

Seasons Greetings



WIFLE-eNews

WIFLE®

December 2019

### Letter to Members from the President, WIFLE Foundation, Inc.

December 1, 2019



Dear WIFLE Members:

On behalf of the WIFLE Foundation Board members, Vice President Sheree Mixell, and your Web Master Carol Paterick, I hope that each of you and your families enjoy a happy and healthy holiday season. This was a difficult year for many of you, from working for no pay to having your integrity and commitment to service questioned. All this on top of balancing children, aging parents, and a host of other commitments. In spite of it all, each of you continued to persevere and excel.

2019 was also a busy year for WIFLE. I participated in the new Department of Homeland Security (DHS) mentoring program for women in law enforcement which relies on men and women from all DHS agencies, as well as retired personnel, to serve as mentors. WIFLE also has a seat at the International Association of Chiefs of Police (IACP) Human and Civil Rights Committee and the Diversity Task Force. This year, we were busy updating all of the model policies available to law enforcement agencies around the world. In addition, this past year I volunteered to work on policies that focused on dealing with the mentally ill, sexual discrimination and sexual misconduct, and pregnancy, just to name a few.

Our annual leadership training was held in Arlington, Virginia in 2019, and proved quite successful. WIFLE also held its annual half marathon and 10k race in September at Burke Lake Park in Fairfax, Virginia. I have to say, it was quite a learning experience for me, and I have a newfound respect for anybody that takes on the race director duties.

As the holidays approach, please remember to take the time to embrace your loved ones, enjoy the company of friends, and spend a few moments for yourself to regenerate. Even if you don't celebrate the holidays, use that slower pace at the office generated by all those on use-or-loose leave to relax and plan for the coming year.

We hope to see you at WIFLE's 2020 annual leadership training in Tampa, Florida at the Marriott Water Street, August 3-6, 2020. In Tampa, you will not only be able to network but take that time to regenerate.

A handwritten signature in cursive script that reads "Catherine W. Sanz".

Catherine Sanz

President, WIFLE Foundation, Inc.



### Go Back to School with the GI Bill

Many service members don't realize how beneficial the GI Bill is and leave the military without understanding their real value in the civilian workforce. Your skill sets are valuable, and employers actively seek veterans because they can learn new skills and concepts and apply them under real-world pressure. Read more [here](#).

Excelsior College is ranked Best for Vets, 10 years running! With our Center for Military and Veterans Education, active duty military, spouses, and veterans are in good hands with educational professionals who know and understand your educational and career needs. Click [here](#) to find out more about how to utilize your GI Bill and more about Excelsior College programs and services.

Did you know Excelsior College has an educational partnership with [WIFLE](#)? You can save on tuition and fees, as well as enjoy a generous transfer credit policy that includes credit for workplace and military training, prior learning assessment, and credits earned from other colleges and universities.



## Your Federal Benefits Explained

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

### YOUR YEAR-END FINANCIAL CHECKLIST

Now is a good time to think about items that should be considered before the end of the year.

### **Establish or Tune up Your Emergency Fund**

Everyone needs an emergency fund. If you don't already have one, now is the time to determine the amount that should be in your emergency fund and where it should be invested. If you have an emergency fund, review the amount that you established as needed to cover your expenses in case you or your spouse's income is interrupted. Whatever amount you have established, it should be easily accessible and invested in a low risk account at the lowest possible cost.

### **Review both your TSP (tax-deferred and/or Roth 401(k)) and outside Roth IRA contributions**

#### **Roth IRA**

First, even if you are fully contributing to the TSP (\$19,500 for 2020); and the \$6,500 (2020) catch-up if you are age 50 any day of the year, some still qualify to fund a Roth IRA. You are eligible to make a Roth contribution based on your modified adjusted gross income:

<b>Filing Status</b>	<b>Contributions are reduced if income is above this amount</b>	<b>Contributions are not available if income exceeds this amount</b>
Single	\$124,000 (2020)	\$139,000 (2020)
Married filing jointly or qualifying widow or widower	\$196,000 (2020)	\$206,000 (2020)

If you are under age 50 you can contribute up to \$6,000 to a Roth IRA; if 50 or older you can continue an extra \$1,000 as a catch-up contribution.

