



WIFLE-eNews

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*Catherine Sanz, President,
WIFLE Foundation, Inc.,
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WIFLE 20th Annual Leadership Training

It's not too late!! Register now for WIFLE's 20th Annual Leadership Training at the Hyatt Crystal City, Arlington, VA, July 15-18, 2019. This year, WIFLE has a full agenda planned for attendees. Don't miss out on interesting speakers, informative workshops, career-life balance seminars, and more. Your registration fee includes the Annual WIFLE Awards Luncheon, a Career Fair hosted by the U.S. Marshals Service, four optional Monday classes, and a special Wednesday evening tour of the U.S. Capitol for the first 50 registrants.

Also, please sign up for the Annual Julie Y. Cross Golf Tournament on Monday, July 15. This year's golf event will take place on the Andrews Air Force South Golf Course at historic Joint Base Andrews. All proceeds benefit the WIFLE Scholarship Fund.



Degrees at Work: Christine Robinson-Cooley



Christine Robinson-Cooley remembers looking through her older brother's criminal justice books when he was in college and liking the information. She says from that point, she was sure she would follow his path into the criminal justice field—which is exactly what she did.

A STORIED CAREER IN CRIMINAL JUSTICE

Robinson-Cooley, of Rensselaer, New York, is an assistant re-entry manager with the New York State Department of Corrections and Community Supervision. She started working at the maximum-security Sing Sing Correctional Facility in 1999 as a corrections counselor. Since that time, she has been employed in a

variety of roles in the field of criminal justice such as a corrections officer, corrections counselor, alcohol and substance abuse treatment program assistant, facility parole officer, field parole officer in victim services, and senior parole officer. “The environment can be an adjustment because a correctional facility is its own community,” she says, adding that there are many kinds of job opportunities in a facility such as teachers and security staff, as well as administrative and medical roles. Robinson-Cooley’s days vary between her desk and attending meetings in the community. Her main job is overseeing the discharge planning of the mentally challenged returning to the community after prison. “I assist in addressing barriers to successful re-entry such as housing, treatment, health care, and employment,” she says. She makes sure all the pieces are in place prior to the person’s release.

In addition to working as an assistant re-entry manager, Robinson-Cooley volunteers her time to community mental health programs. She is an active volunteer as a family-to-family education teacher with the New York State National Alliance on Mental Illness (NAMI), a free, 12-session education program for family and friends of those with mental health conditions. NAMI is an evidence-based program taught by trained, experienced family members. Robinson-Cooley is also a crisis intervention volunteer with the Crisis Intervention Team, a collaborative program that creates better connections between law enforcement, mental health providers, hospital emergency services, and individuals with mental illness and their families. Because she works so closely with people, it is important that Robinson-Cooley has the right skills to succeed in her roles. This includes the ability to communicate well verbally, write effectively, and have good organizational skills. These are some of the skills she picked up while at Excelsior College, where she earned a Bachelor of Science in Liberal Arts in 1997.

“It took me seven years to complete my undergraduate studies. The flexibility of Excelsior exams for credit allowed me to complete my last year of college at my own pace,” says Robinson-Cooley. She adds that she is a strong believer in online learning and feels that having a family and job shouldn’t be educational barriers. The opportunity Excelsior provided enabled her to complete a degree that is exactly in-line with the work she does today.

WHAT DOES IT TAKE TO HAVE A CAREER IN CRIMINAL JUSTICE?

To do the kind of work Robison-Cooley does, she suggests anyone interested talk to a person in the field to see whether it’s something that will work for them. “Join many professional organizations and stay abreast of current trends. Attend annual conferences to keep meeting people that share your same interests and different ones,” she adds. She also notes that to work in this field, one must know how to leave the job and home separate. “It is imperative you have healthy coping mechanisms to deal with the vicarious trauma of the situations you are dealing with and the information you are required to process,” she says. For her, this means family time is important. Her husband is a retired law enforcement officer, so it’s helpful that he understands what she goes through each day. With the support of her family, Robinson-Cooley has had a successful 25-year criminal justice career and she is excited to see what opportunities lie ahead.



