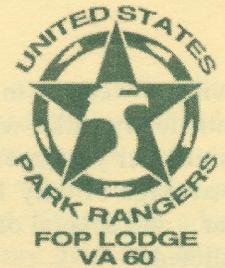


# The Protection Ranger

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The Newsletter of the National Park Rangers Lodge, Fraternal Order of Police

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## President's Message

John T. Waterman

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Well, April has finally come and with full force. Since I last wrote this column, things have been non-stop for your Lodge Board. Just as soon as our last newsletter hit your mailbox, seasonal rangers were faced with a terrible blow and, as usual, the NPS pretended they were unaware of the issue. With support from DOI, FLERT issued a strong opinion on the seasonal position description which found that the NPS was in violation by continuing to place seasonals in the GL series. By taking the seasonals out of the GL series, it left them without enhanced pay.

Of course, I am leaving out numerous other details which I would be happy to share with any of our members on a one on one basis. Solving the problem seemed to be at a standstill. Thanks to the efforts of Brother George Durkee and several Regional Chiefs, who were willing to assist in offering our suggestions to WASO, a problem was solved. Most regional personnel offices gave authority to use step increases to pay at the equivalent LE rate. It does concern me though, that there are several Superintendents who have chosen not use this solution and instead hope to gain seasonals by paying only the base pay.

During the month of January, the Lodge Board was contacted by the National Parks and Conservation Association who was concerned about a recent amendment proposed by Senator Coburn of Oklahoma. The amendment's goal is to completely remove the 36 CFR 2.4 (weapons) regulations. A letter was drafted by 51 senators in support of this amendment and sent to the Secretary of the Interior. The letter used talking points directly from the NRA.

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*It does not take a rocket scientist to figure out what the real intent is for removing the regulation.*

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The NPCA had already teamed up with the Brady Coalition, the Association of National Park Rangers, and the Coalition of National Park Service Retirees and requested our assistance. The Ranger Lodge was the first organization to put out a press release on this issue. As soon as it was published on our website, my phone was ringing.

It is important to note that I am not against the Second Amendment or those individuals who choose to legally carry a firearm as I do. Prior to making a decision on how we would proceed, we looked at the issue. The amendment and request to the Secretary of the Interior to remove the regulation was not based on any crime statistics or research, but rather a political agenda assisted by the NRA.

With the upcoming elections, the political arena is in full force. It was also learned that Senator Coburn has received a substantial amount of financial support from the NRA and several large hunting groups. This was brought out when I contacted the Senator Coburn's office directly. My approach to his office was that I had no problem with changing the regulation to include allowing folks with concealed weapon permits to enter parks. Coburn's office was adamant that they wanted the regulation taken out completely with emphasis put on the fact that it currently infringes on the rights of hunters. Let's not forget that hunting is illegal in National Parks. It does not take a rocket scientist to figure out what the real intent is for removing the regulation.

Surprisingly, the Director's office and WASO have already put their opinion in writing indicating that they do not support any change to the current regulation. Although the argument has been steered by the NRA to concentrate on the rights of gun owners with concealed weapons permits being allowed to enter parks, they have been unwilling to stop there and are pushing strongly to take out the regulation completely.

In order to win this argument, the Board looked at several key points. First, why is this regulation important to us? Sure, we deal with folks who are carrying but have a permit. I would be interested to know if any of you are actually writing up such individuals for

having a weapon in that situation. Statistically parks, with 430 million visitors per year, are quite safe with an average of only 11 homicides a year – and several of those are self-inflicted.

What we could argue is that park rangers continue to be the most assaulted Federal Officers in the country. The current regulation is a great tool for us to use while attempting to be proactive in poaching enforcement. We have plenty of data showing that poaching is increasing, and that many times we were led to a case because the offender was observed with a gun. If the regulation is removed, it would allow anyone to carry any type of loaded weapon into a park as long as state regulations allow it. Many states have either limited regulations or no regulations at all on carrying long guns. Most states do not require any type of permit for long guns including assault rifles.

In addition, we argued that National Parks are places where visitors and family groups come and have long expected a gun free environment.

This regulation has been in existence in several forms since 1936. The original intent of the regulation was to assist in curtailing illegal hunting. Congress has set a standard for determining if a regulation or law infringes on the constitutional rights of its citizens. The standard is based on whether the law or regulation is limited, reasonable, and necessary. The current regulation meets the standard.

