



# Women in Federal Law Enforcement

March 2017



*Focus on the Future*



THE PRESIDENT'S TASK FORCE ON  
21ST CENTURY POLICING



WIFLE  
2200 Wilson Boulevard  
Suite 102, PMB-204  
Arlington, VA 22201-3324

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## 18<sup>th</sup> Annual WIFLE Leadership Training

The Westin Galleria, Houston, Texas, is the site of WIFLE's Leadership Training for 2017. Mark the dates Tuesday, August 1 through Thursday, August 3, 2017 on your calendar and plan to attend. The registration fee is \$525.00 through April 30, and \$575.00 after that date. As in past years, your registration fee includes the WIFLE Annual Awards Banquet of the evening of Wednesday, August 2.

Please go to [wifle.org](http://wifle.org) for more information on the Leadership Training, other events associated with the Training, and links to register. We hope to see you in Houston!

## An Every Day Thank You

*Continuing the show of support for law enforcement beyond Law Enforcement Appreciation Day*

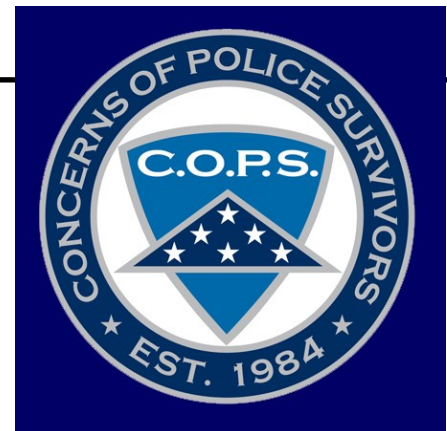
**By Sara Slone, C.O.P.S. Director of Public Relations**

Law Enforcement Appreciation Day was first celebrated on January 9, 2015. After a series of events in 2014 created negativity towards law enforcement, Concerns of Police Survivors (C.O.P.S.) partnered with several law enforcement organizations to start promoting this day of celebration to thank officers across the Nation and used the tagline "Take the L.E.A.D." to encourage citizens to do just that; Take the lead and show America's law enforcement officers that they are appreciated.

If you have watched the news this past year, it is not hard to see that the negativity towards law enforcement has not gone away. Seemingly, it has increased. The year 2016 brought the news of two officers ambushed in Des Moines (IA), a St. Louis (MO) Sergeant shot in the face while sitting in his patrol car, three officers ambushed and killed in Baton Rouge (LA), and five officers ambushed and killed in Dallas (TX) among others, which is now marked as the deadliest attack on law enforcement since September 11, 2001. According to ODMP.org, 63 of those deaths were by gunfire, an increase of 61% from the 2015 gunfire deaths. These are just to name a few of the line-of-duty deaths in 2016.

C.O.P.S. is gearing up for National Police Week 2017 in Washington, DC, where we will meet with the surviving families and co-workers of these officers.

So what more can we do to stop the violence? That is a question the C.O.P.S. National Office receives on a weekly basis. People are outraged. They want to make a difference. And we are desperately trying to find an answer. Law enforcement survivors of fallen officers want to keep new families from joining their status of "survivor."





Law Enforcement Appreciation Day is a start and has grown tremendously since 2015. Local school children make cards, treats are delivered to agencies, banners and signs are hung around the community. Several states such as Texas, Louisiana and Maryland have shared pictures of their Governor's mansion lit up in blue. And President Donald Trump shared his support for Law Enforcement Appreciation Day via Twitter. This day of support is absolutely growing, but is it enough?

Staff members at the C.O.P.S. National Office were also out and about delivering treats and cards to the local departments on January 9, 2017. The officers were appreciative, but it was the surprise on their faces that brought the notion that we should still be doing more. Law enforcement should be honored every day, and they should not be surprised by our support.

So here is our proposal: **Treat every day as Law Enforcement Appreciation Day.** When you see an officer out in public, thank them for their service. If you have the means, drop off a box of cookies at your local department on your way to work one morning. If your state has not already declared January 9 as Law Enforcement Appreciation Day, get in contact with your state representatives.

