



*Leading change through communication, collaboration and cooperation*



Women in Federal Law Enforcement, Inc. and the WIFLE Foundation, Inc. are both commonly known as simply WIFLE. WIFLE has been in existence since ICWIFLE in the 70's when it was an interagency committee formed by the U.S. Departments of Justice and Treasury to address attracting and retaining women to the federal law enforcement positions. WIFLE incorporated a non-profit organization in June 1999 as Women in Federal Law Enforcement, Inc. to better continue the work of ICWIFLE. The WIFLE Foundation, incorporated in 2006, is the educational arm for WIFLE providing Annual Leadership Training, seminars, and Scholarship Programs. The WIFLE Executive Leadership Institute (WELI) established in 2011 provides immersive leadership training sessions for GS Grades 13, 14, 15, and SES (and State, county and local equivalents) which are held in conjunction with the Annual Leadership Training. To this day, WIFLE continues to be the only non-profit in the United States dedicated to addressing reasons why women remain underrepresented in Federal law enforcement.

## 2017 WIFLE Leadership Training a Success

We hope many of you were able to attend the recent WIFLE Leadership Training in Houston, TX. Attendees rated the presentations highly, from the kick-off speeches on the first day by Annise Parker, Former Mayor of Houston, and NASA Astronaut Commander Sunita Williams, to the Flash Mentoring session that wrapped up the 3-day training. It is not too soon to start planning for the 2018 Leadership

Training, June 25-28, 2018, at the Westin Mission Hills, in Rancho Mirage, CA. Stay tuned to the WIFLE website for new developments as we finalize plans for next June.



Sheree L. Mixell, WIFLE Vice President, NASA Astronaut/Commander Sunita Williams and Catherine W. Sanz, WIFLE President - 2017 WIFLE Leadership Training, Houston, TX



WIFLE officials with NASA Astronaut/Commander Sunita Williams 18th Annual Leadership Training, Houston, Texas  
Margaret Moore, Betsy Casey, Sheree Mixell, Commander Williams, Catherine Sanz, Helen Yu, Dorene Erhard



### Plan Ahead and Reap the Benefits You've Earned

*By Tammy Flanagan*

*National Institute of Training Planning*

A few weeks ago, I had the pleasure and honor of addressing the annual leadership training conference of [Women in Federal Law Enforcement](#) in Houston. I'm always inspired by the bravery and integrity of these officers as I hear stories of their challenging and sometimes dangerous careers. Besides leadership and other work-related training sessions, there were awards ceremonies honoring courage, heroism and outstanding service.



All of these women are very proud of the work that they do and are grateful to the women who entered the law enforcement field before them. The event highlighted for me why it's so important for these and other federal employees to receive their earned retirement benefits after completing dedicated and productive careers in public service.

What I love most about presenting to the WIFLE audience is the fact that understanding retirement benefits and planning for the future is just as interesting and important to the Drug Enforcement Agency agent who has less than five years of federal service as it is to the Customs and Border Protection officer who is at midcareer. And of course, it's definitely on the minds of the agents, analysts, and officers who are ready to retire within the next three to five years.

The length of a federal law enforcement career is strictly defined: There are a finite number of years before an officer faces mandatory retirement at age 57. So if officers want to retire in their 50s and not immediately embark on a second career, they need to plan ahead.

Younger workers (and not just those in law enforcement) need to know that starting the planning process early is critical. Not thinking ahead or making mistakes early in your career can be difficult to address when you're five years away from retirement.

The WIFLE audience in Houston was made up almost exclusively of people covered under the Federal Employees Retirement System. That means they need to understand how Social Security, the FERS basic retirement benefit and their Thrift Savings Plan accounts will provide the income needed to replace their wages while employed.

Some of these women began their careers out of high school, first serving in the military and then embarking on a career in civilian federal service. That means they could meet their service requirement before they are old enough for retirement, but I reminded them of how a longer career would allow more time to save and for their savings to grow. In addition, accumulating more service allows for a more generous FERS retirement benefit.

At the WIFLE conference, I learned the importance of not following the crowd when it comes to planning your retirement. Members of the audience noted that they knew people who had already retired who had taken lump-sum payments from their TSP accounts to pay off debt, such as eliminating a mortgage. This doesn't mean it's the best decision.

In fact, my colleague Bob Leins of the [National Institute of Transition Planning](#) told me that it's never a good idea to withdraw the amount of money in a lump sum from your TSP that would be required to pay off a substantial mortgage balance. First of all, the TSP will withhold 20 percent for federal tax pre-payment. But that may not be enough to meet your full tax obligation. In April following the year you received your distribution, you may be shocked to find out you owe an additional 5 percent to 15 percent federal tax on the amount of your withdrawal.