To find out how you can get started on your undergraduate or graduate degree with Excelsior and how you can save on tuition and fees with the academic partnership with WIFLE, visit <https://www.excelsior.edu/partner/women-in-federal-law-enforcement/>.



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Healthy weight, happy body

Forget juicing, fasting, and fad diets. Just focus on being healthy and fit. When you eat right and exercise regularly, maintaining a healthy weight can happen naturally.

Fill up with fiber

High-fiber foods fill you up without filling you out. Getting the right amount of fiber a day can help you lose weight, regulate your blood sugar, and lower your cholesterol — all without counting calories.

Make time to move

Cutting calories can help you lose weight but keeping it off long-term is a different story. Exercise is a must — aim for 200 to 300 minutes of physical activity a week to keep extra pounds you've lost from coming back. (American Heart Association)

Rethink your drinks

There's more to maintaining your weight than watching what's on your plate. Calories from soda, juice, and alcohol add up fast. Switch to mostly water to help keep your weight from creeping up over time.

MARIST



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FEDERAL EMPLOYEE PROGRAM ADMINISTRATOR

HOW TO PREVENT SOCIAL MEDIA FROM DAMAGING YOUR CAREER

While government leaders use social media like Twitter and Facebook, where does that leave government employees who also want to use social media to express themselves?

In any professional setting, employees should use social media etiquette. That starts with being polite online at all times just as you would in any “social” setting. Employees in most work settings are expected not to be using social media at work when they should be working. If you decide to use social media on a break, you shouldn’t sign into a personal account on a government device or use your office Wi-Fi. In addition to not using government resources for personal use, using your device and connection preserves your privacy.

For federal employees, the best advice is to see if your organization has a social media policy and to follow it. If not, then be very careful about what you say online – especially about your political preferences – and don’t express those opinions online while you are at work, even if it is on your personal social media account.

Federal employees are subject to The Hatch Act, which was enacted in 1939 to limit political activities by federal employees. The Hatch Act is enforced by The U.S. Office of Special Counsel (OSC).

According to Special Counsel Henry J. Kerner, “This employee thumbed her nose at the law and engaged in vocal partisan politics both with her colleagues and on social media. Considering her knowledge of the Hatch Act and continuing disregard for the law, this employee’s resignation and debarment from federal service are proportionate disciplinary actions.”

In 2016, the OSC suspended an employee for 50 days for sharing pro-Bernie Sanders posts while criticizing other candidates from both parties.

An employee of Immigration and Customs Enforcement (ICE) had to resign and will not be allowed to return to work for the federal government for five years. While she was at work, she posted over 100 social media messages in support of Hillary Clinton.

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The OSC has distributed these guidelines to federal employees:

Employees may not post, like, share, or retweet a message or comment in support of or opposition to a political party, a candidate in a partisan race, or partisan political group *while on duty or in the workplace, even if their social media account is private.*

Employees may not like, follow, or friend the social media account of a political party, candidate in a partisan race, or partisan political group *while on duty or in the workplace.*

If you are on the job and post political preferences on your personal account, you are in violation.

The starting point for preventing social media from damaging your career is to avoid using social media at work – especially to share any political posts. If you are subject to a background check for a new federal job, your social media is fair game.

Here are some additional precautions to consider when you are using social media.

Find out if your agency has specific social media restrictions – especially if you are in law enforcement.

Be sure you make clear your online opinions are yours, and not from the agency where you work.

Avoid criticizing your agency, boss, or co-workers online.

If you have a work computer or phone, don’t use it for your personal social media posts.

Avoid using your own computer or phone for agency business.

Be careful who you friend online.

If you express a political opinion online for or against a candidate or group, don’t use your official title in your social media profile or post.

You can express your opinions to all your online friends or followers while off duty, but don’t send them via a direct message or tweet to fellow employees who are connected to you on social media.

To learn more, the OSC has information on its [website](#) about the Hatch Act.

“This office routinely receives questions from federal employees and the public about when social media use violates the Hatch Act,” Special Counsel Henry J. Kerner said. “With social media so accessible, employees want to know what political activity they can and can’t engage in on Facebook, Twitter, and other sites and stay clearly within the law. OSC’s new user-friendly guidance will help employees understand their obligations at a glance. It’s designed to improve compliance with the law. If employees know their legal obligations and still violate the law, OSC will bring cases accordingly, but first, employees have to be well-informed of their Hatch Act restrictions.”