This day should be celebrated. Officers should know this date and look forward to it. Memorials and ceremonies are held each year to honor the fallen, so why not honor the living and thank them while they are right in front of us! To all men and women in law enforcement, we salute you. We thank you. We celebrate you.

For more information about Law Enforcement Appreciation Day and C.O.P.S., visit [concernsofpolicesurvivors.org](http://concernsofpolicesurvivors.org).



Excelsior College and Women in Federal Law Enforcement Partners in Education

Excelsior College is a private, nonprofit, regionally accredited, distance learning institution that focuses on removing obstacles to the educational goals of adult learners.



**What degree programs does Excelsior offer?** Excelsior offers degrees at the associate, bachelor's, and master's levels in liberal arts, business, criminal justice, health sciences, public service, technology, and nursing as well as certificate programs in select subject areas. The College provides efficient and affordable access to higher education through multiple avenues to degree completion.

**What partnership benefits will I receive?** As an employee of Women in Federal Law Enforcement, you and your spouse or domestic partner will receive up to 20 percent off tuition and fees at Excelsior.

**How many credits can I transfer in?** Excelsior College may accept up to 117 college credits toward a bachelor's degree (or 57 toward an associate degree) from regionally accredited institutions. We also award credit for military and workforce training, professional licenses and certifications, as well as from other approved sources (certificates, ACE approved exams, and portfolio assessments of real-world experience).

**How soon can I start after I apply?** Excelsior College does not have an application deadline. We offer open enrollment for 8- and 15-week terms. You may enroll/matriculate as soon as you

receive the results of your preliminary credit review that lists how your prior college credits may apply toward a degree.

**How will I complete my degree at Excelsior?** You can earn credit through Excelsior's online courses, by self-studying and taking assessment exams, by completing a Prior Learning Assessment through [learningcounts.org](http://learningcounts.org), or by taking courses at another regionally accredited institution and transferring them to Excelsior.

**Are financial aid and scholarships offered?** Financial aid is available regardless of income, with low interest rates and flexible payment options. Start by filing the Free Application for Federal Student Aid (FAFSA) at [www.fafsa.ed.gov](http://www.fafsa.ed.gov). Excelsior College offers scholarships for a wide variety of programs and also accepts military and veteran benefits.

**Are these benefits available to current students?** Absolutely. If you are already enrolled at Excelsior, call the partnership team at 518-608-8323 or email [corporate@excelsior.edu](mailto:corporate@excelsior.edu) to request partnership pricing on all future courses you take.

[wifle.excelsior.edu](http://wifle.excelsior.edu)

To speak to an admissions counselor, call us toll-free at: 844-843-9296



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## **CAREGIVING PRESENTS WORKPLACE CHALLENGES FOR WOMEN: Enrollment in the Federal Long Term Care Insurance Program May Help**

In today's world, many women find themselves facing the consequences of an aging population and for good reason. The profile of the average U.S. caregiver will be familiar to many: a 49-year-old woman who works outside the home and spends nearly 20 hours per week providing unpaid care to her mother for nearly five years.

Given these competing responsibilities, it's no wonder caregivers are absent from work more often than their non-caregiving counterparts, missing between eight and 12 work days per year. As caregiving duties intensify (as dementia worsens, for example), even more time at work may be lost. Nearly 70% of those who provide 21 or more hours per week of hands-on care report having to make accommodations in their work schedules, such as arriving late or leaving early and cutting back on hours, as well as changing jobs or leaving the workforce entirely.

In addition, the obligations faced by working caregivers can take their toll in other ways. Caregivers in every age group score themselves lower in emotional and physical health than their non-caregiving colleagues, and the deficits are especially pronounced for working caregivers under the age of 44. Their reported anxiety, depression, and injuries result in an inability to concentrate and greater conflict with supervisors. In short, caregiving can affect the bottom line. The associated decrease in productivity among full-time workers is estimated to cost the U.S. economy \$33.6 billion dollars, with a cost per full-time employed caregiver of \$2,110.

