

HR Weekly Podcast

05-14-2014

Today is May 14, 2014, and welcome to the HR Weekly Podcast from the State Human Resources Division. This week's topic concerns the issuance of a final federal rule to implement the 2012 Hatch Act Modernization Act.

Enacted in 1939, the Hatch Act curbed the political activities of employees in federal, state, and local governments. The United States Congress enacted the Hatch Act Modernization Act of 2012, which was the first amendment to the Hatch Act in over twenty years since 1993. Prior to this most recent amendment, federal, state, and local government employees were prohibited from running for partisan office if they worked in connection with programs financed in whole or in part by federal loans or grants.

On May 5, 2014, the federal Office of Personnel Management, or OPM, issued a final rule in the Federal Register to implement the Hatch Act Modernization Act of 2012. The new OPM rule reflects policies that took effect in early 2013 under the 2012 Hatch Act Modernization Act. Under the former Hatch Act, all non-federal government employees working on projects that received any federal funds were barred from seeking an elected office, even if the federal funds comprised only a small percentage of their pay. The change covers those who work in programs financed in part or in whole by federal funds and allows most state and local employees to seek partisan elected office. Employees whose salaries are paid entirely through federal grants or loans are, however, still barred from running for elected office. In addition, the new OPM rule allows more discretion in disciplining employees who are in violation of the Hatch Act. Previously, the penalty for a Hatch Act violation was removal of the employee from employment unless the Merit Systems Protection Board imposed a penalty of not less than a 30-day suspension without pay with a unanimous vote. The 2012 Act modified the penalties under the Hatch Act to allow for a broader range of disciplinary actions in addition to removal for federal employees.

The new OPM Hatch Act rule goes into effect on June 4, 2014. If you have questions about this topic, please contact your HR consultant at 803-896-5300. Thank you.