If you are married (and lived with your spouse at any point during the year) but file separately you cannot fund a Roth IRA.

#### **TSP**

You should review your TSP contributions to assure that you will be contributing at least 5% of your base pay every pay day to assure that you are receiving the full agency match. Further, you should review the amount you have committed to contribute to the TSP, both in regular contributions and if you are age 50 or over any day in the year the catch-up contribution, to assure that you are contributing either the elective deferral amount or the maximum that your budget allows.

Finally, remember that the "catch-up" contributions, unlike the regular contributions, must be positively elected each year.

### **Rebalance your investments (TSP and Others)**

If you are in the L funds your TSP or a time horizon fund outside of the TSP, your investments are automatically rebalanced. If you are managing your investments yourself you should review them once or twice a year to assure that your investments haven't become too weighted in one asset class because it has outperformed everything else.

### **Review your life insurance policies**

Make sure that you are carrying sufficient life insurance to protect your spouse and children if something untimely happens to you.

Understand the type of insurance that you have – decreasing term, fixed term, renewable term, whole life, universal or convertible, to assure that it will meet your current and future needs. Finally, review your designation of beneficiary forms to assure that your assets would be distributed as promptly as possible to the proper person.

TSP-3 for the Thrift Savings Plan

SF-2823 for FEGLI

SF-1152 for any money the agency would owe you

SF-3102 for a refund of your FERS contributions if not recovered and no eligible survivor

There are also Designation of Beneficiary forms for any life insurance you may have outside of the Federal government and outside investments.

### **Review your FSA**

If you have a Health Care FSA or a Limited Expense Health Care FSA, assure that you aren't going to forfeit any money. You can now carry over up to \$500 of unused funds into the next plan year. However, you must enroll to participate in the new plan year in order to use the carry over amount.

### **Review your spending, set your budget for 2020 and automate savings**

Review your 2019 spending and set up your 2020 budget. If you automate your savings beyond your TSP, it will result in regular savings not just saving what is left over. If you save regularly, you will do well over time and ultimately be able to enjoy a financially secure retirement: A goal of everyone still working.

### **Organize your financial information and records**

Start a file for bank statements, bills, receipts, loans and tax records. Or go paperless with online banking to access all your account history. Knowing where important financial information is located will save you time and aggravation.

### **Prepare a budget**

A well-defined budget suited to your specific needs will help you identify potential areas for reducing expenses. Once you know where your money is being spent, any money left over can be saved.

### **Take advantage of direct deposit**

Receive your money quicker by having your employer directly deposit your paycheck into your checking or savings account. You'll eliminate worrying about lost checks, waiting in line to make deposits, or delays if you're on vacation or out of town.

### **Set up an automatic draft into savings**

Arrange for a portion of your pay to be put in your savings account automatically through your bank or employer. You can't spend what you don't have available in your checking account, and you'll be on your way to saving for that vacation, car or home.

### **Participate in the TSP**

With the power of compound interest, saving just a little will really add up – and because the money is taken out of your paycheck pre-tax if you elect the tax-deferred option you probably won't even miss it. Try to contribute 5% of your base pay, otherwise you are missing out on the governments matching contribution – free money.

### **Prepare a personal balance sheet**

Having a current snapshot of your net worth is a good way to keep yourself on track financially and can be handy when you're considering applying for a loan. Over time, you'll be able to monitor your progress toward your long-term financial goals.

### **Balance your checking account regularly**

Monitoring your account helps prevent overdraft fees and the embarrassment of bounced checks. To help know how much you have at all times, sign up for online banking. Set up alerts to receive important balance information.