### **The FLTCIP may help make a difference**

Federally employed women who have already experienced or witnessed the consequences of a long term care event in their family or circle of friends may recognize the value of participating in the Federal Long Term Care Insurance Program (FLTCIP). The coverage is designed to reimburse for long term care services in a variety of settings—at home or in a facility, such as an assisted living facility, an adult daycare, or a nursing center—and can lessen or eliminate an individual's reliance on a working family member to provide hands-on care.



Federally employed women may also want to explore the benefits of having their qualified relatives apply for FLTCIP coverage as a way to minimize their own future caregiving obligations. The FLTCIP's eligibility list is broad and includes spouses and same-sex domestic partners, parents and parents-in-law, and adult children age 18 and older. Qualified relatives can apply even if the employee they're related to does not.

### [The FLTCIP offers expert care coordination to enrollees and their qualified relatives](#)

Most people have little knowledge of, or experience with, long term care decision-making. It's not something you learn about until the need exists in your own family or circle of friends, often when it's an emergency. The program's care coordination services offer enrollees information and advice on long term care resources, such as local care providers and relevant community programs. With just a toll-free call, FLTCIP enrollees can get professional input to help guide decision-making, reduce uncertainty, and lower stress. Having access to a team of experienced insurance professionals can help you make an informed decision about which provider is best for you or your loved one. This expertise is available not only for FLTCIP enrollees, but also for their qualified relatives even if that relative isn't enrolled in the program. It's a valuable resource for federally employed caregivers.

### [Take the next step today](#)

To learn more about the FLTCIP's comprehensive benefits and features, register for one of our upcoming webinars or view our existing library of on-demand topics at [www.LTCFEDS.com/webinar](http://www.LTCFEDS.com/webinar). For personalized assistance, call **1-800-LTC FEDS** (1-800-582-3337) TTY 1-800-843-3557 to speak with a program consultant. They are available to answer any questions you may have and can walk you step-by-step through the plan design and application process.

### [More about the FLTCIP](#)

Established by an act of Congress in 2000 and overseen by the U.S. Office of Personnel Management, the FLTCIP is designed to meet the specific needs of the Federal family. The FLTCIP provides industry-leading benefits and offers flexible options that allow enrollees to tailor coverage to meet their needs. Certain medical conditions, or combinations of conditions, will prevent some people from being approved for coverage. You need to apply to find out if you qualify for coverage under the FLTCIP. The Federal Long Term Care Insurance Program is sponsored by the U.S. Office of Personnel Management, offered by John Hancock Life & Health Insurance Company, and administered by Long Term Care Partners, LLC.



## [DO YOU HAVE YOUR FEDS PROTECTION IN PLACE?](#)

Policy changes and refocused initiatives are developing just one month into President Trump's administration. WIFLE recommends professional liability insurance for members as the vulnerability of federal law enforcement officers to investigations and/or civil lawsuits may increase as a result of increased scrutiny by Congress and special interest groups, as well as affected individuals. Some of the most frequently asked questions by law enforcement officers, enumerated below, concern the ownership, coverage, and continuous liability coverage when switching from other providers to FEDS Protection.



**Is FEDS a U.S. based company?** Yes. Headquartered just outside Washington, D.C., FEDS is veteran-owned and U.S.-based with benefits secured by Nationwide E&S, which is also U.S. owned and based. Nationwide E&S is an A++XV (Superior) rated insurance company by A.M. Best.

**Is FEDS a privately held company?** Yes, Tony Vergnetti is FEDS President and Founder. Prior to founding FEDS, Mr. Vergnetti was an attorney for a federal law enforcement agency and later defended federal officials, including those in law enforcement, while in private practice. [Read Tony Vergnetti's Bio here](#) to learn more about his understanding of and commitment to protecting the federal community. Tony may be reached at 866.955.FEDS or [tony@fedsprotection.com](mailto:tony@fedsprotection.com).

