



Attw Leslie
202-268-3700

April 14, 2009

Jay Sills
7825 Lagenaria Drive
Angier, NC 27501-5502

Dear Mr. Sills:

This correspondence is a follow up to my March 23, 2009, letter to wherein I requested that you provide your work schedule for the past six (6) months, since you maintain that you work for the Postal Service on an irregular basis. As I advised you, your work schedule would be necessary in order to assess whether the Hatch Act prohibits you from running for office in a partisan campaign. As requested, you provided your work schedule.

Following receipt of your work schedule I discussed your request with the Office of Special Counsel ("OSC"), the independent federal investigative and prosecutorial agency charged with enforcing the Hatch Act. OSC advised that based on your current lack of any true schedule and that fact that you are scheduled to work as the Postal Service's business needs dictate, you would fall under the Subpart F (Employees Who Work on An Irregular or Occasional Basis) of the Hatch Act, Section 734.601. What this means, in practical terms, is that because you are not guaranteed any minimum hours of work and do not have a set schedule (meaning you are not required to report to work on certain days), you are subject to the provisions of the Hatch Act, only while on duty.

However, as OSC cautioned, that if at some point in the future your schedule becomes regular (i.e. - you begin working on certain days or set hours, or, your work schedule reflects a pattern of work on certain days), you would no longer be covered by the above-noted provision (Subpart F of the Hatch Act - 734.601) and therefore, the provisions of the Hatch Act would apply to you at all times, and not just when you are on duty. If your schedule does change accordingly, please contact our office immediately for further guidance. If you are elected for the position in question, we suggest that you contact our office again for a subsequent review of your schedule if you consider running for re-election. Or, if you consider running as a candidate for any other partisan campaign, we suggest that you contact our office for guidance at that time.

Sincerely,

Ana M. Urrechaga
Attorney, Ethics and Federal Requirements
Civil Practice, Law Department