

The Protection Ranger



The Newsletter of National Park Rangers Lodges, Fraternal Order of Police February/March 1991

Lodge Gets Rangers 20 Percent Pay Increases

Backcountry rangers in Sequoia Kings Canyon and Yosemite National Parks will be receiving Administratively Uncontrolled Overtime pay increases from 15 to 20 percent due to Western Lodge action.

Designated backcountry rangers in Sequoia and Yosemite will receive a 15 percent AUO pay increase. Little Yosemite Valley backcountry rangers will receive a 20 percent pay increase.

In addition, park sawyers will receive a 25 percent AUO pay increase due to lodge action.

The pay increases came about as a result of work done by the lodge's AUO committee as well as individual rangers in SEKI. The lodge began discussing the feasibility of AUO a year ago. Last summer, Seasonal Trustee Bob Bandy instituted a survey of backcountry rangers. Rangers kept track of the total number of hours they worked outside their normal duty schedule. Backcountry rangers are frequently interrupted during non-duty hours to answer hikers questions, help with problems, maintain stock, and enforce regulations. Because these interruptions usually take just a few minutes each, rangers usually do not put in for the overtime they are entitled to. However, this put the parks in violation of the Fair Labor Standards Act which says that if an employee works, s/he must be paid. (This is the same law that the lodge used to stop unpaid on-call in several parks.)

In Sequoia-Kings Canyon and in Yosemite, management looked at the cost of paying conventional overtime versus the cost of AUO and decided in favor of AUO as recommended by the lodge.

The AUO pay should also assist in attracting and hiring quality employees. The backcountry workforce in both parks is composed almost entirely of seasonal rangers, a number of whom are not commissioned.

The lodge's work in this area has been done with the hope that AUO would become a servicewide standard for backcountry employees, thus raising pay for as many seasonals as possible. Please phone the Western lodge at 209/372-9216 if you would like information on adopting AUO in your park.

The lodge wishes to thank the following people for their help in this project: Bob Bandy, AUO Committee Chair; George Durkee, National Rep.; Mike Finley, Yosemite Superintendent; Phil Francis, Yosemite AO; Yosemite Chief Ranger Rodger Rudolf; Ron Mackie, lodge member and Yosemite Wilderness Unit Manager; Tom Ritter, Sequoia-Kings Canyon Superintendent; Doug Morris, SEKI Chief Ranger and Sierra District Ranger Paul Fodor.

Alliance—Convert To Full Membership For Benefits

By George Durkee, Alliance Chairman

Alliance members can convert their Alliance membership to full FOP membership free, simply by sending the Eastern or Western lodges copies of your commissions. By doing so, you receive \$1,000 in free life insurance and can participate in a free vision care program (Western Lodge), and are eligible to participate in other programs offered by the State and National Lodges. In addition, you can participate in the upcoming lodge election. See the benefit list on page six.

Non-commissioned Alliance members: the Alliance is working for you too. For example, the biggest AUO benefit our lodge helped gain was for non-commissioned personnel. If your quarters are highly visible and are accessible to the public at odd hours, or if you're often called out for minor incidents, you may benefit from AUO regardless of commission status. Contact me for details.

Drug testing may expand to all employees performing SAR, EMS or LE. We have written to Interior Drug Czar Dave Mathews seeking to substitute a computer-based agility test instead of the more time-consuming urinalysis. (more on page 5)

Poll: Members Back Lodge Actions

Here are your responses to the joint lodge membership survey:

Do you have quality government-supplied body armor available whenever you perform law enforcement? Yes 62%, No 38%.

Would you like to see all law enforcement rangers offered body armor for duty use, Yes 100%.

Would you like to see rangers have the option of carrying autoloading handguns? Yes 95%, No 2.5%, No Opinion, 2.5%.

Do you think rangers have enough firearms training? Yes, 13% No 85%, No Opinion 5%.

Do you feel you receive adequate training in law enforcement to let you do an effective job? Yes 33%, No 66%

Would you favor a mandatory physical program if it is linked to enhanced retirement? Yes 79%, No 18% No Opinion 2%.

How satisfied are you with the lodge newsletter? Very satisfied 85%, Somewhat Satisfied 15%, Not Satisfied 0%.

How satisfied are you that the lodge leadership is effectively pursuing lodge goals? Very satisfied 85%, Somewhat Satisfied 15%, Not Satisfied 0%.

Do you support the lodge's position on professionalization? Yes 79%, No 0%, No Opinion, 21%.