**What kind of steps does FEDS take to ensure the protection of confidential information?** The proprietary information of FEDS customers is maintained, stored, transmitted and otherwise handled under the control of authorized employees in a secure custom-built database. As a former federal attorney of a law enforcement agency, FEDS President has a clear understanding of the sensitive nature of insured personal and claim information.

**What is a retroactive date?** This is only applicable to employees switching to FEDS from another PLI company. For claims under the Civil portion of the policy, FEDS honors the "original retroactive date", which is the very first date continuous professional liability insurance was purchased from any provider. Please see Section I, Civil Suit Coverage, A. Insuring Agreement and Claims Made Clause ("effective date of continuous coverage"). If you first purchased professional liability insurance in

January 1999, your "retro date" is January 1999 and you are covered for any civil claims that occur while you are a policy holder with FEDS for matters that involved acts, errors or omissions between January 1999 through the present.

**Is it true that FEDS will appoint, in certain cases, coverage counsel prior to DOJ's determination of scope and interest?** Yes, FEDS understands that having an attorney advocating on an officer's behalf is very important during this decision process. FEDS policy holders should also note that FEDS will *not* deny a policyholder claim if he/she chooses to get advice or counseling from FLEOA or other association legal counsel and later needs to invoke FEDS PLI policy benefits.

**Why is FEDS legal representation recommended over other carriers?** FEDS nationally recognized panel of attorneys have a vast amount of experience in representing federal employees, including [Shaw Bransford & Roth P.C. \(SB&R\)](#), [Schertler and Onorato, LLP](#), [Mololamken, LLP](#), [Kaiser, Legrand & Dillon PLLC](#), and others whose experience and expertise are necessary to best defend the claims involving the unique exposures of federal employees. As an attorney, FEDS President understands how critical it is to have experienced, tenacious, and objective legal counsel when defending sensitive matters involving federal employees.

**Does FEDS cap civil suit representation at \$200,000?** No, FEDS affords policy holders defense and indemnification up to the full limits of the \$1,000,000 or \$2,000,000 policy as legal fees associated with the unique nature of federal employee claims could exceed \$200,000.



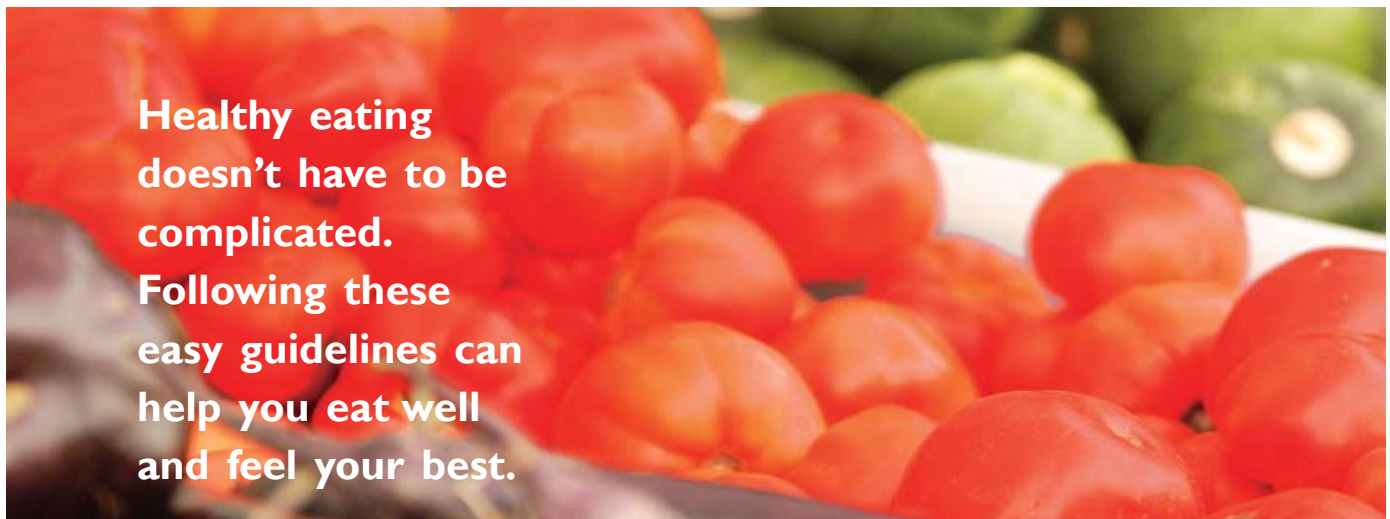
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**Is worldwide protection offered?** Yes, worldwide protection is essential to those serving outside of CONUS or otherwise in international posts of duties and, unlike other carriers, is included at no additional cost.

