



DIRECTIVE

Subject: HATCH ACT PROGRAM

Number: D-6xx

Approved:
xx/xx/2017

Review: xx/xx/2022

Certified:

Responsible Office: Office of the General Counsel

1. **PURPOSE.** To establish a program to ensure that Defense Nuclear Facilities Safety Board (Board) employees have access to information to assist them in complying with the provisions of the Hatch Act.
2. **CANCELLATION.** None.
3. **APPLICABILITY.** This Directive applies to all Board employees and contractor employees.
4. **EXEMPTIONS.** None.
5. **POLICY.** It is the policy of the Board to ensure that all employees are aware of and follow established laws and regulations concerning political activities.
6. **REQUIREMENTS.**
 - A. The Hatch Act and the Standards of Conduct for Employees of the Executive Branch govern the involvement of Federal employees in political activities. Federal employees' activities are limited in partisan elections, which are elections in which candidates run as representatives of political parties. Federal employees' nonpartisan activities are not as limited. In either case, these activities must be on the employee's own time with no use of their title or position or government resources.
 - B. Board employees will be provided with Hatch Act and Standards of Conduct training annually. This Directive provides general information on Hatch Act compliance. Board employees are encouraged to seek clarification from the Office of the General Counsel (OGC) regarding any specific questions they may have.
 - C. **Board Employees:** Board employees are permitted to participate on their own time in nonpartisan activities. Board employees also are permitted to participate on their own time in partisan political activities, except as noted below. Appendix 1 is provided as a non-exhaustive list of activities and related restrictions.

- D. Board employees are not allowed to engage in any partisan political activity:
- i. While on official duty;
 - ii. In any Government office or building; or
 - iii. While using a Government vehicle or wearing a Government uniform or official insignia.
- E. Board employees are not allowed to:
- i. Run for a partisan political office.
 - ii. Solicit or receive funds for a partisan election.
 - iii. Wear a partisan political button, insignia, or any clothing that bears the name, picture, or slogan of a candidate for a partisan office or political party while on Government property, on official duty, or while wearing a Government uniform or insignia.
 - iv. Display any partisan political material on Government property, including their own offices or bulletin boards. "Political material" includes, but is not limited to, items such as posters or pictures. An employee may place a political bumper sticker on a personal vehicle and park that vehicle in a Government garage or lot.
 - v. Send or forward partisan political e-mails or materials or solicit political contributions from a Government computer or facility or while on duty.
 - vi. Use any Government resources, such as telephone, copiers, faxes, or other property, for partisan political purposes.
- F. Members of the Senior Executive Service: SES personnel (who also are considered to be further restricted employees) are prohibited from engaging in partisan political campaigns or partisan political management.
- G. Board Members: Board members may engage in political activity while on duty or on Board property if the costs associated with that political activity are not paid for by money derived from the Treasury of the United States.
- H. Contractor Employees: Persons retained to perform services on a fee basis who take no oath of office are not subject to the political activity restrictions. However, these persons, such as contractors, cannot engage in political activities while on Government property or while they are performing services for the Government.

7. RESPONSIBILITIES.**A. Chairman:**

- i. Ensures Board employees are informed about permitted and prohibited activities.

B. Inspector General:

- i. Investigates any case of alleged violations of political activity laws or regulations.
- ii. Reports findings to the Office of Special Counsel (OSC), which determines whether a violation has been committed and takes appropriate action.

C. General Counsel:

- i. Advises the agency on the laws and regulations concerning political activity.
- ii. Provides liaison with OSC and the Department of Justice, as required, on application of the laws and regulations concerning prohibited political activity.
- iii. Ensures training regarding the Hatch Act is conducted annually.
- iv. Ensures any additional training that may be required by OSC is conducted.
- v. Ensures information regarding the Hatch Act is available to employees as part of the OGC webpage.

D. Designated Agency Ethics Official (DAEO):

- i. Advises Board employees on the laws and regulations concerning political activity.
- ii. Conducts training on the Hatch Act annually.
- iii. Ensures reminders regarding Hatch Act responsibilities are provided to Board employees at least twice per year and upon distribution of any important changes or guidance by OSC or the Office of Government Ethics.

- iv. Maintains training records regarding any Hatch Act training.
- v. Identifies and provides materials regarding the Hatch Act to OGM for posting on the OGC webpage.

E. Board Employees:

- i. Participate in annual training and seek additional guidance when needed.
- ii. Report any allegations or indications of prohibited political activity by Board employees to the Office of the Inspector General.