### **Pay your bills online**

It's easy, and you won't have to worry about stamps or driving to the post office to send those last-minute checks. If you have regular monthly payments, like an auto or student loan, you can set up recurring payments and they'll be paid automatically on the day of the month you choose.

### **Pay the maximum amount you can afford on your credit cards each month**

Making only the minimum payment due will cost you more in interest, and it will take much longer to pay off the balance. For example, paying just \$25 a month on a credit card with a balance of \$3,000 and an annual percentage rate of 17% will cost you \$2,241 in interest and will take you 10.5 years to pay off your balance in full.

If possible, pay the balance in full each month. To avoid unruly balances, use a debit card instead to pay for everyday expenses, and buy only what you can truly afford.

### **Check your credit score**

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## **WHY THE IMPEACHMENT HEARINGS – OR ANY INVESTIGATION - SHOULD WORRY EVERY LAW ENFORCEMENT OFFICER**

*By Brenda Wilson, FEDS Protection*

The American public expects Congress to exercise its investigative responsibility. We demand persistence and thoroughness and hope that our elected leaders are diligent in efforts to uncover wrongdoing, punish transgressors and produce legislation to thwart future abuse. And we truly desire, to maintain credibility, that this be accomplished in a bipartisan manner.



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In the last few decades, some politicians have called for and used investigations, or parts of them, to attract press coverage and hold public attention for their own advantage. There is a shrewdness, expected and celebrated in some cases, in evaluating evidence and questioning witnesses. House and Senate members and congressional oversight, investigatory, select, and special committees have probed serious issues. Most recently, your State Department brothers and sisters have been made aware of just how broad, frightening and overwhelming the congressional powers are when conducting investigations.

As law enforcement officers, you've seen your own share of serious Congressional inquiries and hearings, particularly since 9/11, and understand the adversarial, often confrontational, and sometimes high-profile nature of congressional investigations involving law enforcement operations. As law enforcement officers, you need to understand that we appreciate your service, we know your vulnerabilities, and we urge you to understand the exposures and protections available to you so you can prepare and/or defend yourself if, or more appropriately when, you become the subject or target of an allegation or investigation in the performance of your everyday duties.

Special interest groups, overzealous IG/OPR investigators, politically motivated elected officials, 24-hour news cycles, social media propaganda – these are just a few of your vulnerabilities. Investigative inquiries, concurrent investigations, violations (unintended or not) of policy and procedure, allegations of abuse or misuse of authority, use of force allegations – these are all the reasons the quality of legal representation matters. If you already have FEDS Protection, don't hesitate to call us – ever – we want to advise and protect you. If you don't already have FEDS Protection, you should not be doing your job without it - your agency pays up to half the cost, and it takes 5 minutes to enroll online or over the phone. Please understand that if you wait, and an incident that will most likely lead to a claim happens, you're too late and coverage will be denied. FEDS Protection is like every other insurance policy, you have to have coverage in place prior to an incident leading to an allegation, claim or lawsuit.

Your exposure has become substantially more prevalent in the last few years. If you are a WIFLE member, call and ask why you need professional liability insurance coverage. If you are a FLEOA member, call and ask why you also need FEDS Protection in addition to FLEOA's valuable legal services. If you have any questions about your exposures or the protections available to you, call 866.955.FEDS. We go above and beyond – every time – just ask around.



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## **DO YOU KNOW ABOUT THE FEDERAL LONG TERM CARE INSURANCE PROGRAM (FLTCIP)?**

With benefits designed specifically for the federal family, the FLTCIP offers a good way to help protect your savings and assets should you or your loved ones need long term care services someday.

The FLTCIP is a medically underwritten benefit, so it's important to apply when you are in good health to avoid the risk that a future illness or condition may prevent you from obtaining coverage later. Certain medical conditions, or combinations of conditions, will prevent some people from being approved for coverage.

Since its launch in 2002, the FLTCIP has offered active and retired members of the federal family the opportunity to help take control of their future long-term care needs. Designed to provide solutions for a range of financial situations, this employer-sponsored program has grown to be the most successful and utilized program of its kind, providing comprehensive coverage for more than 270,000 enrollees.