**Is civil suit coverage available after leaving federal service?** Yes, the policy provides a “tail” or “36-month extended reporting period” which provides civil protection for up to three years after service ends, at no additional cost.

**Does FEDS offer LEOSA coverage to active federal LEOs?** Yes, FEDS LEOSA coverage was designed to specifically protect current agents lawfully acting under LEOSA HR218 authority from legal expenses and liability associated with off-duty carry or actions found outside of agency authority.

**Can I enroll by phone?** Absolutely, please call 866.955.FEDS Monday–Friday between the hours of 8am–6pm ET. Enrollment takes about 5 minutes. **Don’t forget to apply your \$10 WIFLE discount. When prompted, enter code: WIFLE.**



**Healthy eating doesn't have to be complicated. Following these easy guidelines can help you eat well and feel your best.**

**Change your eating habits gradually.**

You're more likely to stick to your new healthy habits if you start with one small, simple change. Once you've been successful with it for a few weeks, add another. You'll be surprised at how they can add up!

**Eat plenty of fruits and vegetables.**

A good goal is to eat five to nine servings a day. Since bright, colorful fruits and vegetables tend to be rich in nutrients, eating lots of different colors each day can help ensure you're getting all you need.





**Avoid trans (hydrogenated) fats and saturated fats.**

You'll find trans and saturated fats in most margarines, fried foods, and many packaged foods, so be sure to read labels. If you need to use oil when you cook, use it in moderation and choose olive, canola, or flaxseed oil.

**Choose beans, nuts, fish, or lean poultry instead of red meat.**

It's a good idea to get two to three servings of protein each day, but red meats contain saturated fat. Try limiting red meat to twice a month.

**Stick to reduced-fat or fat-free dairy products.**

Two to three servings of fat-free milk, yogurt, or cheese per day provide the calcium and protein you need without the saturated fats you want to avoid.

**Choose whole, unprocessed grains.**

Eating brown rice instead of white rice and whole grain cereal instead of flaked or puffed cereal will help ensure that you get plenty of fiber, minerals, and complex carbohydrates.

**Eat sugary, salty, or high-fat snacks in moderation.**

Remember the 80-20 rule: If you make smart eating choices at least 80 percent of the time, you shouldn't have to worry about having treats on occasion.

For more information on healthy eating, visit [kp.org/nutrition](http://kp.org/nutrition).

Learn more about your plan benefits at [kp.org/feds](http://kp.org/feds)



**[Crossing the Line: Officer-on-Officer Rape on the Rise?](#)**

*By June Werdlow Rogers, PhD  
Retired SAC - DEA*

Although it had happened over 15 years earlier, the flashback invaded my thoughts as if it were taking place before my eyes. The police department recruiter had tried to corner me into going on a “date” with him. After delivering me the news that I was advancing in the recruitment process, he’d asked when he could take me out. My eighteen-year-old mind gave the only answer I thought would preserve the job offer by not offending the recruiter – “okay”. I knew I was only giving him false hope about future contact, because in the 1970’s pinning someone down by telephone was more difficult. And so I didn’t have to do much other than dodge landline calls. In fact, I’d pushed the matter into the place where I’d kept all the other sexually harassing situations I couldn’t do anything about until opening that letter also opened the memory.