Top 3 priorities: pay, retirement, making GS5/7/9 the standard.

President's Message

By JR Tomasovic, Western Lodge

January has been a busy month for the Lodge officers. I met with Mike Finley to discuss Yosemite issues which included backcountry AUO's and enhanced retirement.

I have also been working with the National Board on retirement legislation. I wish I could say that progress has been made with Washington regarding enhanced retirement. In December, I wrote Director Ridenour regarding a Merit System Protection Board's ruling on an agency's responsibility to manage this issue. I received a letter from Edward Davis, Associate Director for Budget and Administration, in response to the letter to Director Ridenour (available from the lodge). In his response, Mr. Davis fails to address our concerns about the Merit System's Protection ruling and only states that the Park Service intends to study the issue in 1991. He states the change is needed. According to information we have received, many regions have not completed their review process on your packages. WASO had their first review in December with approximately 65 packages being reviewed. Approximately half of those were forwarded. Over 750 packages have been submitted.

In 1989, National Vice-President Gallegos wrote the Secretary of Interior voicing FOP's concerns that many of us would not be advised of our retirement coverage until 1992. Interior wrote back assuring FOP that would not be the case. You can come to your own conclusion.

Because of this recent WASO correspondence, I have had lengthy conversations with the FOP National Board on accelerating the introduction of legislation. In September 1990, the National FOP Board passed a resolution to introduce legislation on our behalf. The FOP legislative committee met the last week of January. These meetings included hosting a breakfast and luncheon for the House and Senate Judiciary Committees. I have been assured by the National President, our legislation was discussed.

With this inaction in Washington, there is several steps park administrators can take to assist you for future coverage.

1. Make sure your position description is accurate. This includes reflecting the OPM language for coverage: "The incumbent is responsible for the investigation and apprehension of those suspected of committing crimes against the United States" OPM in a recent clarification ruling (December 5th Federal Register) stated that the 50 percent rule will apply for both CRS and FERS positions. They also stated that "this is not a hard and fast rule."

2. Have your Superintendent submit those position descriptions that he/she feels meet the enhanced coverage criteria to the regional personnel office and ask for an evaluation and forward them to Washington.

There are two separate processes for enhanced coverage. The first process is past coverage, the process that is now occurring. The second phase is future coverage. This phase involves the position description being submitted and reviewed by OPM for determination. The reason the Forest Service and BLM have standardized law enforcement position descriptions is to reduce the review process by OPM for enhanced coverage determination.

3. After you have accomplished this, have your Superintendent sign a yearly affidavit stating that your position in his/her

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opinion meets the definition for a covered position and it has been forwarded to region for determination. It may help for past coverage determination. To recap this lodge's efforts on enhanced retirement:

November 1989, I met with and briefed National Vice-President Gallegos.

February 1990, Congressional briefing packages were developed

April 1990, I met with National President Stokes and the FOP's Legislative Committee in Washington. We met with Under Secretary of Interior Lew Gallegos. I also met with Mario Faire, Walt Dabney and Congressman Lehman and Congressman Logansmarino staffers. Briefing packets were left for Congressmen Mel Levine, George Miller and Bruce Vento. All these Congressmen sit on the Parks sub-committee.

May 1990, Congressman Lehman submitted questions to the Park Service on retirement issue during Congressional hearings. To our knowledge, the Park Service never responded.

August 1990, the lodge board met with Director Ridenour in Yosemite to discuss issues including retirement.

September 1990, National FOP Board passed a resolution to introduce legislation in our behalf.

October 1990, the lodge requested Congressman Lehman and Logansmarino to help establish a time table for reviewing past coverage packages.

November 1990, Lodge members and I met with FOP's National President, Vice-President and Legislative Chairman in Los Angeles to discuss our issues.



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A Proposal For The Implementation Of Enhanced Retirement For Rangers

By Paul Berkowitz

As 1991 begins we find ourselves still embroiled and frustrated over the enhanced retirement issue. Appeals for coverage under the provisions of 8336(c), submitted in 1989 remain unanswered, and interested parties have now had to follow-up with second year amendments to their claims. Only a few positions (literally) in the entire National Park Service have yet to be identified as covered under special retirement. Meanwhile, Rangers who have made legitimate claims remain in limbo, unsure about the impact of transfers into new positions which have yet to be assessed by the agency for primary or secondary coverage.

