



FEDERAL INVESTIGATOR

September 2006 • Volume 28, Number 2

FCIA WORKING ON BILLS TO SAVE RETIREES MONEY

Premium Conversation - SAVE \$800 - \$900, Or More, Per Year

FCIA is working on behalf of members receiving federal pensions who now are required to pay their federal health benefits insurance premiums with after tax dollars.

Premium conversion is an important FCIA legislative issue. The premium conversion tax benefit will allow federal annuitants to pay their share of Federal Employees Health Benefits premiums with pretax pension dollars. This is a tax saving of approximately \$900 per year for retired 1811's (federal criminal investigators.) H.R. 994, introduced by Rep Tom Davis (R-VA) and S. 484, introduced by Sen. John Warner (R-VA) will amend the tax code for federal annuitants to use the premium conversion tax benefit. HR 994 has 335 cosponsors and S 484 has 63 sponsors. FCIA members should write their representatives to ask them to cosponsor and support these bills.

Current employees should also write a letter because once you retire, you lose this benefit unless the present law is changed.

Sample letters on the premium conversion issue are on page 4.

To see if your Senator or Representative is sponsoring this legislation for you, your family and, all other retired agents, go to the FCIA website - www.fedcia.org, click on "Washington Report" and click on "Premium Conversion."

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RETIREES CAN RETURN TO FEDERAL JOBS WITHOUT PAY CUT

Agencies will be able to rehire federal retirees in non-emergency situations without reducing their salaries if a newly proposed regulation from the Office of Personnel Management is implemented. OPM proposed that agency heads be allowed to request case-by-case clearance to hire

retirees without deducting their government pensions from their paycheck, when there is exceptional difficulty in recruiting for particular positions that are not necessarily related to an emergency. The proposal was published in the Federal Register on July 21, 2006.

Under standard rules, federal retirees who are rehired for government jobs must take a cut in their salary equal to their pension payments.

OPM already grants waivers of the salary offset to agencies in rare emergency circumstances, such as Sept. 11, 2001, but this proposed

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*FCIA ATTENDS POLICE MEMORIAL
(left to right) Donald Baldwin, Washington Director, Craig Floyd, Chairman, NLEOMF, and Richard Zehme, FCIA's President, at the annual Candlelight Vigil*

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Government Pension Offset/Windfall Elimination Penalty

Other bills the Federal Criminal Investigators Association is pushing for are H.R.147, introduced in the House by Representative Buck McKeon (R-CA) and S.619, introduced in the Senate by Senator Dianne Feinstein (D-CA), to entirely repeal the Government Pension Offset and the Windfall Elimination Provision. H.R.147 has 322 cosponsors in the House, S.619 has only 27 cosponsors in the Senate.

GPO - The Government Pension Offset law applies to both CSRS (Civil Service Retirement System) and to some FERS (Federal Employees Retirement System) retirees who were previously under CSRS. Basically, it applies to how much your surviving spouse can receive from Social Security. The surviving spouse social security benefit would be offset, reduced, by two-thirds of the government pension. In other words, if the survivor was entitled to \$1,500 a month from your government pension and entitled to up to \$1,000 a month survivors social security benefit, that spouse would get nothing from Social Security. If that spouse was entitled to a \$1,200 benefit, the spouse could only get \$200, etc. This only affects retirees with government pensions. Retirees from the private sector do not have such an offset.

WEP - For any of you retiring after 1990 with a government pension, any social security benefits you earned through other employment besides the government are reduced by up to 60% and reduced further by an additional 20% for taking the benefit at age 62. Remember, only individuals receiving a government pension are subject to the 60% reduction, everyone else who receives a pension does not lose 60% of their annuity.

To get the up-to-date status of the Government Pension Offset and Windfall Elimination Penalty, go to the FCIA website at www.fedcia.org, click on "Washington Report" and click on "GPO/WEP."

Sample letters for the Government Pension Offset and the Windfall Elimination Provision issue are on page 4.

Please, take time to write these letters to Washington. If you don't know who your Representative or Senators are, contact us at fcianat@aol.com and we will get that information to you ASAP.



Special membership - new federal agents can join FCIA now for free for six months. Complete application on page 7

regulation is intended to broaden the scope of waivers as more federal employees retire and agencies worry about filling their spots.