The letter from the United States District Court discussed a class action lawsuit about women recruits routinely encountering substantial obstacles in hiring. Apparently, other women recruits had faced much taller walls than I had in getting hired. *Oh well, that was then, this is now – or was it?* I wondered if women in the ranks of blue were still being subjected to a “casting couch” mentality, so I started poking around. The short answer to what I found is that gender discrimination and sexual harassment still exists – you already knew that. But now, it seems that many individual cases crossing into sexual assault are being reported instead of the systemic kind of situations that often require class action for reform.

The cases headlined over the past few years about women officers being sexually assaulted by other officers are as vicious as they are shocking. From gang rapes in academy settings to attempted rape right in the office, it is difficult to believe these perpetrators actually had for a time been entrusted with the sacred and awesome responsibility of law enforcement. Beyond a lack of confidence in offending officers, I noted other similarities. A closer look at the eight or so cases revealed some patterns. Here’s what I found:

**Victims are often rookies.** One female officer in Mexico was sexually assaulted by five fellow officers while at the academy. She did not formally complain until the video of the incident went viral just a few days ago. Here in the U.S., a female state trooper says a supervisor raped her at the police academy, and another rookie officer said her boss stalked her while she exercised outdoors and came to her home asking if she were naked. Another woman officer in probationary status reported that she became intoxicated and passed out at a party hosted by other officers and awakened to a fellow officer sexually assaulting her. And a UK officer said that her newness to the job made her not want to report another officer’s sexual groping.

**Victims are often subordinate in position to offenders.** In addition to the situations already mentioned about the stalking and academy bosses, two other bosses are alleged to have cornered women officer subordinates. Both of the cases claim the offenders tried to force the victims to touch offenders’ private areas. If the allegation is true, one boss had the audacity to sexually assault the victim in his office after summoning her there.

**Victims are often at a vulnerable point.** Personal problems such as divorce or crushing one’s promotional aspirations are often used as leverage to oppress victims. But the most exploited vulnerability noted in the cases reviewed was intoxication. In addition to the case mentioned about the officer attacked while she was passed out, a Canadian officer alleges that she was too inebriated to give consent to the multiple fellow officers who sexually assaulted her in a semi-conscious state at a “rookie party.” When another Canadian officer became intoxicated, an on-duty officer drove her to the police dorm and raped her. (He later pled guilty to this offense).

While the aforementioned reporting is quite disturbing, it’s not enough evidence to prove escalation, but clearly sexual assault is crossing the line. It is hopeful that the increase in the number of reported cases is just that, an increase in *reporting*. Still, even one officer rape is too many. What to do? If you are a new law enforcement officer, pay close attention to the commonalities of the cases described and

to the extent that you can avoid vulnerabilities, please do so. If you are a more seasoned officer, please share this article with a woman you think can benefit from the information.

In addition to being Women's History Month, March is also Domestic Violence Awareness Month. And like sexual assault, officers are not exempt from becoming victims of domestic violence. More information about domestic violence is available at the [National Domestic Violence Hotline/Website](#). April is Sexual Assault Awareness Month. More information about sexual assault is available at the [National Sexual Assault Hotline/Website](#). If you have questions for me or believe I can help, please contact me through my [website](#).

<http://www.dailymail.co.uk/news/article-4226586/Five-police-officers-gang-raped-female-colleague.html>  
<http://www.complex.com/life/2016/10/male-police-officer-sexual-assault>  
<http://www.seattletimes.com/seattle-news/spokane-police-guild-president-is-criminally-charged/>  
<http://www.telegraph.co.uk/news/2016/11/15/police-officer-joked-about-raping-a-female-colleague-and-groped/>  
[http://www.thenewsherald.com/news/officer-s-sexual-assault-allegations-against-sergeant-rock-allen-park/article\\_b4329a6d-ed63-5253-8536-c433aa394198.html](http://www.thenewsherald.com/news/officer-s-sexual-assault-allegations-against-sergeant-rock-allen-park/article_b4329a6d-ed63-5253-8536-c433aa394198.html)  
<http://pix11.com/2016/11/18/bronx-nypd-precinct-commander-accused-of-sexually-assaulting-female-officer/>  
<https://www.thestar.com/news/crime/2016/06/14/police-document-details-gang-sex-assault-allegations-against-cops.html>  
<http://www.theglobeandmail.com/news/national/raped-police-officer-offered-cash-to-quit/article5148153/>

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## Your Federal Benefits Explained

by Sandra K. Harman, President, Harman & Associates, Inc.