Article [authored](#) by [Starr Wright USA](#).

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References:

[U.S. Office of Special Counsel](#)

[ICE Employee Who Repeatedly Told Coworkers to Vote Hillary Is Barred From Federal Service](#)
[ODNI issues social media guidance for background checks](#)



Your Federal Benefits Explained

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

DEPARTMENT OF JUSTICE RELEASES REPORTS FOCUSED ON IMPROVING SAFETY AND WELLNESS OF THE NATION’S 800,000 LAW ENFORCEMENT OFFICERS

The Department of Justice released two complementary reports that focus on the mental health and safety of the nation’s federal, state, local and tribal police officers. The reports, [Law Enforcement Mental Health and Wellness Act: Report to Congress](#) and [Law Enforcement Mental Health and Wellness Programs: Eleven Case Studies](#), were published by the Office of Community Oriented Policing Services (COPS Office) as required by the Law Enforcement Mental Health and Wellness Act (LEMHWA) of 2017.

The LEMHWA passed both chambers unanimously and without amendment and was signed by the President shortly thereafter. These actions show that its purpose and intended effects are uncontroversial among policymakers – law enforcement agencies need and deserve support in their ongoing efforts to protect the mental health and well-being of their employees. Congress took the important step in improving the delivery of and access to mental health and wellness services that will help our nation's more than 800,000 federal, state, local, and tribal law enforcement officers.

"Serving as a law enforcement officer requires courage, strength, and dedication," Attorney General William P. Barr said. "The demands of this work, day in and day out, can take a toll on the health and well-being of our officers, but the Department of Justice is committed to doing our part to help. I want to thank the men and women of our COPS office for their hard work to support our officers every day, and specifically for these thoughtful and insightful reports, which detail both the challenges facing our officers and some specific ways we can give them the support that they deserve."

"A damaging national narrative has emerged in which law enforcement officers – whether federal, state, local, or tribal – are seen not as protectors of communities but as oppressors," said COPS Office Director Phil Keith. "In this environment, where an inherently stressful job is made more so by a constant undercurrent of distrust and negative public opinion, the risks to officer wellness are exacerbated. This report is an important measure and reflection in our ongoing commitment to protect those who protect us." Under the Law Enforcement Mental Health and Wellness Act, the COPS Office was required to submit reports to Congress that addressed:

- (1) Recommendations to Congress on effectiveness of crisis lines for law enforcement officers, efficacy of annual mental health checks for law enforcement officers, expansion of peer mentoring programs, and ensuring privacy considerations for these types of programs;
- (2) Mental health practices and services in the U.S. Departments of Defense (DoD) and Veterans Affairs (VA) that could be adopted by federal, state, local, or tribal law enforcement agencies; and
- (3) Case studies of programs designed primarily to address officer psychological health and well-being.

The first report, [*Law Enforcement Mental Health and Wellness Act: Report to Congress*](#), includes 22 recommendations to Congress ranging from supporting programs to embed mental health professionals in law enforcement agencies to supporting the development of model policies and implementation guidance for law enforcement agencies to make substantial efforts to reduce suicide.

The case studies report, [*Law Enforcement Mental Health and Wellness Programs: Eleven Case Studies*](#), is designed to provide an overview of multiple successful and promising law enforcement mental health and wellness strategies with the joint aims of informing Congress, state and local government officials, and the law enforcement field. The report includes 11 case studies from a diverse group of sites across the United States.

The Department of Justice is pleased to respond to the LEMHWA as officer safety, health, and wellness is a longstanding priority of the agency. The reports address some of the most pressing issues currently facing our law enforcement community.

The recommendations are:

1. Support the creation of a public service campaign around law enforcement officer mental health and wellness in conjunction with National Mental Health Month.
2. Support the development of resources for community-based clinicians who interact with law enforcement and their families to help them better understand some of the unique risks facing their clients and what resources may be available to them as members of the first responder community.
3. Support programs to embed mental health professionals in law enforcement agencies.