Many members of the Federal family are eligible to apply for coverage under the FLTCIP, including Federal and U.S. Postal Service employees and annuitants, as well as active and retired members of the uniformed services. Certain family members, or qualified relatives, are also eligible. Qualified relatives include your spouse, domestic partner, parents and parents-in-law, and adult children.

For a complete list of who is eligible to apply, visit [LTCFEDS.com/eligibility](http://LTCFEDS.com/eligibility).

To learn more about the FLTCIP's comprehensive benefits and features or to find the average long term care costs in your area, visit [LTCFEDS.com](http://LTCFEDS.com) or call 1-800-LTC-FEDS (1-800-582-3337) TTY 1-800-843-3557 to speak with a program consultant.

The Federal Long Term Care Insurance Program is sponsored by the U.S. Office of Personnel Management, insured by John Hancock Life & Health Insurance Company, and administered by Long Term Care Partners, LLC.



By June Wendlow Rogers, PhD  
Retired DEA SAC

In the spirit of upcoming holidays, a season of gift sharing, I thought about what would be a “few favorite things” for women in federal law enforcement.

After all, you do not ask for much. In exchange for your hard work in supporting and defending the Constitution of the United States against all enemies, you mostly expect the modest compensation adorned on the General Schedule

Table. But what if you *could* ask for more, what would it be?

Outsiders would likely guess you would want more money, an enhanced fringe benefit package, or “toys” such as high-tech gadgets. Sure, a new loaded, fast and less conspicuous g-car could reduce getting burned on surveillance and improve catching up to suspects. Or what about an expensive satellite phone to improve communications from remote field worksites? These *are* nice things. But I think on your Christmas list instead of finding what can be visually seen *under* a tree, would appear things analogous to the unseen contributors to a tree's vitality. What women in federal law enforcement really need and want is intangible.

First, she wants to be heard. No more attempting to get a word in during meetings only to be drowned out by other voices. No more having your great suggestions discounted simply because they originated with you.



Second, women want to be respected. Snide remarks questioning a woman's motives for joining the ranks of law enforcement, like to find a spouse or a "desk job," do not demonstrate respect. Working in policing is serious business for all, including women.

Third, being valued. Women are required to bring the same level of knowledge, skills and abilities specific to all positions of enforcement, intelligence and operations. Attitudes that diminish contributions based on gender adversely impact morale and place a team and agency at a disadvantage.

So, Santa -- err federal supervisors, when you are searching for the best gift for that special woman in law enforcement, know that what she really wants is to do the best possible job. Give her the gift of support.

Let her be heard. Respect her. Value her. These are just a few of her favorite things.



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**FEDagent** invites you on a journey across the fifty states!

## THE FEDERAL FIFTY



A JOURNEY TO FIND FEDS  
ACROSS THE FIFTY STATES

**FEDagent** is located in the heart of Washington, D.C. So it is easy to become entrenched in the workings of agency headquarters and only focus on the happenings in the nation's capital. However, as reported in our sister e-report **FEDmanager**, 85 percent of federal employees live and work outside D.C.



*On week 3, Huey played police dog near the airport in Vermont.*

Starting Fall 2019, **FEDagent** introduced a new column, **The Federal Fifty**, to highlight the federal service taking place in every state.

FEDagent Editor Maya Meltsner, a native of Washington, D.C., and her dog Huey, a native of Puerto Rico, are traveling the nation in an RV to highlight outposts of the federal government in each state.

Do you work in one of the fifty states? Would you or your colleagues like to be interviewed for the column? Know any federal destinations Maya and Huey shouldn't miss?