### Retirement Planning Myths

Being optimistic about retirement is a good thing, but it is not a substitute for planning. Frequently, planning is based on myths or dated information.

#### **Myth: 70 – 80% of Your Pre-Retirement Income Will Maintain Your Lifestyle**

First, be realistic when you choose the number to use as your base to apply the percentage against. For example, if your gross salary is \$100,000 currently, 70 to 80% would appear to be \$70,000 to \$80,000 needed to maintain your lifestyle but it isn't. If your gross is \$100,000 after Social Security and Medicare taxes (\$7,650) and \$18,000 in TSP contributions (\$24,000 if you are age 50 and over) you should be using \$74,350 as your base meaning \$52,045 to \$59,480. It is safer to aim at covering 100% of your pre-retirement income less the items mentioned above.

The 70 to 80% rule assumes that in retirement you will have no work related expenses, that your mortgage is paid off (but don't forget about homeowners insurance, property taxes and perhaps HOA fees), and that your children are all financially independent. Even if all of these are true, there are some things that can cost more. Health issues are a potential big ticket item: (1) be sure to continue your FEHB enrollment and never cancel it (at present the cost for your FEHB will be the same as if you were still federally employed); (2) understand your options on Medicare – Medicare A is easy; sign up for it at age 65; Medicare B is the one that is difficult to decide on because there is a monthly premium



(currently a minimum of \$134 per person, per month) and you still need your FEHB coverage. Medicare C (The Medicare Advantage Program) might be an option if it was offered under the FEHB program which would mean that you could always get back into any other FEHB plan (at present Medicare C is not offered within FEHB). Option D is usually not needed. It provides prescription coverage which in a large part duplicates the FEHB prescription coverage.

Other areas of additional expenses could include travel or spending more on gifts. Or you might need to provide financial support to a relative or friend (roughly 20% of retirees are now doing this).

### **Myth: You Can Always Keep Working**

67% of current workers are planning to continue doing some work for pay after they retire. People are living longer and healthier and some work just because they want to. However, many retirees work because they need the income to make ends meet.

However, in some cases continuing to work is not an option. Frequently those who were planning to continue working in their current profession find that due to reorganization and downsizing they cannot continue working, in other cases it is due to health issues or for some a mandatory retirement age.

### **Myth: Your Taxes Will Be Lower Once You Retire**

This is not a guarantee; taxes can go up or down and, whether you are working or retired, the tax changes will apply to you. If you move to a tax-free State it will decrease your income tax but remember that every State must raise revenue. If they don't tax income what do they tax? Also remember that if you have contributed to the tax-deferred TSP, when you withdraw funds they will be taxable unless you have a very high pre-retirement income, it is safer to assume that you will keep paying taxes at roughly the same rate after you stop working.

### **Myth: There's Always Social Security**

Some people approach retirement thinking that Social Security will cover most of their financial needs. Others aren't sure that Social Security will still be there when they retire. Both are too extreme. Social Security projects that if no changes are made to the program, full payments will continue through 2036, but starting in 2037 benefits could be reduced by more than 20% and would continue to decline unless program changes are made.



## **Unintended Consequences: Repeal of the Johnson Amendment Might Restrict Federal Employees Participation in Their Churches and Other Religious Organizations.**

**By Peter J. Jeffrey, Esq., Member, The Jeffrey Law Group, PLLC, *The Federal Employee's Law Firm* ®**

On February 2, 2017, during his remarks at the National Prayer breakfast, President Donald Trump stated, "I will get rid of, and totally destroy, the Johnson Amendment." (Remarks by President Trump at National Prayer Breakfast (Feb. 2, 2017), <https://www.whitehouse.gov/the-press-office/2017/02/02/remarks-president-trump-national-prayer-breakfast>). But what is the Johnson Amendment, and how might its repeal effect federal executive branch employees' participation in their churches and other religious organizations?