Utilizing NPCA's knowledge on how to do old fashioned lobbying, we wrote a letter listing our objections and sent it to Secretary Kempthorne, then faxed copies to several key Senators and members of Congress who were organizing

opposition to this proposed rule change. I began contacting each Senator's office, providing them with talking points on the issue at hand. At the time, I did not have a clue as to how far the issue would go. It certainly opened numerous doors for conversations relating to the issues our members are facing in the field.

The Lodge Board participated in more than a dozen radio interviews and has been quoted in more than thirty newspapers. Based on our efforts, the amendment was stalled and pressure was then put on the Secretary who has now been compelled to open up the regulation for public comment sometime in April. We will continue to participate in the efforts to prevent removal of this important regulation.

By working with the NPCA, ANPR, and CNPSR, the Lodge Board has benefitted in learning the ropes when it comes to lobbying and working with the press. This will be instrumental should we decide to proceed with the 6(c) issue or any other large issue for that matter.

I know that as I began to mention a few of the groups we are working with some of you are rolling your eyes. In the past, for numerous reasons, we have stayed away from working with some of these groups because of differences in both opinion and mission. All of these groups have undergone a changing of the guard and have expressed an interest in working together on those issues that we agree on. Just based on how we have come together on the weapons issue, I believe we should take advantage of the offer.

Another issue gaining in importance are how the current medical standards are being applied. The number of requests for help from our members has been on the rise the past few months. I have been in contact with the Chief of Risk

Management Richard Powell and have expressed my concerns.

The medical standards program recently underwent a program review by a steering committee and they are in the process of drafting the results which will include an evaluation of how the program currently issues waivers. They have also been requested to provide suggestions on what criteria should be used. Once this is completed, it will go out for review by the field through the Regional Chiefs. The Lodge will also have an opportunity to directly participate in the final drafting once the comment period has closed.

I do have a concern that one of the basis for not granting a waiver WASO is considering is the ability of the ranger to be able to be sent from one location to another during an increase in national security levels. This same argument has been used for 6(c) battles and has been determined by the merit promotion board not to be a factor when determining eligibility for 6(c). If it can't be used as a factor for 6(c), then it should not be used as a criteria factor for denying a waiver.

Brother Calvin Farmer has been hard at work on the retirement issues. The amount of research and follow up has been tremendous. It is important that if you have any questions or would like to help out on this important issue that you contact him. We have looked into several possible avenues that we could take. I have received some comments from our members as to why we have not done anything on this issue. I can assure you that a large portion of our time and resources has been devoted in dealing with retirement tissues and we will continue until we feel we have a solid plan that can be presented to the membership.

In the meantime, I would highly recommend that you attend the FLERT retirement training to help you understand what we are all up against. The enhanced retirement issue affects all of us and it is important that we try to make it as secure as possible. I believe the only way this can happen is through a legislative fix.

Our membership has remained steady with a quite a few new members joining in the past few months. Many thanks go out to Brother George Durkee and Business Manager Paige Meier for keeping our budget in the black and for their hard work with membership follow-ups. Brother Duane Buck continues to upgrade the website and I encourage all of you to take the time to check it out. With all of the recent press on the gun issue, it has generated several requests for information and follow-up on our organization and has helped to raise awareness of the concerns that our members have.

It is only the last week of March and I feel like summer has hit already. Juggling work, a family, and Lodge business has been a challenge. I am honored to have this opportunity and should any of you have concerns, suggestions, or just want more details on what your Lodge Board is up to, don't hesitate to contact me or any Board member.

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## Second Nature Shooting Skills

Pieter Sween  
Crater Lake Seasonal Ranger

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My private shooting instructor, Mark Kowack of Montana Handgunning LLC, trains cops and feels that most cops do not take seriously their own personal relationship to their weapon, which is their lifeline of last resort. As a rule, cops attend only the minimally provided training. Mark says not only do they just become lazy and complacent, they don't invest personal time and effort into what is really a long-term and serious process. Mark tells the cops who will listen to him that: "The will to survive is not as important as the will to prepare to survive."

