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NGHI-HRO

02 March 2018

POLICY DIRECTIVE # 2018-002

SUBJECT: Hawaii National Guard (HING) Guidance on Political Activity for Federal Full Time Support Employees and AGR members

1. During the upcoming election cycle all HING Full Time personnel – military and civilian – should be aware of the various limitations that exist when it comes to participation in political activity.

2. A summary of the rules for HING civilians.

a. Participation in political activity is regulated by a number of sources: the Hatch Act (5 USC 7321-7326), implementing regulations (5 CFR 733 and 5 CFR 734), as well as DoD policy. For purposes of the Hatch Act, political activity is defined as “an activity directed toward the success or failure of a political party, candidate for partisan political office or partisan political group.” Because the application of the rules varies depending on an employee’s position or office, it is extremely important that employees who are engaging in political activity know which rules apply.

b. With regard to civilian employees, there are two sets of restrictions for three groups of employees. The first and more restrictive set of restriction applies to: (1) individuals appointed by the President and confirmed by the Senate and individuals serving in non-career SES positions; and (2) career members of the SES, contract appeals board members, and all employees of the National Security Agency (NSA), the Defense Intelligence Agency (DIA), and the National Geo-Spatial-Intelligence Agency (NSA). The second and more lenient set of restrictions applies to all other employees (including Schedule C political appointments).

c. Employees in Groups 1 and 2 are prohibited from taking an active part in partisan political management or political campaigns and are referred to as “further restricted” employees.

d. Further restricted employees are expressly prohibited from participating in political activity. Specifically, further restricted employees are prohibited from participating in political activity which is “in concert” with a political party, partisan

political group, or candidate for partisan political office. “In concert” activity is any activity that is sponsored or supported by a political party, partisan political group, or candidate for partisan political office. Prohibited activities also include soliciting or receiving political contributions. Further restricted employees may, however, express their personal opinions, make monetary contributions to a campaign, and attend, but not actively participate in, campaign events or fundraising functions sponsored by candidates for partisan political office or political parties.

e. Less restricted employees (employees in Group 3), while in their personal capacities, may volunteer with a political campaign or political organization. Examples of permitted volunteer activities include: organizing political rallies and meetings, making phone calls on behalf of a candidate, serving as a delegate to a party convention, and working for a political party to get out the vote on Election Day. These employees are, however, prohibited from soliciting or receiving political contributions.

Hatch Act Restrictions

Group 1	Group 2	Group 3
PAS	Career SES	DoD Civilian Employees
Non-career SES	Contract Appeals Board	Schedule C Appointments
	NSA	
	DIA	
	NGA	

f. Regardless of whether a civilian employee is further restricted or less restricted, he/she may never engage in political activity while on-duty or in a Federal building. Specifically, an employee may not send or forward political emails, post political messages to a Facebook account or engage in political tweeting in a Federal building (including when off-duty), even if the employee is using his/her personal smartphone, tablet, or computer. Employees should never use government equipment when engaging in political activities.

3. The primary guidance concerning political activity for military members is found in DoD Directive 1344.10 (Guidance for Military Personnel). Per longstanding DoD policy, active duty personnel may not engage in partisan political activities and all military personnel should avoid the inference that their political activities imply or appear to imply DoD sponsorship, approval, or endorsement of a political candidate, campaign, or cause. Members on active duty may not campaign for a partisan candidate, engage in partisan fundraising activities, serve as an officer of a partisan club, or speak before a partisan gathering. Active duty members may, however, express their personal opinions on political candidates and issues, make monetary contributions to a political campaign or organization, and attend political events as a spectator when not in uniform.

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4. Civilian and military personnel may generally express their personal views on public issues or political candidates via social media platforms, such as Facebook, Twitter, or personal blogs, much the same as they would be permitted to write a letter to the editor of a newspaper. If, when expressing a personal opinion, personnel are identified by a social media site as HING employees, the posting must clearly and prominently state that the views expressed are those of the individual only and not of the HING.

5. As previously noted, active duty military members and further restricted civilian employees are prohibited from participating in partisan political activity. Therefore, while these employees may “follow” “friend” or “like” a political party or candidate running for partisan office, they may not post links to, “share” or “re-tweet” comments or tweets from the Facebook page or twitter account of a political party or candidate running for partisan office. Such activity is deemed to constitute participation in political activities. Social media guidance for military members and civilian employees offer advice on how to avoid violating the rules.

6. Service members must also be careful not to comment, post, or link to material that violates the Uniform Code of Military Justice (UCMJ), Hawaii Code of Military Justice (HCMJ), or service regulation. Examples include showing contempt for public officials, releasing sensitive information, or posting unprofessional material that is prejudicial to good order and discipline under UCMJ.

7. For more information on the Hatch Act or DoD Directive 1344.10, personnel should contact the Staff Judge Advocate (SJA) office.

8. POC is the Human Resources Officer, COL Laura J. Soares at 672-1321 or email: laura.j.soares2.mil@mail.mil.

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Adjutant General