Bob suggested retirees use monthly payments from the TSP to continue to make mortgage payments as they did during their careers. To learn more about rebalancing and allocating your withdrawals from different types of investments, you may need to consult a financial adviser.

That brings me to another piece of advice I gave attendees: Choose an adviser very carefully. According to the Securities and Exchange Commission, undisclosed conflicts, fees and overcharges have become a recurring theme in commission cases involving investment advisers. Earlier this week, the [SEC filed charges](#) against four former Atlanta-area brokers for fraudulently inducing federal employees to roll over holdings from their TSP accounts into higher-fee, variable annuity products.

All in all, this week, for me and the other participants in the WIFLE conference, was a time of learning and being inspired to do better. I realized that all of us support each other, whether it is bringing justice to our communities or simply becoming better-informed federal employees who are able to plan for a secure financial future.

<http://www.govexec.com/pay-benefits/retirement-planning/2017/08/plan-ahead-and-reap-benefits-youve-earned/139987/>



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*- Rachael L. VanDeusen '08 Lieutenant - New York State Police*

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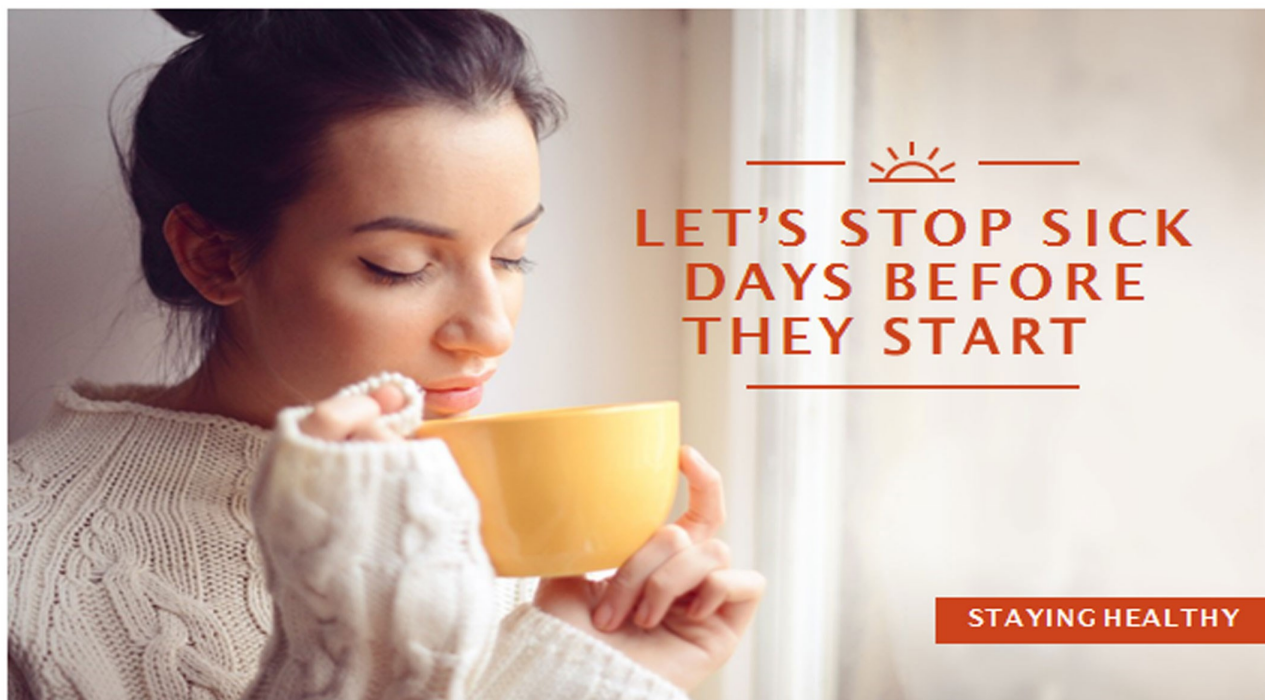
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The flu shot is your best defense against the flu. The flu isn't just a bad cold — it's highly contagious and can be very serious. And it can take about 2 weeks to develop immunity, which is why you should get a flu shot before the season starts.



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Don't get the flu. Get the flu shot! Contact your health plan about where to get one. Remember, the flu virus changes every year, so get a shot annually.