Several years before the Crater Lake shooting, I had come to feel that my seasonal ranger shooting skills were inadequate. I routinely used NPS "loaner guns" and passed seasonal qualifications every year, but I did not feel confident of my skills, at least not at the level that I knew could be crucial. I eventually invested in my own 40 cal. Sig Sauer, and subsequently discovered I wasn't that good a shot with the higher caliber.

So that was why I sought personal training from Mark in the part of the country where I spend my winters. Like all of us in the NPS, I'd had a history of NPS range instructors changing my shooting style every season, so I had lost confidence in my own body and its abilities and how things really felt in my gut. By the time I met Mark, I just didn't know what my own shooting style was. Mark is a former Marine Vietnam Vet. He set to work with me in several different ways. For starters he determined that the standard trigger on my Sig 40 was

contributing to my flinching, because I really didn't have the ideal hand/finger trigger stability. I ordered a Sig "short" trigger and had it installed. That made a huge difference in my grip and trigger squeeze.

Next Mark and I worked on something I used to do, which he calls "Cowboying," where I would clear the holster quickly, but then raise the weapon too high. That meant I would have to spend more time coming back down on my target. But after I adopted a suggestion Mark had for me, it remedied that problem in 5 minutes. The "cure" has stuck with me ever since.

Mark added to his practical teachings with some stories about historical figures. He told me some things about Wyatt Earp I had not known. Wyatt's shooting style was slow and careful, and deadly accurate. Most modern-day police shootouts are quick, and unfortunately involve the typical officer emptying his or her magazine (or more) – and still not stopping the threat. Wyatt knew better. He reportedly would let the lightning fast gunslingers blaze away, while he took his aim. During practice, Mark wouldn't let me practice for speed, he wanted to break it all down. Remember our mantra: "sight alignment, trigger control." Now that's a phrase I like! It works.

So, I worked with Mark and got better, and eventually faster – even though I rarely practice for speed. I joined a Montana shooting club and practiced throughout the year to keep from getting rusty from one season to the next. I have a whole list of things most NPS trainers don't mention, that Mark covered to help me personally. I won't list them here because they apply to me personally. Everyone needs to

develop their own list. On the positive side, I think most NPS range instructors these days are recognizing the value of individual preferences and well-practiced personal shooting styles. It wasn't that way a short time ago.

So, like many of you rangers out there, I took an interest in being good with my weapon, and having my own gun become my best "buddy." The personal training paid off in 2005. While on a domestic dispute call, all hell broke loose. And it was all over in less than two minutes.

After the 2005 CRLA shooting, I said in shock and disbelief to myself, and quite under my breath, "Oh, my goodness, my training took over." That's the simple fact: My training took over and saved me. There had been simply no time to think as the incident rapidly unfolded. If I had not responded as I did, and relied on my Sig, I am sure I would have been severely disabled at a minimum (with brain damage), or more likely simply dead. I can't say it enough: my training saved me and that very much includes training I had gone out of the way to provide myself at my own expense.

When it comes to firearms training I have always disliked the often repeated words "muscle memory." I think I have heard these words from every NPS shooting instructor at one time or another. It's not that I disagree with the idea, it's just that I would like to rephrase those words.

The concept of repetition in firearms training, until it becomes muscle memorized, makes this whole training thing sound so boring. I think the point of a personal firearms trainer is to learn something new and creative about yourself, to see it afresh, not as tedious and repetitive. It's more of an exploration, not simply a practice of doing

something over and over again. I believe the real goal for each of us is to gain personally developed "second nature shooting skills." And that's a fundamentally creative process.

Mark shared with me some statistics about police involved shootings. One statistic shows that during shooting incidents, police officers only hit their target 15 % of the time. Those aren't very good odds.

From working with Mark, I learned that there are a whole range of personally developed shooting skills and styles that can enhance an officer's ability to keep himself, or herself, safe. It certainly is not "one size fits all." Mark helped me find my personal style. Some of the differences are imperceptible to anyone watching me at quals. But I think you get the point. You need to make it **YOUR PERSONAL STYLE**.

If you feel like the Weaver stance is making you do contortions like some bad yoga position, then your muscles obviously want something else that's right for your body. What matters is that you keep going until your explorations of yourself and your weapon pay off and you are fully at ease while also being focused and accurate. Remember, Mark said "Don't worry about being fast, that will just come."

