NPS FOP Featured in Washington Post Article, ABC News Segments

Interior Secretary Lujan admitted that Park Rangers were underpaid in an interview on This Week With David Brinkley on July 7. The lodge worked with ABC News in preparation for the interview as part of increased lodge coverage in the media.

Past Western Lodge President and California National Trustee J.R. Tomasovic discussed pay, retirement and other issues in interviews featured in the Washington Post, and provided background information for an ABC's Nightline and This Week With David Brinkley segments in July.

The Post article appeared the week of June 23. The ABC segments featured footage of rangers providing law enforcement and SAR services, while producers were provided information on the pay and staffing crisis in the parks.

The news coverage is a result of a letter to the editor from the lodge that appeared in the August 27, 1990 edition of Newsweek. The letter told of the economic hardships that are forcing rangers to leave the service.

A reporter for the Post saw the letter and used it as a basis for the story. He travelled to Yosemite to interview Tomasovic and get a first hand look at how rangers perform in the field.

Articles also appeared in USA Today, on the AP wire, and on National Public Radio.

Outrage Over Interior's Double Standard On Valor Awards

Of all the Park Rangers involved in shooting events in the past two years, not one has received the Interior Department's Valor Award. When one involved ranger wrote WASO requesting consideration for the award, Deputy Director Herb Cables responded that the award was for actions taken outside the line of duty. In that shootings were part of the law enforcement duties of Park Rangers, the rangers involved should not be considered for awards. Yet in the May 8, 1991 DOI awards ceremonies, rangers were recognized for search and rescue activities -- duties that are within the line of duty for rangers.

The second double standard became apparent at the same awards presentation when a Park Police officer received a valor award for her role in a shooting.

Western Lodge President Greg Jackson has written the Director on this matter and asked that rangers be reconsidered for awards.

Lodge Testifies Before Congress On Housing

Past Western Lodge President and California National Trustee J.R. Tomasovic testified in Congressional hearings on the NPS housing crisis on July 6, telling Congressman Vento's sub-committee on parks that housing was sub-standard and over-priced.

The lodge believes that government-supplied housing is part of compensation. When rent comparability entered the equation, pay comparability did not, and real income for Park Rangers declined.

If Park Rangers were paid at a level comparable to state, local and even federal officers performing similar duties, they would be much better able to afford to live in non-government housing, easing the housing burden on parks. In addition, home ownership would be much more possible, easing retirement concerns.

For those rangers in required occupancy positions, the lodge believes that rent should be free, giving rangers the ability to save for home ownership and retirement.

Valenta Receives Lodge Valor Award: Lake Mead Chapter Forms

Tom Valenta received the Award of Valor from the lodge on July 16 in ceremonies at Lake Mead NRA.

Valenta received the Valor Award for his sound judgment in the face of danger in a shooting incident involving a man who had wired himself to a gun and was attempting to shoot at park rangers at Lake Mead. Valenta received the award from Lodge President Greg Jackson.

At the same meeting, rangers organized the Lake Mead chapter of the lodge, and elected lodge officers, including chapter president Glen Anderson. A motion to formally recognize the chapter will be voted on at the September Lodge meeting. The Lake Mead chapter will meet to identify in-park issues that need immediate attention, and to find ways to help the Western Lodge as a whole.

In addition to the the new Lake Mead chapter, lodge chapters have formed in Death Valley and at the Grand Canyon, joining the parent Western lodge in Yosemite on several projects.

According to Western Lodge President Jackson, the lodge hopes to establish at least one more chapter this year. If you wish to form a chapter, contact the lodge.

The awards program, which will recognize all involved in shootings, will be fully elaborated upon in our next issue.
President’s Message

By Greg Jackson, Western Lodge

I’d like to thank all the members who voted in the last election. We had a far greater percentage of members vote in this election than in previous years, which shows that the lodge has a great deal of active support.

My goals while in office are the same as the previous president’s, and the same as yours, according to our membership survey. Increase pay through fair grading of rangers and through enhanced retirement coverage, oppose any fitness program that is not linked to enhanced retirement and that is not age and sex adjusted, and converting as many seasonal positions as possible to permanent subject to furlough to benefit long-term seasonals. These are a start. You’re familiar with the rest, body armor and auto loaders, housing. So many issues, so little time.

The lodge workload is expanding, and the lodge is expanding to handle it.

This May, the first lodge teleconference took place. Representatives from the Eastern Rangers Lodge, and the Death Valley and Grand Canyon chapters of the Western Lodge spoke with Past President Tomasovic and myself on a variety of issues. This call was a great chance to share news and plan our strategies.