#### Get your zzzzs

Load up on vitamin zzzzz. Sleeping less than 6 hours a night makes you 4 times more likely to catch a bug than folks who get at least 7 hours of shut-eye.\*



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Want more healthy ideas? Visit [kp.org/flu](http://kp.org/flu) or [pinterest.com/kp thrive](https://www.pinterest.com/kp thrive). 

\*Sleep Research Society. †Centers for Disease Control and Prevention

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0021109 January 2017



## Your Federal Benefits Explained

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

### Should You Consider the Roth 401(k) TSP?

This is not a binary issue:

First, the decision between funding the traditional tax-deferred TSP or the Roth 401(k) TSP,

Second, should you fund a Roth IRA or the Roth 401(k) TSP or both?

### **The first decision point: Should you fund the traditional tax-deferred TSP or the Roth 401(k) TSP?**

Some issues that apply no matter what you decide:

The IRS elective deferral amount applies to the combined (tax-deferred and Roth) amount you contribute.

The government's automatic and matching contributions will be invested in the tax-deferred account even if you invest all of your contributions in the Roth 401(k) TSP.

Both your tax-deferred account and your Roth 401(k) account will be invested proportionally the same. You have no separate control over either account.





Any point where you wish to access your account (loans, legal actions or withdrawals) both sides of the account will be affected proportionally.

**So how should one decide?**

Know the percentage of your income that you are currently paying in income tax (federal, state and/or city).

The lower your combined federal and state tax rate is currently, the stronger the argument for making Roth 401(k) TSP contributions. Here are the current federal tax brackets.

Tax Rate	Single	Head of Household
10%	\$0 to \$9,325	\$0 to \$13,350
15%	\$9,326 to \$37,950	\$13,351 to \$50,800
25%	\$37,951 to \$91,900	\$50,801 to \$131,200
28%	\$91,901 to \$191,650	\$131,201 to \$212,500
33%	\$191,651 to \$416,700	\$212,501 to \$416,700
35%	\$416,701 to \$418,400	\$416,701 to \$444,550
39.6%	\$418,401 or more	\$444,551 or more

It is not as simple as looking at your salary. Someone with dependents and deductions could have a higher salary but be in a lower tax bracket than a single person who has few write-offs but a lower salary.

That is the easy part – it is documented. The second part of the question is more difficult – What percentage of your income will you be paying in income tax in the future when you begin to make withdrawals. This doesn't just depend on what your income will be – very likely less than your salary – but also on what the tax laws are in the future. Unfortunately, no one knows that.

Sometimes what you contribute to the tax-deferred TSP can reduce your income and therefore your tax bracket which could create money to invest in either a Roth IRA or a Roth 401(k). Here are some comparisons of the impact on your take home pay depending on whether you contribute to the tax-deferred TSP or the Roth 401(k) TSP.

**Traditional TSP Savings**

Annual Pay (gross)	\$40,000
Minus TSP Contributions (5%)	- \$ 2,000
Net Taxable Income	\$38,000
Minus Estimated Federal Income Tax (10%)	- \$ 3,800
Net Spendable Income	\$34,200



**Roth TSP Savings**

Annual Pay (gross)	\$40,000
Minus Estimated Federal Income Tax (10%)	<u>- \$ 4,000</u>
Net Taxable Income	\$36,000
Minus TSP Contributions (5%)	<u>- \$ 2,000</u>
Net Spendable Income	\$34,000

**Traditional TSP Savings**

Annual Pay (gross)	\$40,000
Minus TSP Contributions (5%)	<u>- \$ 2,000</u>
Net Taxable Income	\$38,000
Minus Estimated Federal Income Tax (15%)	<u>- \$ 5,700</u>
Net Spendable Income	\$32,300

**Roth TSP Savings**

Annual Pay (gross)	\$40,000
Minus Estimated Federal Income Tax (15%)	<u>- \$ 6,000</u>
Net Taxable Income	\$34,000
Minus TSP Contributions (5%)	<u>- \$ 2,000</u>
Net Spendable Income	\$32,000

**Traditional TSP Savings**

Annual Pay (gross)	\$75,000.00
Minus TSP Contributions (5%)	<u>- \$ 3,750.00</u>
Net Taxable Income	\$71,250.00
Minus Estimated Federal Income Tax (25%)	<u>- \$17,812.50</u>
Net Spendable Income	\$53,437.50