4. Support programs for law enforcement family readiness at the federal, state, and local level.
 5. Encourage departments to allow retired law enforcement officers to make use of departmental peer support programs for a select period of time post-retirement or separation.
 6. Support the development of model policies and implementation guidance for law enforcement agencies to make substantial efforts to reduce suicide.
 7. Support the creation of a Law Enforcement Suicide Event Report surveillance system, possibly beginning with a focus on federal law enforcement agencies.
 8. Support rigorous research that can evaluate the efficacy of crisis lines and, if supported, provide data toward considering them an evidence-based practice.
 9. Support the expansion of crisis lines for law enforcement that are staffed with call-takers and counselors with a law enforcement background. Consider support for a national crisis line for law enforcement.
 10. Support research to determine the efficacy of mental health checks, establish which approaches are most effective, and provide resources that move law enforcement toward best practices.
 11. Consider methods for establishing remote access or regional mental health check programs at the state or federal level.
 12. Support the expansion of peer support programs to ensure all officers have access to this important wellness service.
 13. Support the expansion of peer programs to include broader health and wellness, not just critical incident stress.
 14. Support alternative models to agency specific peer programs, such as through regional collaborations or labor organizations.
 15. Support training programs for peer mentors for peer support programs to expand.
 16. Remember all the types of agencies, including federal, when supporting peer programs for law enforcement.
 17. Improve legislative privacy protections for officers seeking assistance from peer crisis lines and other peer-support programs.
 18. Support the identification, development, and delivery of successful resiliency training programs for both academy and periodic in-service settings.
 19. Support training programs that promote the universal application of preventive interventions, including skills to manage stress.
 20. Encourage departments to make support available to nonsworn employees on the same terms as their sworn colleagues whenever possible.
 21. The development of programs that promote whole health and officer resilience should be the goal of the profession.
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The Federal Long Term
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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.¹

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.² 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.¹

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 44.³ 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 \$2,110.¹

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, 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

Visit LTCFEDS.com to learn more about the services covered under this group policy to better understand your long term care insurance options and which FLTCIP plan may be right for you.

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 FLTC PROGRAM

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, issued by John Hancock Life & Health Insurance Company, and administered by Long Term Care Partners, LLC.

1 AARP Public Policy Institute. “Valuing the Invaluable: The Growing Contributions and Costs of Family Caregiving,” <http://assets.aarp.org/rgcenter/ppi/ltc/i51-caregiving.pdf> (accessed May 2019).

2 National Institutes of Health. “Construct Validity of the Work Productivity and Activity Impairment Questionnaire across Informal Caregivers of Chronically Ill Older Patients,” www.ncbi.nlm.nih.gov/pmc/articles/PMC3040443/ (accessed May 2019).

3 Gallup. “In U.S., Caregivers Suffer From Poorer Physical Health,” www.gallup.com/poll/145940/Caregivers-Suffer-Poorer-Physical-Health.aspx (accessed May 2019).

FLTCIP009617



What Federal Law Enforcement Officers and Their Agencies Need to Know About Pregnancy Discrimination, Reasonable Accommodation, and Lactation Rights in the Federal Workplace

Given the physical and sometimes dangerous nature of federal law enforcement, the concerns facing pregnant law enforcement officers and their supervisors are different than those of most federal employees who don't have to worry about physical demand, or even fitting into uniforms. It has been over 40 years since the Pregnancy Discrimination Act of 1978 (PDA) amended Title VII to make discrimination due to pregnancy, childbirth, or related medical conditions illegal, and more than four years since the Supreme Court affirmed pregnant workers' right to on-the-job accommodation. Today, however, most federal law enforcement officers are still hesitant to inform their supervisors of pregnancy, and most federal supervisors may be unsure of how best to respond. Below, we touch on the issues unique to pregnant federal law enforcement officers that we see come up most frequently, as well as those affecting new mothers returning to the job.

What Does the Pregnancy Discrimination Act Ban?

The PDA has two major principles:

1. An agency may not [discriminate against a](#) woman on the basis of pregnancy, childbirth, or related medical conditions; and
2. An agency must treat women affected by pregnancy, childbirth, or related medical conditions the same as other persons not so affected but similar in their ability or inability to work.