Under the Johnson Amendment, 501(c) (3) tax-exempt organizations, such as churches and other religious organizations, are absolutely prohibited from directly or indirectly participating in political campaigns. Specifically, the Tax Code prohibits tax-exempt churches and other religious organizations from making contributions to political campaigns or making public statements in support of, or in opposition to, any candidate for public office. As such, clergy may not endorse a political candidate from the pulpit. *See* 26 U.S.C. 501(c)(3); (*see also* <https://www.irs.gov/charities-non-profits/charitable-organizations/the-restriction-of-political-campaign-intervention-by-section-501-c-3-tax-exempt-organizations>) However, if President Trump is successful in lobbying Congress to amend this portion of the Tax Code, and thereby allow for churches and other religious organizations to directly participate in political campaigns, federal executive branch employees' participation in the their churches, synagogues, or mosques, could run afoul of the Hatch Act.

As all federal executive branch employees should know, the Hatch Act limits federal employees' participation in partisan political activities. For example, in part, the Hatch Act prohibits **all** federal executive branch employees from:

- Inviting subordinate employees to political events, or suggesting they attend political events; and
- Soliciting, accepting or receiving a donation or contribution for a partisan political group.

In addition, certain federal executive branch employees [*e.g.*, the Federal Bureau of Investigation (FBI), the United States Secret Service (USSS), and the Office of Law Enforcement of the Bureau of Alcohol, Tobacco, and Firearms (ATF)] are further restricted in their partisan political activities. These "further restricted employees" may not take any active part in partisan political campaigns, including, but not limited to, distributing campaign material, even if such activity occurred on their own time and not within a federal building or room.

Thus, it is a foreseeable, yet perhaps an untended consequence, that if Congress were to amend the Tax Code to repeal the Johnson Amendment, and a church choose to participate in political campaign activity, the Hatch Act would prohibit federal executive branch employees from fully participating in church activities. Specifically, if clergy were to endorse a candidate from the pulpit, the simple act of inviting a subordinate employee to church would run afoul of the Hatch Act. Further, passing the collection plate during a church service, if the collection proceeds were to be used, at least in part, to make a political campaign contribution, would be a prohibited act of solicitation under the Hatch Act. Moreover, if the church bulletin contained an endorsement of a political candidate, a "further restricted employee" would be prohibited from distributing that bulletin to other members of the church. It is not hard to imagine many more scenarios where one's past church participation would run afoul of the Hatch Act, if one's church became engaged in partisan political activity.

The default penalty for a Hatch Act violation is removal. 5 C.F.R. 734.102(b). Further, the minimum penalty for any Hatch Act violation is a 30-day suspension. (*Id.*) Absent changes to the Hatch Act, it is hard to imagine how the repeal of the Johnson Amendment would not otherwise put federal executive branch employees at peril if they wished to participate in their churches or other religious organizations.

*The information contained in this article is of a general nature and is subject to change; it is not meant to serve as legal advice in any particular situation. For specific legal advice, the authors recommend you consult a licensed attorney who is knowledgeable about the area of law in question.*



# MARIST ACADEMIC PARTNERSHIP



## MASTER'S IN PUBLIC ADMINISTRATION NASPAA ACCREDITE

### SWORN OFFICERS AND CIVILIAN EMPLOYEES BENEFITS INCLUDE:

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2. 100% Online – no residency required
3. Classroom-based hybrid options offered in Poughkeepsie, Albany and Queens, New York
  - Part-Time 2 ½ years
  - Full-Time 1 ½ years
4. Employees receive 25% discount on other select graduate programs
5. Same 25% discount extended to immediate adult family members

*Qualifying students must be 22 years of age or older upon admission and applying through either Graduate or Adult Undergraduate Admission*

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