**Roth TSP Savings**

Annual Pay (gross)	\$75,000
Minus Estimated Federal Income Tax (25%)	<u>- \$18,750</u>
Net Taxable Income	\$56,250
Minus TSP Contributions (5%)	<u>- \$ 3,750</u>
Net Spendable Income	\$52,500



**Traditional TSP Savings**

Annual Pay (gross)	\$75,000
Minus TSP Contributions (24%)	<u>- \$18,000</u>
Net Taxable Income	\$57,000
Minus Estimated Federal Income Tax (25%)	<u>- \$14,250</u>
Net Spendable Income	\$42,750

**Roth TSP Savings**

Annual Pay (gross)	\$75,000
Minus Estimated Federal Income Tax (25%)	<u>- \$18,750</u>
Net Taxable Income	\$56,250
Minus TSP Contributions (24%)	<u>- \$18,000</u>
Net Spendable Income	\$38,250

Another way of looking at it would be how much of your money would go into your TSP account if you contributed \$692.30 per pay period (\$18,000 divided by 26 = \$692.307) to the tax-deferred TSP as compared to the Roth 401(k) TSP.

Percentage	Tax-Deferred	Roth 401(k)
10%	\$692.30	\$623.07
15%	\$692.30	\$588.46
25%	\$692.30	\$519.26
28%	\$692.30	\$498.46
33%	\$692.30	\$463.84
35%	\$692.30	\$449.99
39.6%	\$692.30	\$418.15

**The second question: Should you fund the Roth 401(k) TSP or a Roth IRA or both?**

You can contribute up to \$18,000 this year in any combination to the TSP. Plus up to \$6,000 in catch-up contributions if you are age 50 or beyond any day in the year and contributing at the maximum. However, if you qualify you could also fund a Roth IRA. Qualifying to fund a Roth IRA depends on your earned

income. For single filers to fully fund a Roth IRA it must be \$118,000 or less; for joint filers it must be \$186,000 or less (from \$118,001 up to \$133,000 a single filer can partially fund the Roth IRA over \$133,000 they do not qualify; for joint filers the limits are from \$186,001 to \$196,000). For those who qualify, the most that you can contribute is \$5,500 plus an additional \$1,000 if over age 50.

Remember that contributing the maximum to the TSP (tax-deferred and/or Roth 401(k)) doesn't prohibit you from contributing the maximum to a Roth IRA.

### **Why fund a Roth IRA?**

Roth IRAs have some flexibilities that Roth 401(k) TSP doesn't:

- Required minimum distributions apply to the Roth 401(k) TSP but not the Roth IRA.
- Roth IRA contributions may be distributed tax-free at any point but in order for the tax-free earnings to be distributed it must be considered qualifying. A qualifying withdrawal means that 5 years have passed since January 1 of the first contribution and age 59 ½.
- Roth IRAs are not subject to the IRS "required minimum distribution" April 1 following attainment of age 70 ½. The Roth 401(k) TSP is subject to the IRA "required minimum distribution."



### **Don't Believe Everything You Think**

**(A Process that shows how to be Decisive without being Reckless)**

*By June Werdlow Rogers, PhD*

*Retired DEA SAC*

*Supervisory Special Agent (SSA) Erin Harvey knows she's right in resisting an urge to hurt Steve after overhearing the rumor Monday about his supposedly grabbing and pushing his wife over the weekend. (Erin resists this approach although she believes it works recalling the good 'ole days when a former partner stopped abusing his wife after their boss showed him what it feels like to be roughed up). While she rejects getting physical with Steve, she is leaning towards "tuning him up." Since her recent promotion to supervisor, Erin finds herself*

*having to make more decisions than ever, including how to deal with Steve. Moreover, she is especially feeling the pressure to react because the gossiping agents know she heard them, and Steve will arrive any minute.*

While someone in Erin's situation may feel she has limited options, in reality this fictitious SSA has more alternatives available to her than her experiences may have exposed her to. Firstly, she has to move beyond sensing a high degree of urgency that she must react the minute that Steve walks through the door. Secondly, she must evaluate whether the situation warrants handling on a unilateral basis.

People who work in law enforcement must make split-second decisions sometimes involving life or death. Such quick decision-making, though calculated on an unconscious level, can lead to a belief that first thoughts are always superior choices. But strict-forced-choice with only two alternatives requiring "shoot, or don't shoot" judgement is rare outside of a danger scenario. And the down-side of narrowing options unnecessarily can be inferior decision-making. In Erin's situation, more information is needed to determine if Steve really is involved in domestic violence and, besides, there is no indication that an act is in progress. Consequently, her immediate consideration should be obtaining more information which brings us to the second step in the process of reaching deliberative resolutions – namely, can I alone make the final call?