8. CONTROLS AND MEASURES.

The Office of the General Counsel will ensure this program complies with applicable laws, federal regulations, Executive Orders, and Board policies.

9. RECORDS.

- A. Place: Hatch Act training records and employee counseling records are maintained in OGC by the DAEO as part of the ethics and financial disclosure training files.
- B. Retention and disposal: Hatch Act training records shall be maintained for a period of six years unless needed for an ongoing investigation. Hatch Act employee counseling records shall be maintained for a period of three years unless needed for an ongoing investigation.

10. REFERENCES.

- A. 5 U.S.C. § 2302, *Prohibited Personnel Practices*.
- B. 5 U.S.C. Chapter 73, Subchapter III, *Political Activities*.
- C. 5 C.F.R. Part 733, *Political Activity—Federal Employees Residing in Designated Localities*.
- D. 5 C.F.R. Part 734, *Political Activities of Federal Employees*.
- E. 5 C.F.R. Part 2635, *Standards of Ethical Conduct for Employees of the Executive Branch*.
- F. 18 U.S.C. Chapter 29, *Elections and Political Activities*.

11. DEFINITIONS.

- A. Employee: A Board employee, a Board member, or an employee of another government agency assigned or detailed to the Board.
- B. On Duty: The time period when an employee is either: (1) In a pay status other than paid leave, compensatory time off, credit hours, time off as an incentive award, or excused or authorized absence (including leave without pay); or (2) Representing any agency or instrumentality of the United States Government or any agency or instrumentality of the District of Columbia Government in an official capacity.
- C. Political Activity: Any activity directed toward the success or failure of a political party, candidate for partisan political office, or partisan political group.

12. CONTACT. Address questions concerning this Directive to the General Counsel.

Joyce L. Connery
Chairman

APPENDIX A

Political Activities and Federal Employees

Political activity means an activity “directed toward the success or failure of a political party, a candidate for partisan political office, or a partisan political group.”

Type of Activity	PAS*	GS and DN Employees	Career SES*
Personal			
Express support for or opposition to a political candidate when off duty	Yes	Yes	Yes
Run as a partisan candidate for nomination or office in a partisan election	No	No	No
Wear a political button/t-shirt/sign/item while on duty or in a federal facility	No	No	No
Solicit and accept contributions for your campaign in a non-partisan election	Yes	Yes	Yes
Join political clubs or parties	Yes	Yes	Yes
Hold office in a political club or party	Yes	Yes	No
Work a phone bank asking individuals to volunteer	Yes	Yes	No
Campaign on behalf of a candidate in a partisan election	Yes	Yes	No
Be active on behalf of a candidate at political rallies or meetings	Yes	Yes	No
Attend political rallies and meetings	Yes	Yes	Yes
Contribute money to political organizations	Yes	Yes	Yes
Assist in voter registration drives	Yes	Yes	Yes ¹
Register and vote	Yes	Yes	Yes
Sign a nominating petition	Yes	Yes	Yes
Distribute campaign material in a partisan election	Yes	Yes	No
Work as an election judge, poll watcher, clerical worker on election day	Yes	Yes	Yes ²
Drive people to polling station on behalf of a campaign	Yes	Yes	No
Affecting Official Resources			
Use office time for political activity	Yes	No	No
Use official space for political activity in general	Yes	No	No
Fundraising			
Attend a political fundraiser	Yes	Yes	Yes
Solicit, accept or receive political contributions in general	No	No	No
Solicit or receive a political contribution on government premises	No	No	No
Plan or organize a political fundraiser when off duty	Yes	Yes	No
Sponsor, host, or allow your name as sponsor/host for a political fundraiser	No	No	No
Serve drinks or check coats at a political fundraiser	Yes	Yes	No
Speak at a partisan fundraiser without appealing for money	Yes	Yes	No
Allow only your name to be listed as speaker on fundraising invitation	Yes	Yes	No

*PAS = Presidential appointees requiring Senate confirmation (Board Members); SES = Senior Executive Service

Questions? Please contact the DNFSB Ethics Office at 202-694-7073.

¹ SES personnel may assist in non-partisan voter registration drives only.

² SES personnel may not act as a recorder, watcher, challenger, or similar officer at polling places *in consultation or coordination with a political party, partisan political group, or a candidate for partisan political office.*

AFFIRMATION OF BOARD VOTING RECORD

SUBJECT: Hatch Act Program

Doc Control#2017-300-011

The Board, with Board Member(s) Joyce L. Connery, Jessie H. Roberson, Sean Sullivan, Daniel J. Santos, Bruce Hamilton *approving*, Board Member(s) none *disapproving*, Board Member(s) none *abstaining*, and Board Member(s) none *recusing*, have voted to approve the above document on January 25, 2017.