The Supreme Court has also held that agencies cannot discriminate against a woman because of her “capacity to become [pregnant](#),” or because she intends to become pregnant (or is undergoing infertility treatment) - meaning it is illegal for an agency to not select a female officer for a deployment or assignment out of concern that she may become pregnant and, thus, be unable to complete the deployment or assignment. Comments such as, "I suppose you'll be next," or "You better not be pregnant again!" have also been held to be discriminatory.

In addition, agencies cannot discriminate based on concerns about risks to a pregnant officer or her fetus. The Supreme Court has held that, "decisions about the welfare of future children must be left to the parents who conceive, bear, support, and raise them rather than to the [employers who hire those parents](#)." In a case from the private sector, a factory excluded fertile women from jobs with exposure to excessive lead levels. The Court found the policy denied women a choice given to men "as to whether they wish[ed] to risk their reproductive [health for a particular job](#)." As applied to federal law enforcement officers, it is illegal for an agency to decide for a woman that a particular position or duty is too dangerous for a pregnant woman – this is a decision that only she can make for herself.

Does an Agency Have to Provide Reasonable Accommodations to Pregnant Women?

In 2015, in *Young v. UPS*, 135 S.Ct. 1338, 1354, the Supreme Court clarified that the general rule is an employer must treat a pregnant woman the same as others who are similar in their ability or inability to work, but are not affected by pregnancy, childbirth, [or related medical conditions](#). [In short, pregnant women are entitled to the same reasonable accommodations afforded to other employees, but are not allowed any special treatment.](#)

In a federal sector case, *Georgianne B. v. Dep't of Homeland Security (TSA)*, EEOC Appeal No. 0120172317 (2019), the U.S. Equal Employment Opportunity Commission (EEOC) held the Agency could reassign a Transportation Safety Officer who informed her supervisor that she was pregnant and could not lift more than 25 pounds, needed to drink water, needed bathroom breaks, could not climb ladders, etc. In response, the Agency reassigned her to do online training and then onto LWOP. The Assistant Federal Security Director (AFSD) informed the employee that there was no light duty available for her because there was no job assignment within her medical restrictions. The employee stated that she requested assistance with checked baggage, but not light duty. However, AFSD stated that she could not return to TSO duties until her doctor submitted medical documentation that indicated she could lift more than 25 pounds unassisted, or until her physician cleared her to return to TSO work.

Before the EEOC, the employee maintained that the Agency could have accommodated her by allowing her to check bags or take tickets instead of forcing her onto LWOP, but the EEOC found TSA was not required to reasonably accommodate her. Relying on TSA's requirement that all security screeners must be able to handle, lift, and carry items weighing up to 70 pounds, the EEOC agreed with TSA that a security screener who is medically restricted from lifting or carrying baggage weighing up to 70 pounds is not qualified to perform the essential function of performing security screening. Accordingly, the EEOC determined that until the employee's medical restriction was lifted, she was not qualified to perform her job.

Presumably, the EEOC will maintain this hard line. Thus, pregnant law enforcement officers should be aware that they will only be entitled to the same treatment afforded to an injured officer, e.g., an officer who broke their leg. She will not be given any accommodations beyond the norm. At the same time, agencies do have to provide the accommodations they would afford other officers who are unable to perform all of their functions because of physical injury or sickness.

What about Accommodations for Lactation and Breastfeeding?

The EEOC has held that a federal employee's status as a nursing mother is protected under the PDA. *See Heidi B. v. Dep't of Health and Human Services*, EEOC Appeal No. 0120171750 (2019), (citing *O'Brien v. National Security Agency*, EEOC Appeal No. 01951902 (1997)). The EEOC's Enforcement Guidance on Pregnancy Discrimination and Related Issues, EEOC Notice 915.003, I (A)(4)(b) (rev. June 25, 2015) states that an "employee who is lactating 'must have the same freedom to address such lactation-related needs that she and her co-workers would have to address other similarly limiting medical conditions.'" In *Heidi B. v. Dep't of Health and Human Services*, EEOC Appeal No. 0120171750 (2019). The Commission explained that discriminating against a woman who is lactating or expressing breast milk violates Title VII and the PDA. Title VII also mandates the provision of a reasonable accommodation for an employee who is lactating.