During one non-shooting exercise Mark had me practice weapon sight acquisition and alignment, while keeping my eyes closed (and then opening my eyes to check). That sounds goofy maybe, but the point is we can develop a sense that our weapon is simply an extension of our body, and that we can even point it at the threat (with relative accuracy) without seeing. It's just about familiarity. There is a lot that became fun and creative for me about owning my own weapon and

meeting with a creative and insightful instructor, who was positive and helpful at every point. I certainly feel very differently about guns than when I first started rangers and that's mostly due to Mark.

Mark was the very first person I called the night of the CRLA shooting. I couldn't think of anyone else I really wanted to call. He was the only one I really felt would understand, and he did. He exclaimed: "Yes! The good guy won!" That was, in fact, the case but it was good to hear from a teacher of mine. He trained me not only to survive, but to prevail. His work and my work had paid off. Mark has remained a great support friend since the shooting. And I still think of his reference to Wyatt Earp.

Because of Marshal Earp's excellent shooting skills, he survived the infamous and hairaising Gunfight at the OK Corral in Tombstone, Arizona on 26 October 1881. He went on to have many other adventures and many other scrapes with danger. He focused great effort on his shooting skills and it saved him in several other life-threatening gunfights. He outlasted five marriages, went on to prospect for gold in Alaska, and then eventually wound up in California working in the motion picture business. On January 13th, 1929, at the ripe old age of 80, Wyatt Earp died peacefully of natural causes in downtown Los Angeles. He had survived 47 years 2 months 18 days after the shootout at the OK Corral, which ranks among the most harrowing law enforcement gunfights of all time.

To sum it all up, it was in the 1997 season that I had the troublesome sense that I needed to get my own personal duty weapon and train with it. If you have that sense, and haven't done so already, please

listen to your gut and remember Wyatt Earp. It may save your life.

Mark Kowack is available for group and individual firearms training, in handguns, rifles, shotguns and tactical carbines. Mark Can be contacted at Montana Handgunning LLC. 610 N. First Street, Suite 5, PMB #247, Hamilton, MT. 59840. Phone: 406-363-1336

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## Surviving a "Medically Unqualified" Finding

Pam Battaglia  
Statue of Liberty

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I am a law enforcement park ranger at the Statue of Liberty/Ellis Island National Monument (STLI). Since 1995 I have worked along side and been supervised by the United States Park Police (USPP). The last few months for me were spent in limbo. I failed the hearing test during my 2007 CHS exam. A second exam by an audiologist of my choice did not help clear me. My request for a waiver was denied. I was listed as medically unqualified for arduous law enforcement duty for failing to meet the NPS medical standards for hearing. I was then scheduled for the review board. The support I received from family members, the FOP Ranger Lodge, STLINPS and USPP management, my Sergeant, co-workers and Law Enforcement Officers from other parks sustained me.

I received timely notifications from the CHS Medical Review Officer (MRO) and NPS Medical Standards Program Manager (MSPM) regarding my 2007 exam results and medical status. The CHS audiogram results differed enough from 2005 for MRO to say I did not meet the

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*I should have been better informed about the hearing standards before I went to the first audiologist. I should have known whether all necessary testing had taken place.*

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NPS medical standards for hearing. My medical qualification was listed as pending following the CHS visit. The letter from the MRO informed me that additional testing needed to be completed to determine my status. I was to go to an audiologist of my choice and the NPS authorized payment up to a certain amount to cover the additional testing.

I knew I had a hearing deficit dating back to 2002 medical exam. Back then, functional hearing tests conducted by an audiologist of my choice were found acceptable and I received notice that I was medically cleared. I was found medically cleared again in 2005. I thought it was another matter of formality to go through. Except this time the audiologist asked if my employer would pay for hearing aids. I was taken aback by this. In my ignorance I said I didn't know and it couldn't hurt to ask. Bad on me for not being better familiar with RM 57. Otherwise I would have known what the hearing standards were and that use of any hearing aid to comply with the medical standards was unacceptable.

A few weeks after the audiometric exam, I received separate letters from the MRO and MSPM informing that I still did not meet the NPS standards for hearing and was medically unqualified to perform arduous law enforcement duties. I also received two pages of the audiologist's test results and a page

of MRO report to MSPM. The report mentioned the audiologist's recommendation of a hearing aid evaluation. Both letters said I could appeal my medical status in accordance with DO/RM 57. I was directed to find additional information on the NPS Medical Standards intranet website by searching "medical standards program" on the InsideNPS homepage.