Some agencies already have their own legal authority to rehire retirees. Director of National Intelligence John Negroponte has issued a policy memorandum outlining hiring rules for the National Intelligence Reserve Corps, made up of annuitants ready to be rehired temporarily to aid in intelligence gathering for emergencies, said Ronald Sanders, chief human capital officer for DNI.

"Seasoned professionals who can teach our next generations of intelligence professionals...operational and analytical arts are ready to retire," Sanders said at a hearing of the House Government Reform Subcommittee on the Federal Workforce and Agency Organization. "The ability to bring back some of those artisans without penalty is critical to our human capital recovery plan."

Rep. Jon Porter, R-Nev., chairman of the subcommittee, convened the hearing to identify ideas on rehiring government retirees. Porter said he is looking at legislative options with OPM for rehiring annuitants and for allowing federal workers to switch to part time without adversely affecting their pension calculation.

Porter said a Veterans Administration nurse in his district retired from federal service and then opted to return to the VA hospital to help out during a nursing shortage. Because of the salary offset, the nurse instead pursued a contract through a private staffing company with the same hospital that allowed her to continue working and still receive her retirement payments. As a federal employee, Porter said, she earned \$35 per hour, but the private contractor billed the hospital \$55 per hour.

Waiving the salary offset entirely could give incentives for retirement and cost the government more money, warned Nancy Kichak, OPM's associate director for strategic human resources policy.

Waiving the offset also can have negative effects because rehired annuitants cannot make contributions to the Thrift Savings Plan or to their pensions. The Defense Department, which like the DNI has its own special waiver authority, is required to waive the offset when rehiring retirees.

Patricia Bradshaw, the Pentagon's deputy undersecretary for civilian personnel policy, told the subcommittee that she wanted flexibility to keep the salary offset because some employees, especially those who retired early because of downsizing, prefer the chance to build their TSP accounts or pensions.



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NEWSLETTER**

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WASHINGTON REPORT

by *Donald Baldwin*

Law Enforcement Personnel System

The comprehensive "Concept Paper" to update the federal law enforcement personnel system is on the front burner but not yet over the fire. The House and Senate Government Oversight committees are scheduling further discussions with top law enforcement association officials within the next several weeks. Because of the comprehensiveness of the revamping of the federal compensation, retirement, and special working benefits, per diem, and locality pay, the congressional staffs charged with the project are seeking further input. FCIA has been specifically asked to provide additional recommendations to the committee counsels.

FCIA national president Richard Zehme and Washington director Donald Baldwin will be part of a group of eight law enforcement association leaders advising the congressional staffers on the final language for proposed legislation.

Sen. George V. Voinovich (R-Ohio) is chairman of the Senate's oversight subcommittee on Government Management and Federal Workforce. Rep. Jon C. Porter (R-NV.) is the chairman of the House's subcommittee on Federal Workforce and Agency Organization. These two committees are preparing the comprehensive federal law enforcement personnel overhaul legislation. Committee counsels have stressed that while the overhaul of the federal law enforcement personnel system is overdue it has proved to be a "monumental objective."

"We will complete our drafting of the legislation before the end of this session of congress," the committee counsel promised.

Premium Conversion

Legislation to allow retired federal employees to use pre-tax dollars to pay health insurance premiums is being held in the House Ways & Means Committee. It was reported favorably from the House Government Reform Committee last year, with the backing of some 290 House members. The estimated \$12 million cost of the legislation, over ten years, is not considered a problem. It is a "pending matter" in the Ways and Means Committee. FCIA is joined by other leaders among the federal employee associations in prodding the Ways & Means Committee chairman to release the bill from his committee.

The bill, HR 994, the "Premium Conversion" legislation, would save an estimate \$600-\$800 a year for federal employees using pre-tax dollars to pay their health insurance premiums.

Child Protection and Safety Act

Of interest to all of us in the law enforcement criminal justice community is the comprehensive child protection act, HR 4472. It is expected to

become law by the time you read this. Officially known as "The Adam Walsh Child Protection and Safety Act of 2006," the new law recognizes efforts of law enforcement and supportive community leaders who have united in support of laws to protect our children. Specifically the legislation recognizes special contributions of John and Reve Walsh whose son Adam was taken from his home and murdered 25 years ago. John Walsh's nationally televised weekly program "America's Most Wanted" has been credited with bringing many criminals, and especially abusers of children, to justice.