To continue producing an adequate milk supply and to avoid painful complications associated with [delays in expressing milk](#), a nursing mother will typically need to breastfeed or express breast milk using a pump two or three times over the duration of an eight-hour workday. An employee must have the same freedom to address such lactation-related needs that she and her co-workers would have to address other similarly limiting medical conditions. For example, if an employer allows employees to change their schedules or use sick leave for routine doctor appointments and to address non-[incapacitating medical conditions](#), then it must allow female employees to change their schedules or use sick leave for lactation-related needs under similar circumstances.

Additionally, a provision of the Patient Protection and Affordable Care Act requires employers to provide reasonable break time and a private place for hourly employees who are [lactating](#) to express milk.

What are Best Practices for Management to Follow?

- Develop, disseminate, and enforce a strong policy based on the requirements of the PDA, and make sure the policy addresses the types of conduct that could constitute unlawful discrimination based on pregnancy, childbirth, and related medical conditions.
- Conduct employee surveys and review employment policies and practices to identify and correct any policies or practices that may disadvantage female law enforcement officers affected by pregnancy, childbirth, or related medical conditions or that may perpetuate the effects of historical discrimination in the organization.
- Do not ask questions about the applicant's or employee's pregnancy status, children, plans to start a family, or other related issues during interviews or performance reviews.
- When reviewing and comparing applicants' or employees' work histories for hiring or promotional purposes, focus on work experience and accomplishments and give the same weight to cumulative relevant experience that would be given to workers with uninterrupted service.
- Review any light duty policies. Ensure light duty policies are structured so as to provide pregnant employees access to light duty equal to that provided to people with similar limitations on their ability to work. Temporarily reassign job duties that employees are unable to perform because of pregnancy or related medical conditions if feasible.

Have a process in place for expeditiously considering reasonable accommodation requests made by employees with pregnancy-related disabilities and for granting accommodations where appropriate. If a particular accommodation requested by an employee cannot be provided, explain why and offer to discuss the possibility of providing [an alternative accommodation](#). Create a space for lactating women to express milk and/or allow them time to express milk if they are unable to reasonably get to the designated location.

[Debra D'Agostino](#) is a founding partner of the Federal Practice Group. She has more than a decade of experience in employment law and has represented clients in matters before the EEOC, MSPB, the U.S. Court of Appeals for the Federal and D.C. Circuits and the U.S. Court of Federal Claims. If you have any questions for the Federal Practice Group please email them to Shaun May at smay@fedpractice.com.



**By Peter J. Jeffrey, Esq.
Member, The Jeffrey
Law Group, PLLC**

DISABLED NEED NOT APPLY FOR TSO POSITIONS: THE LIMITED REACH OF THE REHABILITATION ACT AT TSA

While the U.S. Equal Employment Opportunity Commission (EEOC) has the authority to hear disability discrimination complaints brought by Transportation Security Officers (TSOs) under the Rehabilitation Act of 1973, 29 U.S.C. §791 *et seq.*, many of the protections afforded to the disabled under the Rehabilitation Act have limited application to TSO positions. Specifically, the Rehabilitation Act requires most Federal Executive Branch agencies to demonstrate that any job qualification standards that screen out applicants with disabilities are job-related and consistent with business necessity. However, in *Getzlow v. Sec'y of Homeland Security*, EEOC Appeal No 0520070839 (Oct. 12, 2007), the EEOC found that the U.S. Department of Homeland Security (DHS) need only comply with the requirements of the Rehabilitation Act where there is no conflict between it and the Aviation Transportation and Security Act (ATSA), 49 U.S.C. §44935.

The ATSA codified as a note to 49 U.S.C. § 44935, states, in pertinent part:

Notwithstanding any other provision of law, the Under Secretary of Transportation for Security may employ, appoint, discipline, terminate, and fix the compensation, terms, and conditions of employment of federal service for such a number of individuals as the Under Secretary determines to be necessary to carry out the screening functions ...