This August, representatives of the Western and Eastern lodges, including the Death Valley and Grand Canyon chapters, will meet in Pittsburgh at the FOP National conference. This first-time meeting of both lodges will help us put together a plan for working with the national lodge on projects.

The strength of the lodge is that it is a grass roots effort. We’re organized in parks, and we meet regularly in parks, to discuss park issues.

In-Park Involvement

The lodge is dedicated to contributing to the community. In Yosemite, we have become part of the Adopt-A-Highway program, have taken on work projects at the Yosemite Child Care center, have sponsored a little league team, collect cans for Easter Seals, and more. In this year, I want to expand on our lodge’s community involvement. To do so, I’ve named Steve Weinstock to chair the Community Projects committee. Steve is responsible for getting these projects underway, and for coming up with funds so that Yosemite projects are funded locally. We’ve also started the FOP Kid ID program in community schools. We’re fingerprinting kids and giving the cards to parents for identification purposes. This is a program you can easily do in your park under the FOP banner.

One of the criticisms that we received most frequently is that the newsletter focuses too much on Yosemite. My response is that the newsletter goes where the action is. The Eastern Lodge has been in it for a year now with regular articles. Death Valley and Lake Mead got in it because they formed a chapter, and the Grand Canyon is beginning to contribute.

I’d like to go a whole issue without mentioning Yosemite, but that’s not up to me, it’s up to you. Form a lodge chapter, write a letter, take on a local project for the lodge. We’ll support you.

Get Retirement Coverage

I’m surprised that after hundreds of you have submitted packages for back retirement coverage, rangers aren’t preparing themselves for future coverage. First, you need to get your PD changed to say that the primary reason your position exists is for law enforcement, and that your primary duties involve investigating, apprehending and detaining suspected or convicted violators of the criminal laws of the United States. Maintaining law and order and protecting resources doesn’t cut it. Second, you can submit an individual request for coverage as outlined in section 831.908 of Title 5, Code of Federal Regulations. If OPM denies coverage, the denial is subject to review by the Merit Systems Promotion Board. An appeal to their ruling may be filed in court. We’ll have more on this next issue.

Where have all the seasonals gone?

If you’ve been involved in the hiring process this summer, you’ve found that the demand for quality seasonals now far exceeds the supply. We’ve been telling the Park Service this for years and nothing has come about. Colorado State University has suspended its seasonal law enforcement training program, and other schools are thinking similar thoughts. It’s going to get worse because Washington is doing nothing. Seasonals, time is starting to be on your side.

On a related note, FLETC will be enacting an evaluation and monitoring program for seasonal law enforcement academies. The lodge recommended such a program two years ago. We were the only organization or person to respond to FLETC’s request for comments.

Body Armor, Autoloaders and Politics

Another funding battle occurred after our last newsletter, but I’m pleased to announce that body armor and auto-loaders are in the budget. There were some problems.

First, a few superintendents are opposed to autoloaders. Obviously they are not the people making car stops. Check with your superintendents to make sure they know how important this is to you. Remember, WASO has supported us on this issue and deserves our thanks. Second, some members of congress are not pleased with the management of NPS law enforcement operations. Unfortunately, their wrath is misplaced, and they were taking it out on field personnel rather than the source.

The selection of the exact auto-loader is still pending. The NPS study is completed, but the agency is working with the Forest Service studying benefits of using the same weapon, and which one to choose.

Going To Lake Mead

I’ve accepted a position at Lake Mead NRA, and EOD’d there on June 16. After that, I spent some cool July days at FLETC. For the first time, the president of the lodge will not live in Yosemite. I don’t believe it is possible or desirable for anyone outside of Yosemite to become president without the lodge experience gained in Yosemite. There is so much about lodge operations on the National and state level that needs to be learned, and Yosemite is the proving ground.

But I believe that after being involved in the lodge for over two years, I have the background to manage the lodge effectively from Las Vegas. I have urged the Board to tell me if my move seriously hinders the ability of the lodge to do business. If so, I will step aside. Call me at home at 702/458-5845 if you want to discuss lodge issues.

How To Reach Us

The Western Lodge has a 24-hour fax/phone line at 209/372-9216. Leave a message or send a fax during our message. We do answer mail, and are interested in hearing of in-park issues from around the service.
The Survival Mentality
By George Durkee, Lodge Guard, Sequoia & Kings Canyon

Paul Berkowitz of Whiskeytown has recently published "Use of Deadly Force By--Deadly Assaults Upon Federal Land Management Law Enforcement Officers." This is an excerpt from an in-progress work: U.S. Rangers--The Law Of the Land. In this chapter, Paul describes critical LE incidents involving BLM, USFS and NPS Rangers over the last century.

