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From: Adobe Connect Notifications <admin@adobeconnect.com>
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To: Warburton, Cole E. (Victor 12 Inc.), VBASPT
Subject: [EXTERNAL] Adobe Connect - HR Monthly CoP September Closed Captions from HR Community of Practice

>> Welcome to this month's HR community of practice on the hah. This class is relevant today. We have.

» Thank you, Kevin. Good afternoon everybody. My name is mark James. I'm a Deputy Chief Counsel for the Ethics Special Team. We do the government's ethics conflicts of interests. We have been getting questions about the Hatch Act since the spring when we had questions about primary elections and folks coming to visit VA facilities and things like that. It is something that we all have to be conscious of because of our positions as federal employees. Let me do a quick runover of what we are going to do here. I'll give you an overview of the Hatch Act. Then we'll talk about social media and probably the most important thing is the very last slide is contact information for my team so you will know who to contact if you have a question. Let me do just a little bit of a history lesson. The Hatch Act is named for senator Carl Hatch what was a senator from New Mexico. In the 1936 election, president Roosevelt carries 46 out of 48 States, which was the popularity of what he was doing at the time. There was also some concern that people had been politicking when they should not have been politicking and using their federal jobs to encourage other people to vote. Or some people were being offered jobs to participant. In '36 there was this election. Then in '49, Senator Carl Hatch got the Hatch Act passed that restricted federal employees participation in it doesn't mean you cannot vote or argue about politics. It doesn't mean you can't participant. It restricts where and when you can participant in political activity. Most VA employees, because general schedule or wage grade are less restricted employees. We'll go over this in a minute. What it does is to make sure the system that all the programs are in a fair and nonpartisan fashion. I'm leading a book right now about the '36 election. Right now they are talking about Huey Long. They talked about the state employees were forced to contribute two to five percent of their paychecks into the deduct box. That's unacceptable. We want to make sure everything is done on a merit basis rather than political affiliation. It keeps the system honest. It doesn't apply to the president or the Vice President. They are not above the law but they are treated differently. Let's talk about what the Hatch Act is and what it prohibits. Let's talk about what political activity is and what it is not. So, when I talk about political activity, I'm really talking about partisan political activity. That is activity that's directed at the success or failure of the partisan candidate, either the democratic party or the republican party right now because it is based on which if a party got electoral votes in the president election. The only parties that got electoral votes in the last election were democratic party and republican party. Those are the only two parties covered as partisan political. A pact is a political action committee. That's a little bit different group. They can be issue-focused. Or they can be candidate-focused. Either way, when you see something that's a political activity, a political action committee, you need to look more closely at that. That's probably going to be a partisan political activity. Let's talk about what political activity is not. It is not advocacy for a position. It is not issue-advocacy. That's what we are talking about when we talk about advocacy for a position. Things like gun control. Right now the abortion debate is right, front and center. Black lives matter, several years ago was a huge issue for us. During Black Lives Matter is not you can also advocate Hatch Act restrings you while you are on duty in duty in the workplace. It doesn't cover ballot initiatives, in Texas, where I'm located, we have a lot of constitutional amendments we vote on every election. Those are nonpartisan matters. If you are a state with initiatives and referendums, it is the same thing. You can discuss the budget. You can certainly petition Congress. If you feel the need to talk about your congressman about something, you have the right to do that. As long as it is tied to a position or an issue. And it is not partisan political activity. Say you are at the office having coffee talking about gun control and you say I'm supporting candidate X because he holds this position on gun control. Then you have gone from discussing the issue of gun control to partisan political activity because you are saying I'm voting for the candidate because of gun control. You have tied the issue to the party. Or you have tied the issue to the candidate. That's how easy it is to go from discussing an issue to discussing a candidate. Everybody's got the right to register and vote and assist in nonpartisan registration drives. You can engage in nonpartisan poll watching. Off-duty, I think you can