WASO has announced that it supports the concept of enhanced retirement for selected positions, but the specifics of implementation have not been worked out. The entire issue is further complicated by groups within the NPS who desire to see the underlying OPM standards for enhanced retirement modified to unilaterally cover all emergency services personnel in the agency. I have previously expressed concern about the common practice of pursuing a commission solely for the purpose of career enhancement, where there is an attendant lack of real desire to "do" serious, professional law enforcement. I have further lamented the lack of a formalized, compulsory Field Training Officer program for the NPS. In an attempt to resolve the specific issue of enhanced retirement for law enforcement Rangers, and at the same time address the issue of professional standards, I offer the following proposal.

1) The National Park Service should identify positions which qualify for primary law enforcement coverage. These positions should generally be at the field level in high activity areas, such as national recreation areas and densely populated national parks. Other, less active NPS areas would not be excluded from having primary positions, but their numbers per area would be relatively few. That is, not all commissioned positions in these NPS areas should be covered. Rather, the only positions covered would be those where the primary emphasis is on law enforcement (i.e., investigating violations of Federal criminal laws, and apprehending persons who violate same), and where law enforcement duties constitute the majority of the position responsibilities. This would be consistent with the guidelines presently issued by OPM. Some semblance of standardized position descriptions at various grade levels could be created to satisfy OPM requirements for this coverage, while still accurately reflecting the police and investigative functions as well as other duties performed in most of these positions (other agencies have already done

2) Prerequisite to placement in one of these primary positions would be the satisfactory completion of a formalized Field Training Officer program at any one of several designated NPS areas that historically have been shown to experience high levels of law enforcement activity (based upon frequency of incidents and arrests, etc.). In the beginning of this program, a "grandfather clause" would exist, enabling present employees to show that they have already satisfied this requirement by documentation of equivalent experience such as that currently required for the claims submitted to OPM. In fact, a favorable ruling by OPM crediting primary law enforcement time in response to recently submitted claims could constitute an automatic waiver. Prior participation in an FTO program with another police agency, and/or prior successful 2-3 year assignment in an FTO "internship" type of position might also suffice (read on...).

Specially selected, experienced law enforcement Rangers would function in these high-activity areas as field training officers (FTO's), and would receive attendant pay enhancement for that responsibility (minimum GS-8 or 9). A Ranger desiring to enter into the enhanced

Next Meeting:
March 20th, 7 pm— Girl's Club

retirement law enforcement system (by occupying a primary position) would be compelled to first accept an assignment at an FTO park and then successfully complete the FTO program as well as an attached two- to three-year follow-up or "internship" assignment in an entry-level primary position within that same or another high-activity area (promotion to at least GS-7(?) after one year, including completion of the FTO program). Only Rangers who successfully undertake, or who have already satisfied this FTO/primary time requirement would be eligible to compete for other primary law enforcement positions, at any grade level. Such subsequent assignments would typically be as a journeyman or senior law enforcement patrol Ranger, shift-supervisor, sub-district or district ranger at high-incident areas such as Lake Mead or Yosemite's Valley District, criminal investigator, law enforcement specialist, and chief ranger or other line law enforcement supervisor at high-activity areas. In establishing this requirement, the NPS could provide a real incentive to develop a base pool of truly skilled and professional law enforcement Rangers with recognized and credible experience. To summarize these first two points, Rangers would have to

Continued On Page 4



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Retirement Continued From Previous Page

successfully complete the FTO program and "do their time" in the form on an internship at one of the "hot spots" before they could claim credit for primary law enforcement time.

Meanwhile, those who remain commissioned but elect not to do their internship would not be eligible for enhanced retirement benefits. (COMMENT: Another related management option would be to mandate participation in the FTO program and "law enforcement internship" for all Rangers that, henceforth, pursue a law enforcement commission. Participation in the program could be mandated within, say, three years of completion of the basic academy. Failure to do so would invalidate their "probationary" commission. This type of program is standard in many law enforcement agencies throughout the country. This would do even more to ensure that, eventually, all Rangers in the NPS who hold commissions would have a solid background and experience base in law enforcement. Implementation of this option may also be fiscally prudent in light of the pending requirement for full field background checks (at nearly \$3000 per person) for all commissioned Rangers).