The incidents he includes make several things clear: 1) These agencies have always been involved in and responsible for law enforcement in lands under their jurisdiction; 2) a significant number of incidents involved uniformed but non-commissioned rangers. Merely being a uniformed employee--naturalist, fee collection etc. exposes you to risk [More good news -- Methamphetamine labs are being found more frequently in Winnabagoes operating out of campgrounds]; 3) Incidents occurred as frequently in remote backcountry locations and seemingly quiet/remote parks as they did in "urbanized" parks. Perhaps the most dangerous assumptions we can make are that these things happen only in "hardcore" type parks like Yosemite or Lake Mead.

A recent FBI study (summarized courtesy of Calibre Press and their Street Survival Seminar) of fatal shootings of officers found several risk factors. 1) The agencies involved placed an unbalanced emphasis on public relations and service over law enforcement presence. 2) The officers used less force than their peers in similar situations. 3) They used force later than their peers. 4)They would shortcut rules and procedures out of convenience to themselves or courtesy to the suspect. 5) They would act without waiting for backup--found to be the greatest single mistake an officer can make. 6) They relied heavily on 'reading' people. 7)The officer would drop his or her guard when they perceived the suspect to be "good."

After the Miami incident, the FBI came up with an acronym (MIAMI--what else??) to effectively prepare for and deal with violent incidents. Mentally prepare for an unexpected confrontation with a violent, aggressive and ruthless adversary. Improvise--adapt--and overcome. Keep fighting until you prevail. Acquire the skills to fight and to survive. Train seriously! Maintain the will to live. Do not quit. Do not give up...Fight despite your fear or injuries. Initiate immediate, aggressive, effective action to terminate threats to your life, your safety or that of others.

News On Pay And Retirement

As reported in the May 6, 1991 issue of the Federal Times, a federal appeals court has ruled that people who maintain firefighting equipment are eligible for enhanced annuity retirement.

The case involved a USFS radio equipment operator whose job involved maintaining firefighting radio systems and installing them on site.

The law stated that employees whose work is dedicated to controlling or extinguishing fires or maintaining and using firefighter equipment are eligible for retirement at age 50 with an enhanced annuity. OPM interpreted the "or" to read "and," thereby disqualifying the USFS employee. But the appeals court ruled against that interpretation, saying that "or" means "or," and that those that maintain and use firefighter equipment are eligible for coverage.

The ruling benefits rangers who have applied for past enhanced retirement coverage because it once again found that the actual duties and of the position are of prime importance to the decision. More importantly, the appeals panel emphasized the hazardous nature of the man's job and noted that Congress wanted workers in hazardous positions to retire early to keep the workforce young and vigorous.

Meanwhile, OPM Director Constance Newman will name a committee to advise her staff on how law enforcement and protective service workers should be paid in the future, as reported in the Federal Times. The Times article stated that the panel will be composed of representatives of agencies with law enforcement missions and law enforcement and firefighter professional organizations.

Under the 1990 Federal Employees Pay Comparability act, OPM is required to come up with a separate pay system for LE employees by 1993.

The Federal Times is an excellent source for the latest news. Subscribe by calling 800/368-5718.
Commissions In Jeopardy For Pregnant Park Rangers

By Sherrie Collins, Grand Canyon NP

A series of events over the last year has triggered the Washington office to re-evaluate NPS-9 and its policies as related to pregnancy and temporary disability. Conversations with some key managers in both regional and Washington offices indicate the next move will have adverse affects on pregnant and disabled officers.

Last year a pregnant ranger’s commission was invalidated while she was pregnant when she refused to meet her second firearms qualification for the year. Her refusal was based upon a decision by her physician and research on the toxic effects to the fetus by lead poisoning from firearms. Her commission was invalidated, her weapon was taken from her, and she was placed on light duty.

To the best of my knowledge and research to date, this was an unprecedented event. Calls to 10 commissioned rangers who have been pregnant during their career revealed that although several rangers were not able to meet all of their training requirements for the year, not one ranger had her law enforcement commissions invalidated. They were simply placed on light duty.

A survey conducted of other law enforcement agencies, primarily in Arizona and California, showed that their pregnancy and disability policies differ greatly from NPS-9 and current WASO thinking. In almost every agency, once a pregnancy is confirmed by the officer, she is removed from active duty status and placed on light duty. Her training requirements (i.e. firearms qualifications and physical training) are waived until after the employee returns from maternity leave. Her credentials are not affected and she remains a commissioned peace officer. These policies also apply to temporary disabilities. In all cases, the reason for placing the women in light duty status early in their pregnancy was due to the hazardous nature of law enforcement work and potential harm to both mother and fetus. The only other agency that removed credentials was, interestingly enough, the Park Police.

