

# ETHICS SHUTDOWN FAQ

## HATCH ACT – PERSONAL SOCIAL MEDIA (FURTHER-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.

### Further-Restricted Employees

These FAQs apply *only* to career SES employees, Administrative Law Judges, and Public Health Service officers. The answers DO NOT apply to Presidential Appointees; career employees who are GS, SL/ST, Title 42; AD appointees; or political appointees who are Schedule C or non-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, even though you are further restricted, 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 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. 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.

*You may express your own opinions about a partisan group or candidate on Facebook, but you may never take part in political activity via Facebook. This means that while off duty and away from the workplace, you can post on Facebook your opinion about a political candidate, “share” a friend’s endorsement of a political party, or “like” a candidate’s Facebook page. But be careful. You may never post or link to material on Facebook from a political party, partisan political group, or candidate for partisan public office. You also should never share Facebook pages or contents of Facebook pages from these sources. In other words, you can express your own opinion but can’t “share” a post from a campaign Facebook page or retweet a message from a political party.*

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

***Answer:** Be very careful. You can display a logo or photo on Facebook only if the material is not from a political party, partisan political group, or candidate for partisan public office. You may never display a logo or photo on Facebook from a political party, group, or candidate.*

**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. In addition, you may display a logo or photo on Facebook only if it is not from a political party, partisan political group, or candidate for partisan public office. You may never display a logo or photo on Facebook from a political party, group, or candidate.*

**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: NO, even if you do this on your own time and off federal premises. 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. Never post or link to material on Facebook from a political party, partisan candidate, or partisan political group. Don't ever share Facebook pages or their contents from these sources.*

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, do not "like," "friend," or become a "fan" of the party, group, or candidate, or accept an invitation to a partisan political event. You should never forward an invitation to a partisan political event 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. You are also prohibited from posting or linking to any material from a political party, partisan political group, or partisan candidate. You may never share Facebook pages or their contents from these sources or retweet posts from their Twitter accounts.*

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.*

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. Never post a comment in concert with a partisan political party, candidate for partisan political office, or a partisan political group.

**Can I express my individual opinion on political subjects via social media?**

*Answer:* Yes, you can express your opinions publicly via social media, provided you don't violate the other prohibitions.

**Can I be politically active in connection with a question that is not specifically identified with a political party?**

*Answer:* Yes, you may be politically active 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 similar character.

**Can I participate fully in public affairs?**

*Answer:* Yes, provided you don't violate the other provisions. Your participation in public affairs may not compromise your efficiency or integrity as an employee nor the neutrality, efficiency, or integrity of EPA.