The Medical Standards Program (MSP) Appeal-Initial Waiver Request listed the following documentation needed to complete an initial waiver request:

1. Written statement from employee requesting a waiver of the medical standard, signed by employee and Park Chief Ranger.
2. Written work history.
3. Supportive statement from supervisor.
4. Supportive statements from co-workers.
5. Any requests for restrictions or accommodation.

My waiver request package contained the above mentioned waiver request statement, written work history, supportive statements from supervisor and co-workers. I also included achieved/passing evaluations from other USPP and Wildland Fire supervisors, list of training, commendations, and time off awards. I was confident the waiver package I submitted would show that the hearing deficit did not hinder my ability to safely and effectively perform rigorous law enforcement and wildland fire duties. Much to my dismay the request for a waiver was denied and I remained not medically qualified to perform arduous duties as a NPS LEO.

My Deputy Superintendent and I reviewed all paperwork pertaining to the case. I had overlooked a comment in the letter from the MRO stating a lack of sufficient information regarding one of the tests and discovered I was missing a copy of the audiologist's evaluation page. The Deputy Superintendent and I arranged for a conference call to the MSPM's office to discuss these matters and ask why the waiver request was denied. In between the time I submitted the waiver request and was informed that the request was denied, the MSPM position had become vacant.

The Acting MSPM (AMSPM) reviewed my waiver request. She had consulted with the MRO. The conclusion was my hearing did not meet the standards and there was not enough support to grant the waiver. The AMSPM forwarded a copy of the audiologist's evaluation page along with a second page to the MRO's earlier report. The audiologist's prognosis was that I could benefit from amplification. She also checked the box saying I could perform arduous law enforcement duties, but added "with amplification."

The second page of the MRO's report mentioned that some functional hearing tests conducted by my audiologist were not performed to NPS standards or not performed at all. At this point, the next step was to request the Medical Review Board (MRB) to appeal the determination that I was not medically qualified to perform law enforcement duties. The AMSPM, though, did allow me the opportunity to go to another audiologist of my choice to try to get medically cleared and avoid the MRB. I chose to go to another audiologist because I feared the first one was more interested in selling hearing aids than conducting objective hearing tests. Some

doctors assume the job or union will pay all or part of hearing aid costs. Neither is the case for NPS LEOs.

The holidays and a head cold caused the audiologist visit to be postponed. I requested a MRB hearing as I was not sure I would be able to submit this additional information before the 30 day deadline. In between audiologist visits I prepared for the MRB. A week before my scheduled MRB appearance the MRO and AMSPM reviewed the new test results. The functional hearing tests results were found acceptable. The waiver was granted!

There were some missteps along the way to obtaining medical clearance. I should have been better informed about the hearing standards before I went to the first audiologist. I should have known whether all necessary testing had taken place. The MRO and MSPM's letters to me were not as informative as they could have been. The MRO's mention of lack of sufficient information relating to one of the tests was vague, but in hindsight, something I should have questioned. My first contact with the MSPM should have been at this time. It was only after my waiver request had been denied that I realized I was missing the audiologist's evaluation page and found out there was a second page to the MRO's report to MSPM, which explained further details about the lack of test data. These were missing pieces to the puzzle. If all earlier tests had been performed, and according to NPS protocols, it may have provided the MRO with the information that was needed to grant me medical clearance.

As we age, it's not uncommon that health conditions will develop or eyesight, hearing ability or lung capacity will diminish. You may not be aware of these changes until you receive your medical exam results. But these changes may cause you to

be found medically unqualified to perform arduous law enforcement duties.

### **Recommendations:**

#### **Medical Status Is Pending**

- If you need additional tests to be conducted by doctor of your choice, cost of visit is usually paid for by MSPM.
- Read DO/RM 57, know the medical standards for your condition.
- If you're unsure what results are needed to clear you, seek out other LEOs who are familiar with your situation.
- Still unsure, contact MSPM.
- Find reputable doctor, check with co-workers or LEOs from nearby parks if you need a recommendation.
- Provide doctor with NPS test forms.
- Confirm with doctor that all tests have been conducted and to the protocols listed.
- Receive medical qualification status letters from MRO and MSP.
- Receive copies of your doctor's test results and reports.
- If not sent, request copy of MRO's entire report regarding your test results and medical status.
- If the tests weren't conducted or not conducted according to protocols, ask to repeat testing with same or new doctor; you may pay this time.

