

# Public Affairs Bureau



## Sheriff Hunter's Position Statement

### Hatch Act

In the ongoing effort of this Agency to remain current with law we have continued to research issues pertaining to the Hatch Act and its application to Sheriff's Offices.

We have become aware of recent action relative to the Hatch Act with an application of the Act to a similarly situated Michigan Sheriff's Office.

For context, after we learned of potential Hatch Act issues related to Florida Sheriff's Office members running for the Office of Sheriff, we took steps to determine how the Office of Special counsel was applying the Hatch Act in Florida.

Concerned with a recent and significantly different interpretation of Hatch Act application we moved Kevin Rambosk from Undersheriff to the existing Agency position of Executive Officer to maintain compliance with the Hatch Act as we understood its application on advice of counsel. The differences in the position of Undersheriff and the position of Executive Officer are important. While neither position is funded in whole or in part by federal grants or funds the Agency's Executive Officer has no supervisory authority neither does he have any control over federal grants or funds for equipment or resources; as a result he would not be supervising anyone who had duties in connection with federal grants neither could he control the expenditure of federal funds or the distribution of federally funded positions or resources.

Within days of making our organizational adjustments with Undersheriff Rambosk we received a communication from Undersheriff Schneider from Charlevoix County Michigan. Undersheriff Schneider was concerned that he may be in non-compliance with the Hatch Act due to an adverse opinion provided to another Michigan Undersheriff. On May 5, 2008, Undersheriff Schneider was provided a copy of documentation related to the change of Kevin Rambosk's duties which included our letter to the Office of Special Counsel (OSC), in which we requested an advisory opinion. Various attachments were also included in our letter including Executive Officer Rambosk's job descriptions/ task analysis.

Charlevoix County used our position changes as a model for their effort to comply with the Hatch Act and ultimately, the two former Undersheriffs (Rambosk and Schneider) were very similarly situated in regard to their adjusted positions and the implemented changes (as developed by the CCSO).

However the two Undersheriffs were treated differently by the Office of Special Counsel. Undersheriff Rambosk received an unfavorable opinion from Attorney Nicole Elderidge, whereas Undersheriff Schneider received a favorable opinion from Attorney Mariama Liverpool.

The differences between the adjusted positions of the two former Undersheriffs were minor and are explained as follows. Undersheriff Rambosk was demoted (at his request) to Executive Officer (a more severe and distinctive adjustment). Undersheriff Schneider was transferred without salary loss to Administration Officer and then subsequently to Liaison Officer. Whereas the Collier County Sheriff's Office had the Executive Officer position as an existing position at a lower rate of pay than Undersheriff, Charlevoix County created the position of Liaison Officer. Both positions appeared to have identical duties though the Liaison Officer was paid at the same rate as the Undersheriff position in the Charlevoix County, Mich., Office. Neither Executive Officer nor Liaison Officer had any supervisory duties, or duties in connection with federal grants or loans, and neither position was funded in whole or in part by federal funds. In essence, two identical circumstances (although Rambosk's wages were reduced by 11 percent with two distinctly different outcomes (Schneider retained his position at his identical pay but Rambosk's guidance letter directed that he was to either resign all status with the Collier County Sheriff's Office or forfeit his candidacy).

The Collier County Sheriff's Office moved another member to the Undersheriff position. Charlevoix County did not fill the Undersheriff's position, but eliminated the Undersheriff from the existing chain of command in their organization chart which would suggest that those former Undersheriff duties were now being performed by some other member.

The application of the Hatch Act is clearly problematic in a number of ways including the disparity in the application of the act in similar circumstance and also in the impact to similarly situated agencies and persons (Rambosk lost wages and official status whereas Schneider did not). (As an aside, William Schneider should now be referred to as Sheriff Schneider inasmuch as he has won his election.)

We should also note that there is an ongoing investigation by the FBI of the Office of Special Counsel (OSC) for overreaching and abuse of authority and calls from Congress for the immediate resignation of the head of the OSC, Mr. Bloch.