The votes were recorded as:

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIPATING*	COMMENT	DATE
Joyce L. Connery	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	01/23/17
Jessie H. Roberson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	01/24/17
Sean Sullivan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	01/23/17
Daniel J. Santos	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	01/25/17
Bruce Hamilton	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	01/23/17

*Reason for Not Participating:

This Record contains a summary of voting on this matter together with the individual vote sheets, views and comments of the Board Members.


Assistant Executive Secretary to the Board

Attachments:

1. Voting Summary
2. Board Member Vote Sheets

cc: Board Members
OGC
OGM Records Officer
OTD

**DEFENSE NUCLEAR FACILITIES SAFETY BOARD
NOTATIONAL VOTE RESPONSE SHEET**

FROM: Joyce L. Connery

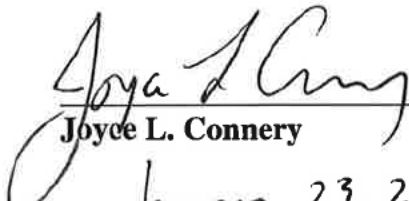
SUBJECT: Hatch Act Program

Doc Control #2017-300-011

Approved **Disapproved** **Abstain**

Recusal - Not Participating

COMMENTS: **Below** **Attached** **None**



Joyce L. Connery
Date January 23, 2017

**DEFENSE NUCLEAR FACILITIES SAFETY BOARD
NOTATIONAL VOTE RESPONSE SHEET**

FROM: Jessie H. Roberson

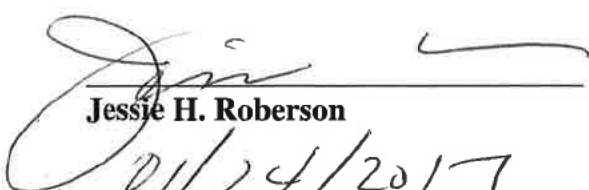
SUBJECT: Hatch Act Program

Doc Control#2017-300-011

Approved **Disapproved** **Abstain**

Recusal - Not Participating

COMMENTS: **Below** **Attached** **None**



Jessie H. Roberson
01/24/2017

Date

**DEFENSE NUCLEAR FACILITIES SAFETY BOARD
NOTATIONAL VOTE RESPONSE SHEET**

FROM: Sean Sullivan

SUBJECT: Hatch Act Program

Doc Control#2017-300-011

Approved **Disapproved** **Abstain**
Recusal - Not Participating

COMMENTS: **Below** **Attached** **None**



Sean Sullivan

 1/23/17
Date

Shelby Qualls

From: Daniel J. Santos
Sent: Wednesday, January 25, 2017 8:44 AM
To: Shelby Qualls; Cameron Shelton
Subject: RE: Notational Vote: Doc#2017-300-011, Hatch Act Program - BLUE FOLDER

Approved without comments.

From: Shelby Qualls
Sent: Monday, January 23, 2017 2:25 PM
To: Bruce Hamilton <[REDACTED]>; Daniel J. Santos <[REDACTED]>; Jessie Roberson <[REDACTED]>; Joyce Connery <[REDACTED]>; Sean Sullivan <[REDACTED]>
Cc: James Biggins <[REDACTED]>; Katherine Herrera <[REDACTED]>; Cameron Shelton <[REDACTED]>; Nora Khalil <[REDACTED]>; Shelby Qualls <[REDACTED]>
Subject: Notational Vote: Doc#2017-300-011, Hatch Act Program - BLUE FOLDER

This email is an electronic record of Notational Vote. Voting ballot will follow shortly. Also, accepting electronic votes.

**DEFENSE NUCLEAR FACILITIES SAFETY BOARD
NOTATIONAL VOTE RESPONSE SHEET**

FROM: Members of the Board
SUBJECT: Hatch Act Program

DOC#2017-300-011

Approved _____
Disapproved _____
Abstain _____
Recusal – Not Participating _____

COMMENTS:

Below _____
Attached _____
None _____

Shelby Qualls
Assistant Executive Secretary
Office of the Chairman

**DEFENSE NUCLEAR FACILITIES SAFETY BOARD
NOTATIONAL VOTE RESPONSE SHEET**

FROM: Bruce Hamilton

SUBJECT: Hatch Act Program

Doc Control#2017-300-011

Approved X Disapproved Abstain

Recusal – Not Participating

COMMENTS: Below Attached None X



Bruce Hamilton

23 JAN 2017
Date