#### **Appeal: Initial Waiver Request**

- Written statement requesting a waiver of the medical standard, signed by employee and Chief Ranger.
- Written work history.
- Supportive statement from supervisor.
- Supportive statements from co-workers.
- Any requests for restrictions or accommodation.

*Note: It may not matter how many supportive statements or documents you provide. Without additional medical information to satisfy the MRO that you can safely and efficiently perform arduous law enforcement duties, your waiver request probably may not be granted.*

### **Request and Prepare for a Medical Review Board (MRB)**

- Request MRB within 30 days of being notified that waiver has been denied.
- The MRB is a one hour hearing held in DC; MSPM pays for lodging, travel and per diem costs.
- Seek legal consultation a few weeks before.
- Gather and fax documents to law firm for review.
- Plan to appear at MRB in person with legal counsel.
- You will likely need expert witnesses from worksite and medical field to testify on your behalf, probably by telephone.
- Optional: prepare video presentation with supportive statements by supervisor and co-workers; capture sounds and elements of work environment.
- Research advocacy groups.
- Make hotel reservation and travel arrangements.
- Review testimony with counsel and witnesses day before MRB.

The FOP lodge was there for me from beginning to end. Early on they authorized an hour of free legal consultation with the law firm of Passman and Kaplan. I was prepared to pay Ed Passman to represent me at the MRB. It would have been a steep expense, but I would not appear before the board without counsel. My career was at stake, I was not going to take any chances. Needless to say I was much relieved to get medically cleared before my MRB date.

Some folks may wonder whether it matters to be a FOP member or question what they get for their dues.

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*The time may come when you need Lodge help, particularly later in your career – e.g. medical or retirement cases. I am grateful for the help and support I received from the Ranger Lodge.*

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Although the FOP Ranger Lodge does not have collective bargaining status (though not for a lack of trying), it is none the less our advocate on many issues. The time may come when you need their help, particularly later in your career – e.g.. medical or retirement cases. I am grateful for the help and support I received from the Ranger Lodge.

I'm thankful to STLI's Deputy Superintendent and NPS personnel from other parks who provided me with guidance and helpful information, even putting me in contact with other LEO's and retired NPS employees who were familiar with my type of situation. Had I gone before the MRB, two of my expert witnesses would have been USPP members, the Liberty District Commander, and my Seargent. Most of my supportive statements were from USPP Officers.

One of the Liberty Command Center Technicians prepared and edited my MRB video on his own time. I could not ask to work with a finer group of people. I also want to give credit to the AMSPM. She always returned my phone calls and emails, took time to discuss my situation, explain what information was needed and put me in contact with others when I needed additional information. In turn, if I can help anyone in a similar situation, please email me at [pam\\_battaglia@nps.gov](mailto:pam_battaglia@nps.gov).

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## **Interior Department Winning 20-Year Battle Against National Park Rangers**

Calvin Farmer

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It is a case of the Federal Government at war with their own, and a case of “use you up... throw you away....” It is the most feared behavior that a people in these times could observe in matters that concern personal welfare. Its practices have established domination over employees who lack proper representation.

For 20 years, the Department of the Interior has been waging war against National Park Service law enforcement rangers in an attempt to keep them from, and then rob them of, their receiving 6(c) enhanced law enforcement retirement benefits.

Many NPS rangers who have been denied 6(c) have expressed a strong desire to reclaim these lost benefits. The loss of 6(c) is extraordinarily unfair and a threat to both the welfare of their families and that of fellow rangers. The Lodge continues to work to find solutions to this problem.

In an effort to keep costs down, the Department of Interior has denied National Park Service Law Enforcement Rangers retirement benefits that other federal law enforcement officers take for granted. Sometimes rangers receive denial of benefits notices just months before their scheduled retirement date. In other cases, rangers are also being forced out of their positions before they are even able to complete an entire retirement work period.