The National Park Service should identify supervisory- or management-level positions which qualify for secondary coverage. These positions could be quite numerous (including most superintendencies at high activity areas, as well as virtually all chief ranger and district ranger positions that have under them some primary law enforcement personnel), but would necessarily entail some responsibilities for directing significant law enforcement programs, and would have a mandatory prerequisite of some background as a commissioned law enforcement officer. Rangers with primary time behind them who occupy these positions would be able to continue their enhanced retirement coverage. Rangers who have not satisfied their primary law enforcement time requirement would be ineligible for enhanced retirement in these positions, but would be able to occupy same under the 30-year system. Anyone not already meeting the primary requirement, who desired to enter into the enhanced retirement system in such a position, would be compelled to first take a reassignment/detail down to an entry level FTO/primary position. 4) Under this proposal, law enforcement retirement is specific to law enforcement and is, necessarily, not interchangeable with fire fighting (assuming the existing rules covering enhanced retirement benefits continue as presently defined). Therefore, an experienced firefighter with enhanced retirement benefits who has not done primary/FTO time in law enforcement would not be eligible to compete for a primary law enforcement position without first undergoing FTO training and attendant "internship" or entry level primary work for 2-3 years. The reverse would also be true. Fire fighting, under this concept, could institute a similar program for establishing standards for entitlement for primary coverage. Still, a Ranger with primary coverage by virtue of either law enforcement or fire fighting background (or both) would be able to subsequently occupy any secondary position (or for that matter, a non-covered position) for which he/she otherwise qualified. This proposal has the benefit of promoting genuine expertise in covered fields which qualify for enhanced retirement benefits (both law enforcement and fire fighting). It discourages the practice of allowing people with minimal expertise (such as unenhanced academy training) to assume supervisory roles over specialty operations. It accomplishes this in a positive (rather than a negative) manner by providing a real incentive for Rangers to devote significant time to developing genuine expertise at the onset of their career. Likewise, it serves to discourage people who don't like law enforcement (or fire fighting) from "dabbling" in these fields just for career enhancement, otherwise resulting in a cadre of minimally qualified, inexperienced employees in emergency operations throughout the grade spectrum. The FTO program and attached 2-3 year tenure requirement demand at least moderate levels of commitment and interest in the respective specialty. At the same time, it provides these people with realistic career

opportunities without necessarily excluding non-specialized individuals from similar career paths. The incentive is in the retirement benefits. Both a specialized and a non-specialized person could occupy many of the same secondary-classified positions, but the specialist would be rewarded by being able to retain his benefits. Likewise, positions that would benefit most from placement with people who have strong specialized backgrounds would be likely to primarily attract those very individuals. Another advantage of this system would be an enhanced ability for the National Park Service to attract experienced law enforcement professionals from other federal agencies (e.g., BLM & USFS) that already participate in the enhanced retirement program, not to mention affording interested NPS law enforcement personnel the chance to transfer over into these same agencies. Obviously, many details of this proposal are not addressed. Still, I believe the concept presented is sound and workable, and if implemented, could enable the National Park Service to resolve the retirement dilemma while simultaneously enhancing morale and promoting professionalism in its Ranger force.

Ready For Random Drug Tests?

Advil, Nuprin, Mediprin, Rufen (also at risk are persons with a bladder or kidney infection, or liver disease) may test positive for Marijuana. Nyquil, Vick's Inhaler, Contac, Sudafed, diet pills, heat and asthma medications and many sprays may test positive for Amphetamines. Amoxicillian (antibiotic), tonic water and herbal tea may test positive for Cocaine. Elavil, Benadryl, Soma, Norflex, and Phenergan may test positive for Methadone. Dilantin and Phenobarbital may test positive for Barbiturates. Phenergan, Vick's Formula 44, tonic water & poppy seed rolls may test positive for Heroin. Contac, Dristan, Nyquil, Hall's Mentholated Drops, Terpinhydrate & many cough syrups may test positive for Alcohol.

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Samaritan Health Services
National Parks Division

Yosemite Medical Clinic
209/372-4637

A Division of Samaritan Health Services

Alliance News

Continued from front page

Several of us at FOP Central have been phoning folks in various parks with a list of questions on conditions and concerns. We're trying to get a sense of what's happening out there and plan our strategies and goals accordingly. We're also looking towards the possibility of (gasp!) collective bargaining.

Now campers, I want everyone to put your coffee cups down, get out of your easy chair, walk over to a mirror and practice saying "Collective Bargaining". until you can do it without flinching, because it's time we considered this option.

The Alliance and FOP have made significant gains for field rangers in the last three years, but there are some limits to what we can do. For instance, we have received a number of requests from individual rangers asking for us to intervene on their behalf in personnel problems. The most we can do is send them information on their rights and write a letter on their behalf, but we have no official status to act in their behalf. The same is true at the WASO level. We have made ourselves and our opinions known in Washington, but WASO can (and often does) ignore us. As a bargaining unit, represented by the National Labor Council of the FOP — a separate organization from the lodge—WASO would be required to consult us on policy changes.

