



Existing Laws, Regulations and Guidance: Employees' Public Expression of Personal Opinions

The Federal ethics rules do not prohibit Service employees from expressing their personal views on their personal time and in a personal or individual capacity. However, Federal ethics laws, regulations, the Hatch Act, and Service guidance provide some sideboards to Service employees' public expression of personal opinions in both their official and personal time. Following is a brief summary of the key laws, regulations and guidance. For more information see the [Service Ethics webpage](#), the [Department of the Interior Ethics website](#), and the [Office of Government Ethics \(OGE\) website](#).

- **Government position, title, or authority:** Federal employees may not use their Government positions, titles, or authority when signing letters or petitions, writing op-eds, or speaking in their personal capacity. This prohibition also includes the wearing of a Service uniform when speaking in a personal capacity. *For example*, employees may not use their official positions, titles, Service name, or Service contact information in personal comment letters regarding a Federal regulation. However, employees may send comment letters voicing their personal views, if they use their personal contact information (e.g. John Smith PhD, personal email, phone, etc.). Similarly, employees may not use their official Service position, title, authority or contact information when sending a letter voicing their personal views to a member of Congress. However, they may send letters to Congress voicing their personal views using their personal information. (See [5 CFR 2635.702](#), *Use of Public Office for Private Gain*.)
- **Government property:** Federal employees may not use Government property, or allow its use, for any unauthorized purpose. The term "Government property" includes real or personal property that the Government owns or leases such as: telecommunications equipment, computers, office supplies, Government mail systems; or vehicles. *For example*, a Service employee may not use his Government equipment at any time for outside fundraising, soliciting money for gifts, endorsing any product or service, participating in improper lobbying activities, or engaging in political activities. (See at [410 DM 2](#), *DOI Limited Personal Use of Government Office Equipment and Library Collections*; [5 CFR 2635.704](#), *Use of Government Property*.)
- **Government time:** Service employees must use official time to perform official duties only, unless specifically authorized. In addition, employees may not direct or request subordinates to use official time to perform any unauthorized activities. See [5 CFR 2635.705](#), *Use of Official Time*.
- **Nonpublic information:** Service employees may not use or allow the use of nonpublic Government information to further their own private interests or the private interests of others. Nonpublic information is information that is gained through Federal employment and that the employee knows or should know has not been made available to the general public. It includes information that the employee knows or reasonably should know is routinely exempt from disclosure by statute, regulations, or agency policy. It also includes information that has not been disseminated to the general public and is not authorized to be made available to the public on request. If an employee is unsure whether information is nonpublic, she should ask her supervisor. See [5 CFR 2635.703](#), *Use of Nonpublic Information*.
- **Conflicts of interest and impartiality:** The criminal conflict of interest statutes prohibit official actions by Federal employees when the action affects their own financial interests, or the financial interests of other persons imputed to the employee, including any organization for which the employee currently serves a board member or officer. In addition, Federal regulations require Service employees to act impartially when performing Government duties. [18 USC 208](#), *Acts Affecting a Personal Financial Interest*, [5 CFR 2635 Subpart E](#), *Impartiality in Performing Duties*.



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- **Fundraising:** Employees may not use or permit the use of their Service titles, positions, or any authority associated with their offices to further a fundraising effort (except for the CFC.) For example, an employee may not permit the use of her official Government title in an organization's fundraising, lobbying or political activities. In addition, an employee may not solicit funds or other support from a subordinate or from a person whom the employee knows to be a "prohibited source" (as defined in [5 C.F.R. § 2635.203](#)), even if the employee does not refer to his or her official Government title or position. See [5 CFR 2635.808](#), *Fundraising Activities*.
- **Political activities.** The Hatch Act limits certain political activities of Federal employees. The law's purposes are to ensure that Federal programs are administered in a nonpartisan fashion, to protect Federal employees from political coercion in the workplace, and to ensure that Federal employees are advanced based on merit and not based on political affiliation. Information regarding the Hatch Act, including FAQs, can be found on the Office of Special Counsel [OSC website](#). Generally, all federal employees may discuss current events, policy issues, and matters of public interest at work or on duty. The Hatch Act does not prohibit employees at any time, including when they are at work or on duty, from expressing their personal opinions about events, issues, or matters, such as healthcare reform, gun control, abortion, immigration, federal hiring freeze, etc. For example, while at work employees may express their views about healthcare reform, e.g., "I agree with healthcare reform." However, the Hatch Act prohibits federal employees at work or on duty from engaging in political activity. Political activity is activity that is directed at the success or failure of a political party, partisan political group, or candidate for partisan political office. Thus, employees may not express their personal opinions on such events, issues, and matters if such views also are political activity. For example, while at work employees may not express their views about healthcare reform tied to a candidate for partisan political office, e.g., "If you disagree with healthcare reform you should support candidate X." Finally, even when federal employees are expressing personal opinions that are permissible under the Hatch Act they should be mindful of how such views may be received by their coworkers and whether such comments are consistent with the Hatch Act's underlying purpose of maintaining a politically neutral workplace.
- **Supervisors' responsibilities:** Supervisors must refrain from pressuring their employees to participate in activities unrelated to their official duties: Supervisors must be very careful about discussing their personal participation in outside activities with their subordinate employees, to ensure that the employees do not feel coerced to become involved in those same activities. *For example*, if a supervisor intends to participate in an activity (volunteer for a local food bank, petition drive, etc.) the supervisor should refrain from taking actions that will be real or perceived pressure on his employees to also participate in that activity.
- **Social media:** Additional rules govern the use of social media. Following are several links to guidance on that topic: Office of Government Ethics guidance: [OGE guidance on social media use](#); Office of Special Counsel guidance regarding the Hatch Act and political activity [OSC Social media hand-out](#); [OSC Frequently Asked Questions about political activity and social media](#).
- **Communicating official and scientific information:** Service manual chapters provide guidance on official communications on behalf of the Service ([115 FW 1](#), *Official Public Communications – General Policy and Procedure*); employees' rights and obligations when expressing their individual opinions concerning Service or Departmental programs, operations or activities ([115 FW 2](#), *Other Public Communications*); and requirements regarding employees' publishing of scientific information in any outlet ([117 FW 1](#), *Policy Review Guidance for Scientific Publications*.)

For assistance with specific questions that are not covered by this guidance, employees should contact their servicing ethics counselors. Contact information may be found on the [Service Ethics Webpage](#).