engage in partisan poll watching. Keep in mind, no federal employee, senior executive, which are more restricted, gs, like you and I, are less restricted. None of us can go out and ask for money. We can go to a thing where other people are asking for money and we can certainly donate. But we cannot be the people that are asking for the money. We can go to political rallies. We can go to political fudgeses day go to political functions. Certainly, you have the right to express your opinions. I think I touched on that a minute ago. One of the more concerning areas we'll touch on is social media because that is such an area that is fraught with peril. You don't think about I. You are on your cell phone texting or checking e-mails, and you are on duty, it is real easy to commit a Hatch Act violation if you are not careful. I think we talked about this. Discussing issues, legislation, things like that is not political activity. Attending an issue-based march or rally, not political activity. Unless it is tied to a partisan candidate. If you are talking about something and the discussion turns to the success or failure of the candidate, the party or the pact, then it has just become political activity. If you are not careful, you are going to violate the Hatch Act. Be conscious of what you are discussing, engage in the process, but be careful. Now, going along, I talked about several categories of employees. Let's focus on two. There are less restricted employees. And there are further restricted employees. Most employees are less restricted. Those who are presidential appointment, senate confirmed and secretary, deputy secretary, inspector general, that level of employee. Those are your less restricted. At the very highest level, they have fewer restrictions than you and I do as a less restricted employee. I'm not going to get into that. The rest of us, as restricted, we can actively participant in campaigns and campaign management, except for fundraising. As long as it is off-duty away from the federal premisis where you are not identifying yourself as a federal employee. Then you can participant in the political process to your heart's delight. SES cannot do any of that. They can vote but Whereas you and I, if we wanted to put bumper stickers on our car or something like that or put a sign in the yard, SES can't do that. They are held to a little bit higher standard. They are in a position where they are -- the seen your executives have the ability to influence a lot of people. If they say something, the hospital director says, "I think it will be good for us if Congress and so and so got elected." It is implied. Because of their senior executive status, they carried a little more weight. They shouldn't say things like that. I don't know that -- well, there are stories, yes. It has happened. One of the things they give up is the right to do that when they become a senior position. Now, let's talk about what most folks can do. That's you and me. We can circulate nominating petitions. We can work on campaigns. We can distribute literature. We can speak on behalf of a candidate. You can Serve as Adelle got or party committee. You can organize vents, rallies and things d things d things like that. Here are the restrictions that cover all employees all of the time. That comes directly out of the 1936 election and what what happens after that. You have the confirmation core, the works of progress administration, you had all the TBA and they were putting people to work at the time. Because there weren't restrictions of the Hatch Act, I suspect and I think senator hatch probably suspected folks who got the jobs under the democratic administration of president Roosevelt were being encouraged to vote for those who helped them out. helped those who helped them out. If your agency is telling you you can't do it and you have advice from government officials at your agency saying you can't do this and you do it. Well, that kind of makes the removal action pretty easy.campaign matter from former candidates as long as they are not active candidates is permissible. You can have your Trump coffee cup on your desk. Or you can have your Biden Harris campaign poster memorabilia stuff on the wall. When either one of those campaigns says I'm running for re-election, then all that stuff has to come down. That includes -- I would assume that if former President Trump decides to run again, the make America great again stuff is going to become very prominent in the campaign. Even though it is from a prior campaign. It is prohibited at the VA hospital or while you are identified as a federal employee. Beliefs, NRA, planned parenthood, those are issued-based things. You can have a life-threatening pin on or an NRA coffee cup. That's not a problem. The Reagan/bush coffee cup in '84, was prominent when I was in law school. I got out of law school in '894. Since both of those gentlemen are no longer with us and no longer campaigning, even though it is a republican-identified item, there is no problem in having that in your office or displaying it or drinking coffee out of it or whatever. Be careful about social media. Smartphones and things like that. It is like I said. It is inadvertant. You are not thinking about it. You are taking a chance if you are doing it on a break. It is hard to tell on somebody's schedule when a break is. On your social media, I check my profile when I get ready to do Hatch Act training I always go back and make sure I look at my profile on Facebook. I didn't say I'm a VA employee. I didn't say where I live. My name is on there and that's about it. In Texas, justice of the peace runs as a democrat or republican. That's a partisan political thing. While this guy was at work on the clock, he sent out a hundred invitations to attend an annual Lincoln and Reagan republican party fundraiser. He said send me a check if you want to attend. I have somebody who can get a GS15 lacks that much common sense, it just doesn't compute. This person is in a lot of trouble. Let's talk about teleworking. I touched on that. Generally, you