Safety issues such as heptavac shots, body armor, and firearms would be subject to negotiation by your representatives at the national level. With a contract, the Professionalization Plan would have been subject to your approval. We will run a series of articles in future issues exploring this possibility and encouraging debate.

Officer Nominations Due

Nominations for Western Lodge officers will be made at the March 20 general meeting in Yosemite. Members may make telephone nominations of officers by calling or faxing the lodge at 209/372-9216. Offices open are President, Vice President, Secretary, Treasurer, Guard, Seasonal Trustee, along with Valley, Wawona, and Mather District Trustees.

PINE TREE MARKET



P.O. Box 2097
Wawona, CA 95389

Paul & Kathy DeSantis

209-375-6343

The Protection Ranger

Published bi-monthly by the National Park Rangers Lodges of the Fraternal Order Of Police, P.O. Box 944, Yosemite, CA 95389. For Parks West of the Mississippi: National Park Rangers Lodge 23, President — JR Tomasovic. For Parks East of the Mississippi: Eastern Rangers Lodge President — Randall Kendrick. Our Lodges are committed to improving the Ranger profession by joining Rangers together in a spirit of camaraderie to seek a cooperative relationship with management, with the goal a safe working environment, with fair and competitive pay and benefits. FOP is a non-profit organization.

Application For Membership

I, the undersigned, a full-time regularly employed law enforcement officer, do hereby make application for active membership in the National 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: _____

DOB(required): _____

Alliance membership (non commissioned)

Please enclose a check for one year membership.
(Western lodge Permanent - \$27, Seasonal - \$18)
(Eastern Lodge \$20 all members.)

Enclose a copy of your commission.

___ I'm employed East of the Mississippi

___ I'm employed West of the Mississippi

NPS Area: _____

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Commissioned Members Beni's

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National Legal Defense Program Pays for legal defense in Criminal, Civil and administrative cases, starting at \$50.50 per year for criminal-only coverage.

National Discount Prescription Drug Program For \$1 per year per member and family. You get instant credit for buying prescriptions, with a 15 day billing period, or receive a 15-25% cash discount. Get your prescriptions through the mail! Rangers who are far from cities can really benefit. You can order through an 800 number with same-day shipping. In addition, the 800 number can be used to answer any questions about your medications.

National Vision Care Program Includes discount on eye exams, frames lenses, contacts and extras, for only \$10 per year.

National Disability Program Benefit Trust Life's RTD Disability Income Insurance Plan helps you protect yourself and your family against loss of earnings due to covered sickness or accident while you are working and before age 65. These benefits are payable in addition to any other insurance you carry, including employer-provided disability or compensation.

National Retirement Programs The law says you have to make urgent financial decisions within 60 days after you retire, or you may be taxed on the money you'll receive. Call FOP and ask for information on retirement programs. FOP has plans for increasing cash values to supplement your retirement benefits and provide an emergency fund, a tax free benefit, estate for your children, and cost of living adjustments.

National Cancer Care Program Members and their spouses and children may participate. \$100 per day for hospitalization for 90 days, then actual hospital charges up to \$5,000 per month with a \$250,000 lifetime maximum. Pays for the actual charges of radiation and chemotherapy to \$2,000. Limited medicine and drugs, nursing services, surgery, anesthesia, blood and plasma, ambulances, and more.

National Accidental Death And Dismemberment Program A sound, affordable program, for example, \$100,000 for \$56 per year.

Lodge 23 Programs are sponsored by the California State Lodge and are available to Western Lodge members. For information, call the lodge or John Cipolla Insurance Consultants at 800/733-5131.

State Life Benefit FREE. Once the lodge has registered you, the \$2,000 life benefit increases by \$200 per year until a \$3,000 maximum is reached. At age 65, it reverts to \$2,000. This is paid no matter how death occurs. (yes, even suicide). If you die in an accident, it pays an additional \$2,000. If you are killed in the line of duty, an additional \$2,000 is paid.

SPECS Vision Care Program Available through December 1991 FREE, the SPECS card can save you 50 percent off frames at SEARS, Montgomery Wards and other stores. Order contacts by mail and save money, with disposable lenses from \$21 per 6-pack, etc.

Police Benefitter Death and Dismemberment Program Starting at only \$15 a year for \$25,000 in benefits, this plan provides 24-hour coverage with "line of duty" and family supplements at very affordable prices.