49 U.S.C. 44935 note, 115 Stat. 597, 620. Further, the ATSA also provides that "at a minimum [a security screener must] meet such other qualifications as the Under Secretary may establish." *Id.* § 44935(e)(2)(A) (iv). Thus, the DHS/Transportation Security Administration (TSA) may develop qualification standards that are not required to be job-related and consistent with business necessity. In practical effect, TSA may purposefully and lawfully develop qualification standards that screen out applicants with disabilities and/or employees who become disabled.

Further, the Rehabilitation Act requires agencies to make reasonable accommodation to the known physical and mental limitations of an otherwise **qualified** individual with a disability unless the Agency can show that accommodation would cause an undue hardship. *See* 29 C.F.R. §1630.9. However, an applicant or employee who does not meet an ATSA developed qualification standard is not qualified. *See Milford R. v. Sec'y of Homeland Security*, EEOC Appeal No. 2019001037 (Mar. 27, 2019). Therefore, TSA has no obligation to provide applicants or employees who fail to meet qualification standards with a reasonable accommodation, including, but not limited to, waiving or altering that qualification standard. If a TSO finds herself no longer meeting an ATSA qualification standard, she most likely will find herself removed for medical inability to perform, and hopefully eligible for disability retirement.

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.

BEST JOB EVER! (WORKING IN LAW ENFORCEMENT)



*By June Werdlow Rogers, PhD
Retired Special Agent in Charge (DEA)*

Approaching the car wash, I wondered if it would be closed. A firmly shut garage door came into view with no sign of activity. The dark clouds and forecast had won out. For me, this just meant that I could not (or probably should not) get a car wash, but those employed in this business could not work that day – even if they

wanted to. This got me to thinking about how the ability to work in many industries is dependent on external factors such as weather.



People employed in law enforcement are fortunate to work *anytime*, and *anywhere*. The need for enforcement, protection and investigations is 24 hours a day, 7 days of the week. Additionally, the work itself is super-exciting!

Undercover field agents get to operationally develop scenes as intricate as any Hollywood movie set. Props like race-cars, aircraft, and yachts are available to lure high rolling targets – one is only limited by her imagination. Elite teams develop such mind-body connections that they become weaponized for protection and rescue. After a *legal* break-in, technical personnel get to set eavesdropping equipment to capture evidence. How about sharp intelligence analysts playing the high stakes game of ethical hacking that put our national defense to the test? While curiously exhilarating, executing these unique tasks requires precision and concentration. No wonder these special jobs attract special people like you.

Law enforcement occupations require such a range of skills offering flexibility that there is a place for virtually anyone who wishes to serve. There is a position that would seem tailor-made for any personality. The charismatic outgoing type could be a natural Public Information Officer reporting about the government's work. Conversely, the most quiet and reserved individual can dutifully serve as Confidential Informant Coordinator by restricting access to the Nation's most important secrets. Though each federal law enforcement agency may have a unique mission, every one of them employs law enforcement officers in furtherance of supporting the Constitution of the United States against all enemies – foreign *and* domestic. So yes, you get to do all of the cool stuff, with purpose.

So there! Absolute proof, that women who work in law enforcement have the best job ever. If you have a story you want to pass on as more evidence, I want to hear (and possibly write) about it. Share how discharging your duties offer excitement while providing a sense of job satisfaction. In whatever awesome capacity that you serve, please have a safe summer.

(You can reach me at junewrogers@comcast.net).

WIFLE ANNUAL AWARD RECIPIENTS ANNOUNCED

Visit the [Leadership Training website](#) to view the 2019 winners of the WIFLE Awards. WIFLE's Award Program highlights the value women bring to law enforcement. This year's recipients will be honored at the Award Luncheon, Wednesday, July 17, at the Hyatt Regency Crystal City, Arlington. Join us in congratulating the winners. Luncheon tickets can be purchased at the website (\$50 each ticket).

TRAINING AGENDA AVAILABLE

The Agenda for the 2019 WIFLE Leadership Training is [available in PDF format](#) to download / view. Go to the website to see the exciting classes and sessions offered by WIFLE. Celebrating its 20 Year Anniversary! Register!