"I've been working for over 20 years in law enforcement as a National Park Service Ranger, and am ready to retire. Now the Interior Department is telling me I haven't been doing law enforcement, and have to work a decade more. It's unreal," said *Anonymous*, an NPS park ranger. DOI is telling law enforcement rangers that they have not been doing law enforcement in spite of having a departmental commission, having been fully armed, and having routinely made arrests and served warrants.

Park rangers whose duty time has not yet been reviewed and even those whose duty time has been approved have been silent and fearful of reprisal. They fear losing benefits already approved if they speak out against this atrocity of the department's treatment of rangers.

NPS rangers began a legal battle for 6(c) enhanced law enforcement retirement benefits in 1986. Park rangers who carried guns, made arrests, and investigated crimes in National Parks throughout the United States filed cases for 6(c) enhanced law enforcement retirement with the Merit Systems Protection Board - the court system for employee law.

The Department of the Interior and NPS opposed the special law enforcement benefits for law enforcement park rangers until a landmark court victory by United States Fish & Wildlife Service Officer Jim Ferrier. The court conclusively stated that law enforcement park rangers did indeed qualify for the benefit. The NPS and DOI then took a position in favor of the special retirement benefits for law enforcement park rangers.

FLERT, a DOI unit that evaluates and handles 6c enhanced law enforcement and firefighter retirement claims, has set out on a

mission to stop NPS park rangers from receiving their duly earned 6c special law enforcement retirement benefits. Some rangers have been awaiting departmental rulings for over fifteen years!

The Department of the Interior and the National Park Service changed the rules concerning 6c enhanced law enforcement retirement benefits, destroyed records, and then denied special law enforcement retirement benefits that were dependant upon the evidence found in those records. Park rangers who have been required to pass rigorous duty physical standards equivalent to those of the FBI are being considered ineligible. These Rangers arrest criminals, and investigate crimes committed in and outside of National Parks, frequently putting their lives on the line. Park rangers have one of the highest assault rates among federal LE officers. But they are still being denied 6c enhanced law enforcement coverage.

Ironically, some Rangers are being denied 6c enhanced law enforcement coverage although they do the same work of others who have already been approved. There are blatant issues involving the lack of equatibility for all employees who are identically trained and perform their duties under the same law enforcement commissions. These law enforcement park rangers worked in positions that were designated by park superintendents and chief rangers as primarily law enforcement. They are nonetheless being denied benefits.

Rulings denying 6c enhanced law enforcement retirement benefits are being applied at the end of most rangers careers.

Rangers are therefore circumstantially denied the opportunity to change careers to obtain the benefits they expected.

Families are being denied benefits, that for almost two decades, they reasonably thought they were going to be awarded. The government has possibly wasted more money fighting deserving law enforcement park rangers than it would have lost had it given them 6c enhanced law enforcement retirement benefits.

Park rangers are not paid enough to hire high powered attorneys who are knowledgeable of these type cases. Consequently, most of us have been forced to fight for benefits individually in doomed administrative battles that are stacked against the employee through the layers of administrative review.

Rangers seek a recommitment from the Department of the Interior and the National Park Service to honor rangers soon facing retirement as well as those who have retired or resigned in frustration. A legislative bill through Congress would remedy this injustice and may be the only solution that would give order to the chaotic direction of the department and agency.

Reconciliation must come from Congress to restore benefits to those who have being unjustly denied what they are due by the National Park Service, the Department of the Interior, and the Merit System Protection Board.

### **Personal Reflection**

If there is any hope of following through with any productive action in the future, we must unite under a concerted effort to properly address this issue. The consequence of mishandling of this issue has left rangers disappointed with the agency, discouraged due to the past treatment by the Department, despondent and dejected over the fear of retaliation, and just plain tired and worn out.

Yet, in spite of it all, we all came into this profession not because of what it would give to us, but for what we could give to it as devoted servants. And in spite of the outcomes, we will still be devoted and may have to give our answer to just say "let it be." As long as we still have our health and our loved ones, there will still be tomorrow.

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### Lodge Discussion Board: Registration

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The lodge's discussion board has been upgraded from Ezboard to Yuku. The changes occurred recently and if you have visited lately, you will notice the changes. Your pre-existing username and password, if you have signed up before, should work with the new upgrade. If you are having problems logging in or forgot your password, there is a link on the discussion page entrance for retrieving that information. Thanks for your patience!