Get involved by emailing [publisher@fednewsletters.com](mailto:publisher@fednewsletters.com)

Never miss an installment of The Federal Fifty,

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# STARR WRIGHT USA

## HOW TO RALLY YOUR EMPLOYEES TO HELP CREATE AN IMPACT WITHIN YOUR ORGANIZATION

During the government shutdown, federal employees in cities nationwide rallied together. Not just the 800,000 affected by the shutdown, but also their fellow employees still on the job. They came together for a common cause. How do you harness that unity to rally employees to create an impact in their everyday workplace?

It starts with motivation. Federal employees want to do the right thing. That's why they joined the federal workforce. They want their government and their agencies to succeed. But, how can leaders rally the troops after the impact of the shutdown and concerns about potential pay freezes, changes in retirement benefits, and organizational changes?

2018's [\*\*\*Best Places to Work in the Federal Government\*\*\*](#) reported a significant decrease in federal employee engagement. When employee morale is down, how do you motivate them?

The report, produced by the nonpartisan Partnership for Public Service, showed that employee engagement had dropped at almost 60 percent of federal agencies. According to the report, more than pay, effective leadership is the biggest influence on employee engagement. While there may be government-wide issues that need to be addressed, individual work units can find ways to create a positive impact within their organization.

One example also came from a study by the Partnership for Public Services of 150 VA medical centers over three years. The study found that centers with stronger employee engagement resulted in better care levels for patients and lower turnover of nursing staff.

Two of the centers that had performance problems "successfully reversed course." The steps taken included getting employee feedback, acting on the feedback that was obtained from employees, connecting employees to a shared mission, and recognizing staff performance. These are low-cost measures that made a big difference.

Other steps that fostered improvement included providing leadership and relationship building training at all levels, not just senior management, empowering staff members, and using employee surveys to identify and resolve workplace issues.

"Fostering engagement is about much more than creating satisfied and committed federal employees. It's also about providing better service to the public," the VA report said.

A medical center is a unique workplace –and the VA has been under pressure, including negative media coverage to improve its performance. But, the steps taken by the two underperforming medical centers can be applied in any work setting.

**Employee surveys** can be an important tool to measure employee engagement. Since they are anonymous, employees can express opinions freely without fear of reprisal. Just as important as giving the surveys is responding to them. Let employees know the results including what problem issues are identified. Then explain how those issues will be addressed.

Encouraging employees to provide their input on an ongoing basis whether it is one-on-one interactions or group meetings not only can result in effective ideas from the front lines but also shows employees their opinions are valued.

**Communication** fosters trust. In addition to explaining employee survey results, ongoing communications about changes, new policies, and priorities are important. If employees don't know what is going on, they are not going to be engaged.

If your organization needs to change to improve, clearly explain what the changes are, why they are needed, and employees' roles in making the change happen.

Make sure everyone in your organization is on the same page as to your mission and objectives. Miscommunications among functional units can hamper employee engagement with each other, not just with senior management. Also, having a shared purpose is what teamwork is all about.

**Training** builds the skills needed to improve any organization. It enables employees to potentially build their careers while gaining the competence to address the organization's issues. Training employees to achieve individual career goals also aligns with meeting the organization's goals such as improving procedures, workflow, or technology.

Unfortunately, efforts to create a positive impact on your organization can be misconstrued. Change can make employees wary and defensive. If a manager reassigns an employee to implement a needed change, the employee can take that as a demotion in status. A discussion about performance providing constructive criticism can be taken as a slight or discrimination.

While it is important for leaders to implement changes, it is also important they obtain insurance protection for themselves. Starr Wright USA Federal Employee Personal Liability Insurance (FEPLI) covers managers and supervisors, including during periods of change. To learn more, visit [wrightusa.com](http://wrightusa.com).

Article authored by Starr Wright USA.

