Message

From: Fugh, Justina [Fugh.Justina@epa.gov]
Sent: 10/15/2020 2:37:47 PM
To: Hanson, Paige (Catherine) [hanson.catherine@epa.gov]
CC: Bloom, David [Bloom.David@epa.gov]
Subject: RE: Double Checking: Leave for Campaign Volunteering
Attachments: Flexibilities during the 2020 Election.pdf

Hi Paige,
I am SO GLAD you asked because what you heard is **wrong.** It's a violation of the Hatch Act for any person to receive admin leave to volunteer for a campaign!

What I have said, though, is that OPM has advised agencies to consider the use of administrative leave in connection with *volunteering* to work for *nonpartisan* entities (e.g., a county or state or NGO) as a poll worker or election judge for the November election. Based on that, I said to the EPA ethics officials on our monthly call earlier this week that deciding whether to grant admin leave is a decision that rests solely with a supervisor. But if a person requests administrative leave to volunteer for a nonpartisan group to work on the election, then the role of the ethics official is to do the following:

- Verify that the entity is indeed nonpartisan;
- Confirm that the employee will not be paid; and then
- If the entity is nonpartisan and the employee is volunteering only, advise the supervisor that there is no ethics objection to granting of administrative leave (but make clear that the supervisor's, not the ethics official's, decision)

If the employee will be paid, then s/he cannot be given administrative leave. If the employee is volunteering for a partisan entity, then s/he cannot be given administrative leave. If the employee is further restricted under the Hatch Act, then the employee may still volunteer for or be paid by a nonpartisan entity, but can't ever volunteer for or be paid by a *partisan* entity.

I understand that OMS intends to send the agency's guidance on this issue sometime next week, so I'm working on a companion piece to send to ethics officials to explain our role. But bottom line is that I *have not said* that people should take admin leave to volunteer for a campaign! That violates the Hatch Act since we can NEVER use federal dollars in connection with partisan activity!
Justina

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-----Original Message-----
From: Hanson, Paige (Catherine) <hanson.catherine@epa.gov>
Sent: Thursday, October 15, 2020 9:27 AM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Cc: Bloom, David <Bloom.David@epa.gov>
Subject: Double Checking: Leave for Campaign Volunteering

Hi Justina,

I hope you're doing well and staying safe.

I heard this morning you've advised people take administrative leave if volunteering on a campaign. Given that's what the agency uses for snow days, early holiday release, etc. and individuals still get paid by the EPA for that time, I wanted to double check that is in fact what you're advising and there wasn't some misunderstanding.

Thanks,
Paige