

A snake oil antidote, and a note of thanks



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Two recent phone calls to the Retirement Department made it easy to decide on a subject for my final column as director of retired members. Both callers were distraught. They complained about misrepresentations by financial planners (otherwise known as insurance/securities salesmen) regarding their Thrift Savings Plan (TSP) accounts.

This column addresses how to deal with misrepresentations by financial planners, and thus protect the TSP portion of your retirement benefit. The title of the column uses an expression (snake oil) that originally meant a medicine with questionable or unproven benefits, but sold as a miracle cure-all. It has

come to refer to any product of exaggerated claims but unverifiable benefit. By extension, a snake oil salesman is someone who knowingly misrepresents the goods or services being sold.

The first caller was a retiree who had been convinced by a financial planner to move a large percentage of his TSP balance (more than \$100,000) out of the TSP and into a private financial services company account. The financial planner had convinced him that he would earn greater returns than he was earning in the TSP. After a period of time it became evident that the promised returns on the investment were not materializing, but significant unexpected fees and other costs were. When he attempted to move the balance back into his TSP account, he was confronted with a \$20,000 early surrender fee.

The antidote to snake oil salesmen who promise higher returns than the TSP provides, but fail to fully disclose the fine print involving fees, expenses, commissions, etc., is to require a signed, written response from the salesman, to the following questions:

- What is the average net expense I will pay for every \$1,000 invested?
- What additional annual fees, commissions or charges will I pay for investments?
- What profit do you make if I invest with you?
- Do you have a responsibility (fiduciary obligation) to put my interest ahead of your own?
- Will your plan protect my retirement funds from creditors' claims?
- When I retire, can I receive a series of scheduled withdrawals without giving up control of my account?
- Can I change my investments or take withdrawals without being subject to surrender fees or back-end charges?

Any salesman who fails to provide a signed, written response to these questions should be viewed with a large dose of skepticism.

The second caller was an active letter carrier. She had been convinced by a financial planner to sign a form transferring her entire TSP balance to a private company. Fortunately for her, TSP rejected the form because the financial planner had not also signed it. Although this carrier did not lose any of her TSP balance, her call was particularly troubling because the financial planner had solicited her at her post office, had asserted that he was contracted with the Postal Service to provide retirement advice, and she had assumed that since Postal Service management permitted his presence at the post office, his assertions were true.

Postal Service regulations prohibit management from permitting solicitors to access postal premises in person, by display or distribution of advertising materials, or by mailings or phone calls to postal employees at a postal workplace.

The antidote to snake oil salesmen who are allowed by management to solicit employees at a post office is three-fold. The first is to know that such access is prohibited and improper, and thus entirely suspect. The second is to notify your branch officials, who should then initiate a grievance investigation, with subsequent filing, as appropriate. The third is to notify the NALC Retirement Department so that the extent of the problem can be monitored and brought to the attention of USPS Headquarters.

The Postal Service prohibition on outside vendors/solicitors having access to Postal Service property and employees is found in the *Postal Operations Manual (POM)*. See POM, 124.54, quoted in relevant part below.

124.54 Soliciting, Electioneering, Collecting Debts, Vending, and Advertising

These regulations apply to the following activities:

- a). ... commercial...soliciting...(and) the display or distribution of commercial advertising... on postal premises...are prohibited.
- c). Solicitations and other actions that are prohibited by 124.54a when conducted on Postal Service property should not be directed by mail or telephone to postal employees on Postal Service property. The Postal Service will not accept or distribute mail or accept telephone calls directed to its employees when such contacts are believed to be contrary to 124.54a.

I will retire from NALC employment on Dec. 1. My 40-year (almost) association with the NALC has been one of the great joys of my life. To every NALC member, past and present, thank you for your participation in one of the great American unions that fights for workplace justice. To every NALC activist, past and present, thank you for your dedication, your work, your struggles and your comradery. I leave you with this last thought: The Thrift Savings Plan is a major part of a letter carrier's retirement security. Don't let snake oil salesmen get their hands on it. Be prepared with a snake oil antidote.