Member Benefitter A term life policy offering complete coverage. You can purchase up to \$100,000 on yourself and your spouse. Sample cost for \$10,000 coverage, age 25-29 is \$5.25 a quarter.

Legal Defense And Liability Insurance Not FOP sponsored,

Wright & Co. offers a legal defense plan that also pays judgments at a cost of less than \$4 a pay period for \$500,000 coverage, \$7 for \$1 million coverage. This is the same company that offers the National Legal Defense plan, but this is not an FOP plan. For information, call them at 800/424-9801.

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From The Mailbox...

January 2, 1991

Dear J.R.

I had a hard time prioritizing the areas of Ranger concerns on question #6 in the FOP Membership Survey from the October/November 1990 FOP Newsletter. To me, each of these concerns should rank at the top of the list for the NPS management. Almost all of these areas of concerns should have been taken care of years ago. So with my indecision, I answered the FOP questionnaire this way:

Prioritize each the following areas of concern one through eleven, one being the most important.

1 Obtaining enhanced retirement. "You got to be kidding me." We have got to be one of the few agencies besides Twigg County, Georgia that doesn't have enhanced retirement for its law enforcement and fire personnel.

1 Obtaining Pay Increases. "With our law enforcement rangers starting at GS-4 and GS-5 wages that puts us in the bottom 10 percent of pay for our nation's law enforcement officers." "Most rangers would agree that we should at least be in par with if not above Twigg County, Georgia."

1 Stop drug testing. "How many tens of thousands of dollars or hundreds of thousands of dollars have been spent to date to prove our upwardly mobile law enforcement rangers are not on drugs."

1 Obtaining more and better training. "Amen, Amen, Amen."

1 Obtaining more and better housing. "The state of California made it illegal to house migrant farm workers in tents about ten years ago, but it's O.K. to house seasonal NPS employees in tents because they're just migrant workers."

1 Obtaining body armor. "How can this still be an issue?" "We've had two rangers killed in the line of duty within the last 15 years; We've had a bunch of shootouts at the O.K. Corral in the last two years!" What manager from the Director on down would allow his/her personnel to do law enforcement without issuing body armor? This is no joke! This is serious!

1 Obtaining auto-loading weapons. "I guess us and the Twigg County Sheriff's Office are about the only two law enforcement agencies in the Nation still using six shooters." "But I hear that a line item request for auto-loading handguns is being added to the NPS 1992 fiscal request to Congress." To me it would make more sense to purchase the needed handguns with some of the over one billion dollars allocated by Congress for the NPS in 1991 and let some poorly designed visitor center or equally conceived project take its chances with making it through Congress. "We will all live if the visitor center doesn't make it through Congress." The reverse might not be the same!

1 Stopping unpaid on-call. I could be mistaken but I thought involuntary servitude went out in Abe Lincoln's day. Don't we NPS people take care of Ol' Abe's place?

1 Beginning a fair seasonal intake program. A good employer is always looking for talent. A smart employer looks in the mail room for talent before he goes to the Greyhound Station.

1 Obtaining health benefits for seasonal. I don't know about Twigg County, Georgia, but many winos, drug addicts, and street people in most of our major cities across the country are entitled to health care that they don't even pay for. Get this, our seasonals want to pay for their health care!

1 Obtaining hepatitis vaccination. If your infected with hepatitis the worst that can happen is you die. Then you won't have to worry about the silly dozen-or-so main concerns of Rangers around the nation.

1 Establishing GS-5/7/9 as the standard Ranger level. Excuse me! Excuse me - but if anyone out there knows of another Federal Agency who has the level of law enforcement, fire fighting, EMS, and rescue duties of an NPS ranger and artificially keeps them at the GS-4, GS-5

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and GS-7 level, I would like to present them with the 1991 Award for Gifted Management. What no takers? Well, I guess the 1991 Award for Gifted Management will have to go to the NPS. Yea! That should make some type of record, thirty years in a row! (Note: The GS-7 level option shown or described in this article is available at extra cost and usually comes with prerequisites (Strings attached). For current rules and regulations check with your local personnel office when ordering options to your career.)

I hope you can see that this was done in fun! I hope everyone can see how serious each of these areas of concern are to the average National Park Ranger. National Park Rangers are on the threatened list and may become an endangered species in the real near future. Remember, you can't go down to the Greyhound Station or to Twigg County, Georgia and grab a person, dress 'em up in the grey and green, put a flat hat on and expect them to be Rangers. I apologize to all my friends in Twigg County, Georgia and the Greyhound Stations for making light of the National Park Service's Ranger's plight!