telework from home like I'm doing right now. I use video chat a lot with my team when I advise clients, sometimes I do video chats. Yes, good question. Question is clarification, if we work from home, are we allowed to have a political sign in our yard supporting a specific candidate? Yes. Because that's not going to be visible on the camera when you are on a work call. That's outside where phobe can see it. What you can't do is you can't have a copy of that yard sign posted on the wall behind you where it is going to show up on the camera when you are on the camera. When somebody can see you, you cannot wear campaign buttons. You cannot wear your T-shirt that says vote for Donald Trump. When president Trump is not a candidate right now you can wear that T-shirt. If president Trump says I'm now running for re-election, you cannot wear that T-shirt while you are working and on a video chat. That would be improper. No buttons, caps, posters et cetera. If you are working from home and not on a video call, have at it. Remember, watch out for Facebook and tweeting and stuff like that. It is whether you can with be identified as a federal employee on duty in a federal location or you are home for these purposes is considered on-duty. If you are working from home, for this very limited purpose, you are home at the federal location. You also cannot VA employees for. Whoever the candidate is, you can't add that. It seems the bottom line is keep yourself approve reproach during campaign season. If it is questionable by you, that just -- you hit the nail on the head. I often refer to this as the high silly season. Because people just do things that make you shake your head and say you are smarter than that. Think about what you are doing. Think about the example you are setting. If you are a leader, lead by example. Don't don't do Superintendent things. I vote for democrats. That is a not. The flag don't tread on me is nonpartisan. Miss me yet? Former p.o.? That's okay. He is no longer a candidate. The interesting one is the one on the bottom right. We talked to special counsel about that. They said the Hashtag #resist is so tied to Trump and his removal that it is advocate toward if loss of political candidate. They said that Hashtag #resist is prohibited partisan activity. Which I thought was interesting. Just on its face you without think. You look at it and it is important to consider the context and everything. And the context at the time was folks apparently trying to get rid of President Trump. That's really hard to see. Re-tweeting a post -- the post that you cannot see on the right was from somebody identified as GOP voters. It says they are useless and overpaid. We need to vote out all Dems and those posing as republicans in the 2018 elections. If you forwarded that in 2018 it worked, then you violated the Hatch Act. The one you can see is from the democrats. It says this fight isn't over. Re-tweet if you are ready to defeat everying republican who voted for this bill in 2018. If you do that at work, then you have a problem. Dick Durbin is a senator and if he asks somebody to contribute money, you should not Re-tweet that. Let's talk about office of special counsel. They are the ultimate decision makers on Hatch Act cases. We can, locally, if somebody violates the Hatch Act, it is not something that the local facility handles as a personnel matter. If it is a L.A. violation, The Office of Special Counsel has jurisdiction over it. They make the decision on whether -- they file cases directly with MSPB. MSPB has distribute jurisdiction for the Hatch Act violations and special counsel will file, on their own, an action against a VA employee, it violates the Hatch Act if it is egregious enough. Usually what happens -- and we see this regularly -- we'll refer somebody for a violation and they'll contact the employee and say okay, yeah, you violated the Hatch Act. As long as you don't do that again, if it is not serious enough, then they'll say fool me once. Shame on me. Fool me -- wait, fool me once, shame on you. Fool he twice, shame on me. Anyway, let's see. Does this apply to TM credit? I don't know what that is. Anyway, if you want to report a Hatch Act violation, you can contact my office or you can go directly to The Office of Special Counsel. The penalties are the same as if more any disciplinary action up to and including removal. Most of the time -- sometimes it can be a suspension. Sometimes there is a fine. Several people have been removed, even from VA recently. Can a federal employee run as a committee person? Yes, as long as they are not a senior executive. Seen your executives can't do that. A lesser restricted employee can run as a committee person off time and off duty, that kind of thing. If you end up going to a convention, you can go but go on annual leave. Here's some resources. There is a link to the special counsel Hatch Act familiar threat. The social media quick guide from The Office of Special Counsel is very good. We use that a lot. Our speciality -- ethics special team has a lot of information. If you have a question reach out to your local ethic specialty group. Many of you are in the southeast or the Pacific or whatever, we have attorneys that will respond to you quickly if you contact us. Don't contact attorneys directly. Work through these mailboxes. We get so many cases that sending the e-mails to these mailboxes helps us sort the cases and balance our caseloads and things like that. That's all I have. I command your attention. The Hatch Act attachment, that is the other thing. We got the Hatch Act training slides that you have. All the links in there are live links. This Hatch Act 2022 is just a little checklist-kind of a thing. It was just updated this weeks. Does anybody have any questions? I appreciate the opportunity. If you think of something you can reach out and contact me directly. That's one of the exceptions. You have my name. I'm in outlook. If you think of something, give me a shout on Teams or shoot me an e-mail and I'll get back to you. If you think of something later, reach out to a mailbox. We appreciate it.

You guys are on the front lines doing good work with helping employees keep out of trouble. We want to help you help them. So, keep us in mind and remember we are getting close to the election in November. I can't hardly wait for it to be over. Once we finish the election, it will be time to start bugging people about financial disclosure. Anyway, y'all have a good day. If you have any questions, let me know. Take care!

» Thanks, Marc. In has been a lot of information. It is valuable during this election year. Don't Get we have the PowerPoint presentation available for you to download. We will be providing TMS credit for this training. That's why we asked you to use the naming convention sign-in. That way we will know who you are and where you are located because there are a lot of job Smith's in VA. If you didn't give me your name and location, it is going to be hard for me to make sure you get your TMS credit. Once again, on behalf of capital services and human resources technical training team, thank you for your participation. We see you guys next month.

» What is your full e-mail?

» Kevin.green 2.

» You said there is a TMS credit. What would be the way to enter that into TMS?

» Go on the internet in TMS?

» What is the TMS number?

» You are not going to get it. I go through and compile roster and send it into TMS and they will log it into your account and give you credit. .

» Got it. Thank you.