Some of the principal changes in the law would expand state sex offender registration and notification programs to include certain juvenile, tribal, military, foreign and other sex offense convictions. The legislation increases criminal enhancements and adds law enforcement resources to protect children. A new office within the Justice Department is authorized to monitor and track sex offenders, a "Project Safe Childhood Program."

A tough 30-year mandatory minimum penalty for having sex with a child under 12, or sexually assaulting a child between 13 and 17, is included in the new law. To get around loopholes found by many lawyers, the Act eliminates the statute of limitations for sexual offenses against a child.

Also covered by the comprehensive legislation is protection for children from the internet. It will now be unlawful to embed words or images in source codes on a website to deceive children into viewing obscene material.

Update on Pay and COLA's

The 2.7 percent pay increase for federal employees was included in the congress's final markups on the House and Senate appropriations bills. President Bush had asked for a 2.2 percent raise in his 2007 budget requests for operation of the federal government Departments and Agencies. As the House and Senate appropriations committees for the Transportation, Treasury, and Judiciary and Housing and Urban Development budgets were considered, both houses of congress agreed on the 2.7 percent raise for federal employees. The raise will become effective next year.

On August 16th, the Labor Department's Bureau of Labor Statistics (www.bls.gov/cpi) reported the consumer price index (CPI) for July is 199.2, up 0.3 percent from June's index of 198.6. For purposes of calculating the next COLA (cost of living adjustment), the July index is 3.4 percent higher than the 2005 third quarter average base index of 192.7. Former federal employees now receiving monthly benefits under provisions of the Federal Employees Compensation Act (FECA) receive a COLA based on the change in the CPI during each calendar year. The July index of 199.2, is 3.5 percent higher than the December 2005 index of 192.5. August inflation data will be released Friday, September 15th.



The Honorable _____
United States House of Representative
Washington, DC 20515

Dear Representative, -----

I urge you to cosponsor and support H.R. 994, the Premium Conversion bill legislation, which would help me pay the high, out-of-pocket, health care costs by allowing me to use pretax dollars to pay my share of the Federal Employees Health Benefits Program premiums. Federal employees, still working, have this benefit, but federal civilian retirees do not. H.R. 994 would offer this needed tax relief for all civilian and military employees and retirees. Please, cosponsor and more importantly, support this legislation.

Sincerely,

John Q. Smith

The Honorable _____
United States Senate
Washington, DC 20510

Dear Senator, -----

I urge you to cosponsor and support S.484, the Premium Conversion bill legislation, which would help me pay the high, out-of-pocket, health care costs by allowing me to use pretax dollars to pay my share of the Federal Employees Health Benefits Program premiums. Federal employees, still working, have this benefit, but federal civilian retirees do not. S.484 would offer this needed tax relief for all civilian and military employees and retirees. Please, cosponsor and more importantly, support this legislation.

Sincerely,

John Q. Smith

Dear Representative, -----

I urge you to cosponsor and support H.R. 147, the Government Pension Offset and Windfall Elimination Provision bill, which would treat me and my family in the same manner as the millions of other retirees whose pensions are from private sector sources. I have also worked in non-governmental jobs in my lifetime and have paid all the required Social Security taxes on the income earned from those jobs. All I am asking for is to be treated in the same manner under the Social Security laws as anyone else who paid into Social Security System. Please, cosponsor and more importantly, support this legislation.

Sincerely,

John Q. Smith

The Honorable _____
United States Senate
Washington, DC 20510

Dear Senator, -----

I urge you to cosponsor and support S.619, the Government Pension Offset and Windfall Elimination Provision bill, which would treat me and my family in the same manner as the millions of other retirees whose pensions are from private sector sources. I have also worked in non-governmental jobs in my lifetime and have paid all the required Social Security taxes on the income earned from those jobs. All I am asking for is to be treated in the same manner under the Social Security laws as anyone else who paid into Social Security System. Please, cosponsor and more importantly, support this legislation.

