**OFFICE OF THE GENERAL COUNSEL**

**MEMORANDUM FOR US Direct Hires**

From: Timothy Noelker, General Counsel

Thru: Traci DiMartini, Chief Human Capital Officer, OHR

 David Walker, Associate Director, VRS

 Shawn Bardwell, Associate Director, OSS

Date: June 15, 2020

Subject: National Current Events – Legal Guidance and Talking Points for Staff

**Guidance on Staff Activities and Conduct - Political Activity of Peace Corps Employees**

The events of the last several weeks have prompted questions regarding the Hatch Act, ethics and other rules that apply to Peace Corps employees who want to participate in protests or otherwise express their political opinions about ongoing events. The purpose of this guidance is to answer those questions and remind employees of their obligations under the standards of conduct that apply to this situation.

The Hatch Act is the law that generally governs Government employees’ partisan political activity, which is any activity directed at the success or failure of a candidate, political party, or partisan political group. The most fundamental of the Hatch Act restrictions is the prohibition on employees engaging in partisan political activity while on duty, in a Federal room or building, wearing a uniform or official insignia, or using government resources. Employees can generally engage in partisan political activity outside the workplace and on their own time to support the candidate or cause of their choice.

The current protests do not, in and of themselves, amount to partisan political activity as defined by the Hatch Act. Peace Corps employees are permitted to engage in peaceful demonstrations while off duty, away from the Federal workplace, and without attribution to the Peace Corps. Employees may also engage in respectful, non-partisan conversations about the substance of the protests while on duty so long as those conversations are respectful and do not include statements directed at the success or failure of a candidate, political party or partisan political group.

All employees should remember that engaging in any criminal behavior, such as violating a curfew, could have an impact on their security clearance and employment status. Employees with a security clearance are required to report any arrests to the Office of Safety and Security.

If you have any questions about the application of the Hatch Act or ethics rules to your particular situation, please contact the Ethics Team at ethics@peacecorps.gov.

For HR-related questions, such as using leave to participate in a protest or the impact of arrests on suitability and future employment, please contact Employee and Labor Relations at employeerelations@peacecorps.gov.

For security clearance-related questions, please contact OSS at personnelsecurity@peacecorps.gov.

**Talking Points**

If one of my staff members or my former PCVs are upset and angry about the death of George Floyd and the ensuing protests in the United States and around the world and want to talk to me, can I discuss this with them?

If you one of your staff members or former PCVs are reaching out to you to vent or to seek reassurance, you may discuss this with them. It is recommended that you mainly be in a listening mode. You can also share your views and feelings on the subject while explaining that these are your personal views and feelings.

If one of my former Volunteers asks whether being arrested while protesting will negatively affect their ability to reinstate, what do I tell them?

You can tell them that, should they get arrested while protesting, it is important to disclose that information on any background check paperwork provided to them by the Office of Volunteer Recruitment and Selection (VRS). Please note that being arrested while protesting is not an automatic bar to reinstatement, but VRS must be informed so they can assess that information when conducting their eligibility determination.

If one of my staff members asks whether being arrested while protesting will harm their security clearance, what do I tell them?

You can tell them that, should they get arrested while protesting, they are required to notify the Peace Corps Office of Safety and Security (OSS) regardless of whether charges are filed. This does not mean that, if arrested, they will automatically lose their security clearance. OSS will conduct a review of the underlying conduct that led to the arrest to determine if there is a nexus to the staff member’s ability to serve in their position of trust or to perform their duties at Peace Corps.