Sincerely,

Paul M. Ducasse, Law Enforcement Specialist
Hawaii Volcanoes National Park

State Trustee's Report

by Greg Jackson

Fax Service

The lodge's 24-hour phone line now has fax! Call or fax us at 209/372-9216. Need a document? We'll fax it to you.

Concealed Weapons

Rangers in California can now carry concealed weapons without a permit, thanks to lodge action, and the support of Yosemite Superintendent Mike Finley. The lodge drafted a letter to the State Attorney General for Finley's signature asking for clarification of the ability of rangers to carry concealed weapons off duty. Until now, rangers have been forced to pay for concealed weapons permits (if they could obtain them at all), or carry without one in a state of legal limbo.

In summary, the reply from the AG's office says, "We concur in your interpretation of California Penal Code section 830.8... Under the new version of the California Penal Code section 830.8, National Park Service law enforcement officers specifically come within subsection (c). Additionally, they should qualify under subsection (a), particularly when performing law enforcement duties of other agencies, and seemingly even could qualify under subdivision (b)."

Intake Program

In early 1990, Customs unveiled a program to hire new employees directly out of college. This intake program was to fill the ranks of the professional series within the agency. The customs workers have a national contract through NTEU and they filed a grievance stating that, in the main, the intake program was detrimental to existing GS-5 and GS-7s and that workers in the non-professional series should be given training and, using their experience, qualify for higher paying work. The arbitrator ruled in favor of the NTEU and today the Customs intake program is filled with existing workers who are being trained for professional work.

NPS's proposed intake program ignores seasonals as a source for intake talent. Seasonals also lose in that the turnover rate in entry level jobs will be reduced because intake program members will cut promotion potential for lower grade employees. The Eastern Lodge has more info on this subject.

7 Fitness & No Retirement - A First

It has come to our attention that some in Washington are of the opinion that there is not much resistance to the proposed mandatory fitness standards outlined in Draft NPS-53. While we cannot speak for the entire group affected by these standards, we can speak for the 700 in the lodges. Based on the reaction and the comments we received on our recent mailing on this issue, we can assure anyone that there is broad-based resistance to the proposed mandatory standards. Your FOP has previously made its position clear and will make specific comments to the Director on this subject, and the National Lodge will be commenting on our behalf to the Secretary. A recap of our position:

1. We believe that the concept of mandatory physical fitness standards and the concept of enhanced retirement are one and the same. The director of the BLM and their equivalent of a Ranger Activities are on record as believing they cannot establish mandatory fitness standards without first providing affected employees enhanced retirement. If the NPS ends up forcing these standards on us, we will be the only federal employees required to meet fitness standards who do not have enhanced retirement.

2. Even with enhanced retirement, FOP is concerned that these tests are age and sex biased. Only one other federal agency has an age and sex biased standard. Our U.S. Park Police counterparts do not have to meet age and sex biased standards.

3. FOP is aware that when the USPP adopted its mandatory fitness standards, on-board officers were exempted. The proposed standards for rangers have three aspects. First, you must pass an aerobic test, then a strength test, then medical standards. Of these three, only the medical standards will be waived for on-board employees. We have been informed that this will take place because employees who cannot meet the new Service medical standards have demonstrated they "can do the job anyway." We submit that the same logic applies to any current employee in regards to the other standards. This action is arbitrary and capricious.

4. Another area of concern is that the proposed standards are recognized as more physically demanding than those taken by USPP officers. Yet the proposed health screens are not as comprehensive as the service provides USPP officers nor do they start at the same age level. We fail to see the logic of requiring one branch of the service to be forced to pass a set of standards that are recognized to be more demanding (placing you more at risk) and at the same time not at least offering those affected the same level of health screens as the group who must pass a less demanding test.

Many of you have expressed your thoughts to us and fellow FOP members. We urge you to make these same comments to your Chief Rangers and Superintendents. The bottom line question is, why are we being treated radically different than our federal counterparts at all levels? Your FOP and the 700 employees we represent are strongly opposed to the mandatory aspects of the proposed standards. We are now exploring the avenues for a Class Action appeal on this issue.

It should be noted that the establishment of a mandatory fitness program would not be possible without the rangers consent if we had a national contract. USPP police employees had prior approval of their fitness program because of their contract.