With respect to unilateral decisions, it is essential to consider that most law enforcement agencies provide written guidance and in many instances have pre-determined how allegations like those against Steve will be handled. So a benefit of Erin not jumping to conclusion is affording her time for research in her problem-solving. What more does Erin need to know?

Posing the right questions and seeking the answers are foundations of Problem-Based Learning (PBL) techniques. As a recent facilitator of PBL in first line law enforcement training, I have seen the benefits. Feedback suggests that through practice, you can train your mind to consider and evaluate a wider variety of options, while still making rapid, but better decisions. Also relevant, is learning the lesson for recognizing gaps in knowledge. The bottom line is that we can't always believe what we think as circumstances need to be considered in decision-making.

So here's my modification of Reinhold Niebuh's serenity prayer for women in law enforcement:

Grant us the serenity to accept the outcome of our critical street-level decisions, and the courage to slow down our decision-making when we should.

And may we always have the wisdom to know the difference.



## Clean Record Agreements Will Not Cure *Giglio* Impairment

*By Peter J. Jeffrey, Esq., Member and Managing Director*

*The Jeffrey Law Group, PLLC, The Federal Employee's Law Firm®*

Clean record agreements are very common in settlements of federal sector employment disputes. These agreements generally require, in part, that an agency expunge any records of proposed or effectuated adverse action (*e.g.*, termination) from the employee's official personnel folder (OPF) and replace those records with an SF-50 reflecting the employee's voluntary resignation or retirement for personal reasons. The agency is then further obligated to give only a neutral reference to prospective new employers.

The United States Merit Systems Protection Board (MSPB) and the Federal Circuit Court of Appeals have upheld a broad policy of nondisclosure on the part of the agency with regard to these clean record agreements. Generally, the agency cannot disclose anything about the rescinded adverse action to prospective employers, and must only represent the information that is reflected on the official SF-50. In addition, the MSPB has held that a clean record agreement includes an implied provision requiring the agency not to disclose information to third parties even if such provision is not expressly stated. *See Doe v. Dep't of the Army*, 116 MSPR 160 (2011).

However, there is an important public policy exception to the broad rule of nondisclosure. If there exists a public interest in disclosure that outweighs the employee's interest in enforcement of the settlement agreement, then the agency may disclose that information. *See Gizzarelli v. Dep't of the Army*, 90 MSPR 269 (2001). For example, in *Gizzarelli*, the parties resolved a removal appeal with a settlement agreement that provided, among other things, that the Department of the Army would only provide prospective employers with the information about Ms. Gizzarelli permitted under 5 C.F.R. § 293.311(a). *See id.*, ¶ 2. Thereafter, when Ms. Gizzarelli was appointed to a position with another federal agency and was subjected to an OPM background investigation, the Army's Crime Records Center provided to OPM a Military Police report which stated that Ms. Gizzarelli had acknowledged stealing government property, transporting the stolen property in a government-owned vehicle, and using agency employees to remodel her home. *See id.*, ¶¶ 2-4. Thus the MSPB found that under the circumstances in the *Gizzarelli* matter, public policy overrides the terms of the settlement agreement. *See id.*, ¶ 15. This public policy exception also applies to background investigations for security clearances and *Giglio* reviews.

*See Cunningham v. OPM*, 110 MSPR 398 (2009); *see also Davis v. Dep't of the Treasury*, 306 Fed. Appx. 596, 599 (Fed. Cir. 2009). Moreover, as set forth in 5 U.S.C. 2302(b)(13):

An agreement that includes a clean record limiting the disclosure of personnel information cannot supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection.

[5 U.S.C. § 2302\(b\)\(13\).](#)

Although in many cases a clean record agreement may be the best deal for a Federal Law Enforcement Officer facing a proposed adverse action, it is important to note that such agreements may not cure a *Giglio*-impairment. Law enforcement officers are held to a high standard of honesty and credibility because of the need for public trust and confidence attendant to their job responsibilities, including testifying at criminal trials. *See Hernandez v. Department of Homeland Security*, 324 F. App'x 908, 911 (Fed. Cir. 2009). Thus, if the underlying conduct that lead to the clean record agreement even slightly damaged the officer's credibility, her ability to testify at trial is damaged, and her future prospects for being re-hired into law enforcement is at risk.

*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 author recommends you consult a licensed attorney who is knowledgeable about the area of law in question.*

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