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Peter J. Jeffrey, Esq., Member  
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### HEARSAY HERESY

There has been a great amount of discussion about what hearsay is lately at First St SE, Washington, DC 20004, much of it incorrect. But what exactly is hearsay? Hearsay is one of several concepts applicable to trials and related judicial proceedings that govern what evidence may be introduced. Rule 801(c) of the Federal Rules of Evidence defines hearsay as “a statement, other than one made by the declarant while testifying at the trial or hearing, offered in evidence to prove the truth of the matter asserted.” F.R.E. 801 (c). The hearsay rule essentially says that a witness may not testify about something someone else said outside the proceeding as proof that the out-of-court statement was true. See F.R.E. 802. However, it is well settled case law that hearsay is admissible in U.S. Merit System Protection Board proceedings “and may be accepted as preponderant evidence even without corroboration if, to a reasonable mind, the circumstances are such as to lend it credence.” *Kewley v. Department of Health and Human Services*, 153 F.3d 1357, 1364 (Fed. Cir. 1998) (citing *Hayes v. Department of the Navy*, 727 F.2d 1535, 1538 (Fed. Cir. 1984)); *Vaughn v. U.S. Postal Service*, 109 M.S.P.R. 469, ¶ 9 (2008) (hearsay evidence may be sufficient to sustain a charge) (citing *Social Security Administration v. Whittlesey*, 59 M.S.P.R. 684, 692 (1993), aff’d, 39 F.3d 1197 (Fed. Cir. 1994) (Table), cert. denied, 514 U.S. 1063 (1995)).

The U.S. Merit Systems Protection Board, also known as the MSPB or the Board, is an independent, quasi-judicial agency in the Executive branch. The Board’s mission is to protect Federal merit systems and the rights of individuals within those systems. MSPB carries out its statutory responsibilities and authorities primarily by adjudicating individual employee appeals and by conducting merit systems studies. Most of the cases brought to the MSPB are appeals of agency adverse actions—removals, suspensions of more than 14 days, reductions in grade or pay, and furloughs of 30 days or less. As stated above, the MSPB has consistently held that [not only is hearsay](#) evidence admissible in MSPB proceedings, but that it may be sufficient standing alone to sustain an adverse action. *Vojas v. OPM*, 115 M.S.P.R. 502, ¶ 13 (2011).

When an agency relies upon hearsay evidence to support its adverse action charge against an appellant, the MSPB administrative judge must decide whether the value of that hearsay evidence is outweighed by other evidence in record, including the appellant’s testimony. The MSPB has outlined eight (8) factors that an administrative judge must consider in weighing the value of hearsay evidence. Those factors are:

- The availability of persons with firsthand knowledge to testify at the hearing.
- Whether the statements of the out-of-court declarants were signed or in affidavit form, and whether anyone witnessed the signing.
- The agency's explanation for failing to obtain signed or sworn statements.

- Whether the declarants were disinterested witnesses to the events, and whether the statements were routinely made.
- Consistency of declarants' accounts with other information in the case, internal consistency, and their consistency with each other.
- Whether corroboration for statements can otherwise be found in the agency record.
- The absence of contradictory evidence.
- The credibility of the declarant when he made the statement attributed to him.

*Vaughn v. U.S. Postal Service*, 10109 MSPR 469 (MSPB 2008), aff'd, 315 F. App'x 305 (Fed. Cir. 2009). As the MSPB has held "hearsay must be evaluated on a case-by-case basis to determine if the hearsay is inherently truthful and more credible than the evidence offered against it." *Sanders v. U.S. Postal Service*, 801 F.2d 1328, 1331 (Fed. Cir. 1986).

Unfortunately, Executive Order (E.O.) 13839 has stripped agencies of any authority to settle complaints, grievances, or appeals of adverse actions with "clean record agreements." In practical terms, this means that if you are terminated from Federal employment and appeal that termination to the MSPB, you must litigate that appeal through a hearing and have a MSPB administrative judge find in your favor in order to have that removal expunged from your official personnel record. To that end, discovery, depositions, and witness preparation are essential to your success before the MSPB.

The Jeffrey Law Group, PLLC, can help you understand all of the risks and benefits involved in an MSPB appeal. And if you decide to appeal, we will shepherd you through the MSPB appeal process - always advocating for your rights, and keeping your best interests at the forefront of the process.

*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.*



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