answer: Yes, you can identify the political party that you support on your profile. Doing that, without more, is not "political activity" (defined as activity directed toward the success or failure of a political party, partisan candidate, or partisan political group).

May I display a political party logo, campaign logo, or candidate photo as my header photo on Facebook?

Answer: Yes, you can display a political party logo, campaign logo, or candidate photo as your header photo on Facebook. This display, featured at the top of your Facebook profile page, is not improper political activity.

May I display a political party logo, campaign logo, or candidate photo as my profile picture on Facebook or Twitter?

***Answer:** Yes, but you cannot post, share, tweet, or retweet anything on Facebook or Twitter while you are on duty or in the federal workplace. Since your profile picture accompanies your activity on social media, each post, share, tweet, or retweet would show your support for a partisan group or candidate, even if the content is not specifically about those entities.*

May I advocate for or against a political party, partisan political group, or candidate for partisan public office on my personal Facebook pages or on the pages of others?

***Answer:** Yes, so long as you don't veer into activity that is expressly prohibited. For example, federal employees are prohibited at all times – 24/7 – from fundraising for a partisan candidate, group or campaign. You can't ever engage in political activity on government time or premises, or while using official title or position. Don't ask or encourage readers to make partisan political contributions and don't post a link to the contribution page of any of the websites for those groups or individuals.*

If I am "friends" with any of my subordinate employees, can I advocate for or against a political party, partisan political group, or candidate for partisan public office on my personal or their Facebook pages?

***Answer:** Please be careful. It's okay if your statements are directed to all of your Facebook "friends," e.g., if you posted your opinion concerning a candidate in your Facebook "status" field. BUT you would be violating the Hatch Act if you specifically directed comments to your subordinates or to a subset of friends that includes subordinates by sending a Facebook "message." That's purposefully targeting subordinates with the message, as opposed to the open posting in which subordinates see your opinions by chance. By the way, never send an email to your subordinates that's directed at the success or failure of a political party, partisan political group, or partisan candidate. Be particularly careful about editorials, newspaper articles or political cartoons. It's possible that the Office of Special Counsel might view those e-mails as ones that purposefully target subordinates, and thus conclude they are an improper use of your official authority or influence to affect the result of an election.*

May I post a link to the website of a political party, partisan candidate, or partisan political group on my personal or another's Facebook page or blog?

***Answer:** Yes, provided you do this on your own time and location. Don't provide a link that leads directly to the page of the website where readers can contribute money to the party, group, or candidate.*

What should I do if one of my Facebook friends posts a comment on my personal Facebook page that solicits partisan political contributions or posts a link to the contribution page?

***Answer:** Well, we recognize that you're not responsible for the acts of a third-party, even if that person's actions appear on your Facebook pages. If your "friend" posts a link to the partisan political contribution page, then you don't need to do anything to remove it. BUT you can't "like" the comment or otherwise post any comments that would tend to encourage (or discourage) other readers to donate. We encourage you to remove that post from your page.*

May I become a "friend" or "fan" of, or "like," the Facebook page of a political party, partisan political group, or partisan candidate?

***Answer:** Yes, but subject to the usual limitations. During duty hours or while in the federal workplace, don't suggest that others "like," "friend," or become a "fan" of the party, group, or candidate, accept an invitation to a partisan political event, or forward the invitation to others. Don't forget that you can never solicit, accept, or receive political contributions at any time. So if you receive an invitation from the party, group, or candidate to a fundraising event via Facebook or Twitter, you are always prohibited from sharing that invitation with others.*

May I use an alias to create a Facebook page or Twitter account and be a "fan" of, "like," or "follow" a political party, partisan political group, or partisan candidate?

***Answer:** Yes, but you are still subject to the Hatch Act even when you act under an alias. But, really, would you do that? Please say no.*

May I create a Facebook or Twitter page in my official capacity and advocate for or against a political party, partisan political group, or partisan candidate on the page?

***Answer:** NO. Any page created in your official capacity or used for official purposes must be limited to official business matters and must remain politically neutral and used only to share information about the agency's official business. Official pages cannot be linked to partisan political websites nor include any articles or commentary about an EPA official's speech or attendance at a partisan political event.*

Can I write a blog on which I express support or opposition to partisan political candidates and political parties?

***Answer:** Never on federal time or ever on federal property, no matter what time of day or night. Don't ever use your official title or status to bolster your blog opinions concerning political parties, partisan candidates or groups. Never suggest or ask readers to make partisan political contributions. Don't ever post links to the contribution pages of any partisan entity, even on your own personal blogs or posts.*