Sincerely,

John Q. Smith

"DON'T GO IT ALONE"

By Richard Zehme, National President

On Wednesday July 19, 2006 my family and I went through one of the worst storms to hit Saint Louis in over 100 years. As the storm moved through my neighborhood I watched as trees snapped like matchsticks in my neighbor's backyard. I watched as large trees fell, the lights flickered and the power went out. I looked down the street and saw the power line dancing in the street spewing red sparks as it hit the ground over and over again. Just as fast as the storm came it was gone and there was silence as the whole area was without power. We were lucky as our homes came through virtually unscathed. We had water and gas so we were not completely on our own.

My 93 year old Mother lives with us and it was going to be 100 degrees the next day. I had to find a generator to power a small window air conditioner that I had purchased a few days before the storm to placate an uncomfortable teenager. This led to a four hour roundtrip on Thursday morning to the Sam's store in Columbia Missouri where generators were available. With the generator running on the rear deck and the window air conditioner running full boar, the lower level of the house became livable. We all made it through that night in relative comfort. The power came on four days later on Sunday and our ordeal was over.

My Mom did not go it alone after the storm; she had help and options from other family members. We had thought about taking her to Chicago to stay with one of her daughters. As you can see, she was not going to go it alone after the storm.

As Federal Law Enforcement Officers you should not go it alone with the politicians in Washington. The FCIA is helping to shape legislation that will affect you in the future. We are able to get behind doors and meet with the decision makers who will assemble legislation that will have an impact on your future in Federal Law Enforcement. I urge each of you who read this newsletter to give it to a colleague and urge them to become a member of the FCIA. Do not go it alone!



"FIT FOR DUTY?"

by National Vice-President Bill Paulin

As federal agents we enjoy the benefit of being able to retire with full benefits at an age when many workers are in mid career. That benefit is bestowed on us to ensure that the federal law enforcement workforce is youthful and vigorous. This benefit comes at a price however. We must keep ourselves in physical condition that allows us to withstand the rigors of our special status. Many agencies allocate work time to assist us in maintaining our good health. In the past this fitness responsibility was monitored by the individual agent and his/her supervisor.

There has been a recent shift in this responsibility to the agency or its contracted medical service, thus the rise of the term "fit for duty". The term defines an arbitrary concept that no one seems to be able to get their arms around. Government agencies have established physical requirements that must be met to be eligible for federal law enforcement positions. These requirements are needed to ensure that the new agents can perform the physical tasks of executing arrest and search warrants. The dilemma arises as the workforce ages. I can safely assume that most agents can not do at 45 what they once did at 25, but we still need to be able to perform the physical duties of our jobs. The danger to our employment comes from the agency trying to quantify "fit for duty". This arbitrary concept does not lend itself to being defined by a specific number or range, which is precisely what some agency administrators are attempting to do. For example what if your agency said that to be "fit for duty" one must have a cholesterol level below 215 or that

anyone taking a particular type of medication was not "fit for duty". There would be many perfectly competent agents that would be looking for new employment.

We have a responsibility not only to our agency, but to the public that we serve to maintain good health. The agency on the other hand bears the responsibility to its agents to fairly evaluate what "fit for duty" really means. It should be defined as the ability to contribute to the law enforcement mission of the agency. The criminal investigator position requires a wide range of skill sets, some of which are more academic than physical. Agency management needs to fully understand that every effort should be made to utilize their workforce based on the respective physical skill and mental skills of their agents. We can not afford to lose competent agents to a medical numbers game.



National Secretary Michael Priess and National President Richard Zehme lobbying Congress on behalf of FCIA members

GOVERNMENT PUBLICATIONS FOR FEDERAL INVESTIGATORS

For 136 years, the United States Department of Justice has staked out an unrivaled position in the fields of law enforcement and crime prevention. The U.S. Government Printing Office offers for sale a number of Department of Justice publications that highlight its important work in these areas.

