



CALIFORNIA MILITARY DEPARTMENT INSTRUCTION

NGCA-TAG
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POLITICAL ACTIVITIES

Reference(s):

- a. Title 5, Code of Federal Regulations (CFR), Part 734
 - b. DoD Directive 1344.10, Political Activities by Members of the Armed Forces, 19 February 2008.
 - c. The Hatch Act, 5 U.S.C. §§ 7321-7326
1. Purpose. This instruction provides updated guidance on political activities and the current applicable regulations.
 2. Cancellation. CNG FPR 920 is cancelled upon publication of this Instruction.
 3. Applicability. This instruction applies to all service members and employees of the California Military Department.
 4. Policy. Service Members and employees participating in political activities will comply with the current law, rule, and regulation. The individual participating in political activities can reference the appropriate governing authority, as outlined in enclosure A. Individuals should contact CMD Legal Office for clarity of legality or ethical questions.
 5. Definitions. See Glossary.
 6. Responsibilities. The individual service member or employee engaging in political activities is responsible for ensuring that they are acting within the scope permitted by law, rule, and regulation.
 7. Summary of Changes. None.
 8. Releasability. This issuance is approved for public release; distribution is unlimited.

9. Effective Date. This instruction is effective upon publication.


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Director, Manpower and Personnel

Enclosure(s):

A - Applicable Law, Rule, and Regulation
GL - Glossary

ENCLOSURE A

APPLICABLE LAW, RULE, AND REGULATION

1. Applicable resources by status.

a. Active Duty military members are subject to Department of Defense Directive 1344.10, Political Activities by Members of the Armed Forces. Uniformed personnel on active duty for 270 days or more per year are not governed by the Hatch Act.

b. Non-Dual Status Federal Technicians should reference 5 CFR Part 734 subpart B for a comprehensive understanding of permitted political activities and subpart C for prohibited activities. The Hatch Act applies to Department of Defense civil servants, which includes Federal Technicians.

c. Dual Status Federal Technicians are governed by the Hatch Act and should reference 5 CFR Part 734 subpart B for a comprehensive understanding of permitted political activities and subpart C for prohibited political activities. As uniformed personnel, dual status technicians are also subject to Department of Defense Directive 1344.10 (DoDD 1344.10), Political Activities by Members of the Armed Forces.

d. State Active Duty and State Military Reserve will comply with Department of Defense Directive 1344.10, Political Activities by Members of the Armed Forces.

e. State Civil Service (SCS) employees should refer to the Cal HR website:
<http://www.calhr.ca.gov/state-hr-professionals/Pages/Political-Activities.aspx>.

STATUS	DOD Directive 1344.10	5CFR Part 734	http://www.calhr.ca.gov/state-hr-professionals/Pages/Political-Activities.aspx
Active Guard Reserve (AGR)	X		
Non-Dual Status Federal Technician		X	
Dual Status Federal Technician	X	X	
State Active Duty	X		
State Military Reserve	X		
Title 10 Active Duty	X		
Title 32 Active Duty	X		
State Civil Service			X

Figure 1. References of governing authority

GLOSSARY

ABBREVIATIONS AND ACRONYMS

AGR	Active Guard Reserve
CFR	Code of Federal Regulations
CNG FPR	California National Guard Full Time Personnel Regulation
DoD	Department of Defense
DoDD	Department of Defense Directive
JAG	Judge Advocate General