The route to the discussion board doesn't have to pass through the member's only area. Those that already signed up for the discussion page and directly access the discussion from the left guest link on our main page.

You will then be presented with a login screen. Simply enter your previous used username and password and you will have access. If you have never signed up before, simply click the "create a profile" and you will pass through the verification process. Once approved, you will be allowed to post.

The is a new upgrade will give us a lot more control of how the forum is presented as well as monitored. We hope this will create more discussions. If you have any other issues, please contact the webmaster.

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### Membership News & Notes Paige Meier, Business Manager

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Judi Morgenson, widow of Park Ranger Randy Morgenson, places a flower at the Memorial at the 2003 Police Week.

#### "Surrounded by Heros" Police Week Activities, 2008

National Police Week ceremonies will be held the week of May 11 to the 17<sup>th</sup>. The 20th Annual Candlelight Vigil will be held at the National Law Enforcement Officers Memorial on Tuesday, May 13, 2008. Sponsored by the NLEOMF, the event will begin at 8:00 p.m. at the Memorial grounds, located at Judiciary Square, in the 400 block of E Street, NW, Washington, DC. A reading of the names newly engraved on the Memorial immediately follows the ceremony. Everyone is welcome to attend; no tickets are required.

We hope Lodge members can attend in Washington or, if you can't, then at the ceremonies in your local community. If you plan to go to DC, please contact Lodge President John Waterman who will coordinate Lodge attendance.

#### 2008 Drivers License Guide

The Lodge has received 15 copies of the 2008 Drivers License Guide that Miller Brewing sends out. They are available first come, first served. If you want one, email the lodge at [fop lodge@sonic.net](mailto:fop lodge@sonic.net).

### Time to Renew?

If you have recently received a notice of renewal (*check your mailing label on the newsletter for your expiration date!*), please send your dues in soon. You may renew using the envelope provided or go to our web site and use PayPal:

[www.rangerfop.com/join.htm](http://www.rangerfop.com/join.htm)

We now offer the option of signing up for yearly automatic renewals with your credit card.

If you've moved, please send us an email at [fop lodge@sonic.net](mailto:fop lodge@sonic.net) and tell us your new address.

Member support is always available by email or phone: 800-407-8295.

Call *only* between 10AM and 7PM Eastern Time.

Many thanks for your continued support!

### Dues

#### Payroll Deduction

If you go on furlough, but do not receive your payroll deduction, please contact us so we can figure out what is owed for dues.

#### Pending Suspensions

If you have not received your 2008 membership card, it is probably because your dues have not been paid. *All members who are way past due will be suspended the first week in April.* If this is you, please contact the Lodge ASAP.

**Lodge Website**

The Lodge website is updated with notices and links to other sites that we think are interesting and/or helpful to resource based law enforcement officers. Visit it often between issues of the Protection Ranger to keep current on things that affect you and your job. Our address is [www.rangerfop.com](http://www.rangerfop.com)

**Application for Membership**

You may also join, renew and pay your dues online with PayPal:  
[www.rangerfop.com/join.htm](http://www.rangerfop.com/join.htm)

I, the undersigned, a full-time regularly employed law enforcement officer, do hereby make application for active membership in the U.S. Park Rangers Lodge, FOP. If my membership should be revoked or discontinued for any cause other than retirement while in good standing, I do hereby agree to return to the Lodge my membership card and other material bearing the FOP emblem.

Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_ Zip: \_\_\_\_\_ Phone \_\_\_\_\_

DOB: \_\_\_\_\_ E-Mail: \_\_\_\_\_

Permanent Rangers: \$60/year

Seasonals and Retired Active Members: \$40/year

Associate (non-Commissioned) Membership (Newsletter only): \$40/year

Renewals: You do not need to send in this form to renew. Enclose a copy of your Commission (new members only).

Make Check Payable to: National Park Rangers Lodge.

Agency and Work Unit: \_\_\_\_\_

Mail to: FOP Lodge, POB 1481, Twain Harte, CA 95383  
Phone: 1-800-407-8295 10am-7pm Eastern Time or email  
[foplodge@sonic.net](mailto:foplodge@sonic.net)



National Park Rangers Lodge  
POB 1481  
Twain Harte, CA 95383



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