FBI Law Enforcement Bulletin. Contains articles on a variety of topics of interest to the criminal justice community, including administrative issues, crime problems and solutions, ethics, investigative techniques, leadership and management concerns, personnel and training matters, and police-community relations. Subscription. Monthly. \$38.00

Handbook of Forensic Services, 2003. Presents guidelines and procedures for applying analysis, methodology and scientific and technological innovations to the examination of forensic evidence in criminal investigations. Contains essential components to be used in facilitating the successful resolution of the high number of investigations and prosecutions that overwhelm the criminal justice system and tax government resources. \$12.00

NIJ Special Report: Using DNA to Solve Cold Cases, July 02. Designed especially for law enforcement and other criminal justice professionals whom are responsible for reviewing and investigating unsolved cases. Provides basic information to assist agencies in the complex process of case review with a specific emphasis on using DNA evidence to solve previously unsolved cases. \$1.80

Freedom of Information Act Guide & Privacy Act Overview, 2004. An overview of the Freedom of Information Act's (FOIA) exemptions, its law enforcement records exclusions, and its most important procedural aspects. Includes "Overview of the Privacy Act of 1974," and a discussion of the Privacy Act's disclosure prohibitions, its access and amendment provisions and its agency record keeping requirements. \$65.00

Report From the Field: The USA Patriot Act at Work, July 2004. Provides an overview of how the "Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act" (USA Patriot Act) 2001, has been instrumental in the effort to combat terrorism and to make Americans safer. Discusses the four key areas in which this Act has had the greatest impact: enhancing the Federal Government's capacity to share intelligence; strengthening the criminal laws against terrorism; removing obstacles to investigating terrorism; and updating the law to reflect new technology. \$2.00

Crime in the United States, 2004: Uniform Crime Reports. Gives a nationwide view of crime based on statistics contributed by more than 17,000 state and law enforcement agencies across the United States. Utilizes population size as the only correlate of crime. Consists chiefly of tables and statistics. Generates a reliable set of criminal statistics for use in law enforcement administration, operation, and management. \$53.00

Crime in the United States, 2004: Uniform Crime Reports (CD-ROM). Gives a nationwide view of crime based on statistics contributed by more than 17,000 state and law enforcement agencies across the United States. Consists chiefly of tables and statistics. Generates a reliable set of criminal statistics for use in law enforcement administration, operation, and management. CD-ROM. \$22.00

When Your Child is Missing: A Family Survival Guide. Written by parents and family members who have experienced the disappearance of a child. Provides firsthand insights about what parents should do, what they can expect and where to go for help when a child is missing. Describes the steps families and law enforcement take as they forge a partnership in the search and recovery of a missing child. \$15.00

Federal Securities Law. Provides an introduction and overview of the complexities of litigation involving Federal securities laws, with an emphasis on the issues that are most likely to arise in litigation: basic registration, disclosure, and antifraud provisions. \$5.60

Investigators interested in these publications can obtain more information at the GPO website: <http://bookstore.gpo.gov/collections/doj.jsp>

Publications may be ordered online, via phone, fax, email, or postal mail. To order online, visit our online bookstore at <http://bookstore.gpo.gov>. To order by phone, call toll free 866-512-1800 or, in the DC metro area, call 202-512-1800 (M-F 7:00 am -9:00 pm EST) by fax, dial 202-512-2250. Send email orders to contactcenter@gpo.gov. Send mail orders to: Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954. All orders require prepayment by check, American Express, VISA, MasterCard, and Discover/NOVUS.



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 Home Phone: _____ Work Phone: _____ Male Female
 Dept/Agency: _____ Title: _____ GS Series _____

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 Home Address: _____ City: _____
 State: _____ Zip: _____ Beneficiary Phone: _____
 Signature: _____ Date: _____

Mail to: FCIA, P.O. Box 23400, Washington, D.C. 20026

SYLVIE GIA ROCHA-HEIJENGA

DOB: Oct 20, 2000

Missing Date: Jul 19, 1996

Age Now: 5

Missing City: Mountain View

Missing State: CA

Missing Country: United States

Sex: Female

Race: White

Height: 3'0" (91 cm)

Weight: 35 lbs (16 kg)

Hair Color: Lt. Brown

Eye Color: Brown



Case Number: NCMC1049946

Circumstances: Sylvie was abducted on July 19, 2006, by her non-custodial father, Anthony Heyenga. A felony warrant was issued for the abductor on August 8, 2006. They may travel to Washington or Canada. Sylvie has two small birthmarks on her right cheek.



If you have any information, please call
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