Cary's Story

Continued from December/January Issue

The trial was held between February 25th and 26th, 1929 (Case Number 6293). Circuit Judge Earl Witt presided. Hunt was tried first. He was represented by Little Rock Attorney Frank Pittard. The prosecution's case was based on the previous mentioned circumstantial evidence from witnesses who heard Hunt state Cary would never appear against him in Federal court after being arrested by Cary for the liquor law violation, witnesses who saw Hunt on West Mountain the day Cary was killed, witnesses who were told by Hunt he had hidden the murder weapon, and a witness who stated Hunt told him he killed Cary. Conflicting testimony was entered on the murder weapon as a 30-30 rifle or a pearl handled or "bright" handled gun (neither were ever found). Hunt had placed the weapon under the house at 136 Gen Street or placed it in an inner-tube and either buried it on West Mountain or in a creek (Sentinel Record 3/1/29). The defense showed Hunt had an alibi proven by his relatives that he was at work at the time of the murder. The defense attacked the character of the State's witnesses utilizing Prohibition Officers and Deputy Sheriffs to prove the witnesses were either ex-convicts or bootleggers themselves. Finally, they attempted to show there was no animosity between Cary and Hunt. On February 26, 1929, at approx. 11:35 p.m., the jury acquitted Hunt after deliberating for over four hours.

An interesting note is that the five accused, according to newspaper accounts (Sentinel-Record 2/5/29), were not the least bit worried, upon hearing the indictment against them, about what the outcome would be of a trial against them in Hot Springs., They had a confident premonition they would be acquitted. The charges against the other four defendants were dropped fearing acquittal also.

To the five's surprise, on February 25, 1929, they had been indicted by the Federal Grand Jury (Criminal Case Number 9477), in Little

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Rock, on the two conspiracy counts. (Documents also refer to a Grand Jury indictment on October 15, 1928). On February 27, 1929, all defendants except Weldon were returned to the U. S. Marshal in Little Rock. Weldon's pending conviction in State Court on other charges had been subsequently affirmed by the Supreme Court of Arkansas and he went directly to state prison.

On April 4, 1929, Hunt entered a plea of "nolle Contendere" to the two conspiracy counts after an unsuccessful motion to dismiss the charges as double jeopardy. Hunt spent one year and one day in the U.S. Penitentiary in Atlanta, Georgia.

The charges against Camp and the Wilson brothers were dropped apparently due to affidavits that they were with other people and problems with them having been acquitted of the charges in state' court.

On December 17, 1930, the charges against Weldon were dismissed because he had been in state prison during the time of the trial. Now he could not be found, and the U.S. Attorney felt little likelihood of a conviction. The U.S. Department of the Interior having concurred on November 8, 1930.

Raymond Daniel Hunt was born February 2, 1902 in Harold, Texas. He died in Hot Springs on June 10, 1968. Hunt's criminal history included additional time in the Atlanta Federal Penitentiary for whiskey charges and Hot Springs Municipal and Garland County Circuit Court for charges of carrying a concealed weapon, alcohol sales violations, assault and battery, robbery, burglary, forged checks, grand larceny, car theft, indecent exposure, public intoxication, and drunk driving.

Another interesting note: Times have changed but Government paperwork hasn't. In order to pay for the funeral and provide death benefits, the U.S. Employee's Compensation Commission, on April 6, 1927, requested the Director to complete a CA-2 "Report of Injury" and CA-5. Time lagged and Mrs. Cary was left in "straitened financial circumstances," according to a letter to the Director from Superintendent Bolton dated April 21, 1927. The funeral cost \$215. The Government finally paid its share, \$200, on October 10, 1927. On February 14, 1928, as requested, a CA-12 and CA-13 were also submitted. Eventually a year and a half later, Mrs. Cary was awarded \$40.25 a month as long as she remained single and her children received \$23 a month. Of course, several letters of correspondence over time showed the payments were not always prompt.

Cary is survived by his son James Orvis, of Dallas, Texas, daughter Leora May Trimmins of Encinitas, California, and several grandchildren. Up until a few years ago, Mrs. Timmins had her father's uniform with the bullet holes. The uniform has been lost in one of her "government" moves.

Since 1987, James Cary has been recognized annually at the May 15th National Peace Officer Memorial Day Ceremony for Garland County. His name has been submitted in inclusion on the National Law Enforcement Officers' Memorial which is currently being constructed in Washington, D.C. Also, arrangements were made to authorize the presentation of the Fraternal Order of Police's Supreme Sacrifice medal of honor to Cary's daughter.

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