There are several issues here that should be of interest to FOP members and law enforcement women considering having children:

- The current NPS-9 states that if training requirements are not met on an annual basis the commission of the ranger becomes invalid and the ranger is removed from law enforcement duties. The commission remains invalid until the training requirements and firearms qualifications are met. (NPS-9 sec. II, chap 1, p 11) Commissions may also be suspended for failure to meet applicable fitness standards (sec II, Chap 1, p 9).

- NPS-9 does not specifically address pregnancy or temporary disability situations. There is no policy addressing when a female officer should be placed on light duty. Information from the several rangers interviewed above indicates that there exists no uniform policy for when a woman is removed from law enforcement duties. Some women told me they worked into their eighth and ninth month, wearing a shoulder holster. Other women opted to go to light duty early on in their maternity. Many of these women qualified with their weapons and were genuinely surprised to find out that there were significant risks in doing so.

WASO will be working on policy changes which will specifically address pregnancy and temporary disability. However, key people feel strongly that commissions should be invalidated in cases of pregnancy, citing that the liability of the government might be too great to allow women to retain their commissions even if placed on light duty. One official expressed his concern that a woman may at some point use poor judgment and get involved in a situation that would jeopardize herself or her fetus. He believes invalidating her commission and removing her defensive equipment is the only way the women and the agency are adequately protected from personal harm.

(Not all managers agree. At the Western Region Chief Ranger’s conference, all agreed to support a new policy which allows pregnant rangers to retain their commissions while enforcing a stricter light duty status.)

Some of the problems and questions that would be created if the changes recommended by those in WASO were to happen are:

An officer who uses poor judgment is a significant concern which should be addressed immediately by the responsible supervisors. The position taken by some equates pregnancy with poor judgment. Such a position could easily be viewed as sex discrimination.

(Continued on Page 8)

It’s All Happening At The Zoo

As Zoo Police Get Pay Increases

Ever wake up thinking "I should have joined the Zoo Police!"? That’s right, due to public law 101-263, Privates in the police force of the National Zoo start at the GS-7 step 10 pay level.

How does that compare to the career ladder the National Park Service has set up for you?

Here’s a typical story. After being a seasonal ranger for four years, you squeak into a GS-4/5 permanent position and work that for a couple of years, so after a total of six years, you might make it to a GS-7 step one, still nine steps behind a Zoo Police Private on the first day on the job.

(Not to knock the Zoo Police. They deserve the money, and more.)

Why are Zoo Police better paid than park rangers?

We’re in a world of hurt when the nation’s zoo keepers are more supportive of law enforcement than National Park Service management.

Yosemite Medical Clinic

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National Parks Division
209/372-4637
The Protection Ranger
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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 of a safe working environment, with fair and competitive pay and benefits. FOP is a non-profit organization.

Application For Membership In The Fraternal Order Of Police

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: _______________________

Mail to: Fraternal Order Of Police, P.O. Box 944, Yosemite, CA 95389
or
Eastern FOP Lodge P.O. Box 151, Fancy Gap, VA 94328

The Definitive Study On Ranger Shootings

Use of Deadly Force—Deadly Assaults Upon Federal Land Management Law Enforcement Officers by Paul Berkowitz gives detailed accounts of all known incidents of deadly force used by and against Park Rangers, as well as BLM and USFS rangers. Compiled from case reports and interviews of rangers involved. This should be required reading for every ranger.

Order your copy from the Western Lodge. Send your name and address with a check or money order for $7.50 (FOP members), $10 (non-members) to FOP, P.O. Box 944, Yosemite, CA 95389.

Non LE Supervision

Continued from back page

Some examples of the types of actions we need to be alert to and avoid include, but are no limited to:
— Directing a law enforcement officer (LEO), either a ranger or agent, to issue a citation or make an arrest when the LEO does not feel they have sufficient probable cause. — Knowingly directing the attention of a LEO away from a specific area where criminal activity is occurring. — Directing a LEO not to investigate, arrest or issue citations to particular individuals or groups (as opposed to a legitimate policy decision to normally handle certain types of violations administratively). — Attempting to "fix" or rescind citations after they have been issued. — Tampering with or appropriating evidence for personal or other use. — Requesting or directing that an investigation be initiated without indications of a criminal violation. — Attempting to stop an investigation from being conducted after it has been initiated. — Withholding or altering information pertinent to a case.

Any BLM employee who believes that another BLM employee has acted inappropriately and interfered with the criminal justice process shall report the incident to the Special Agent-in-Charge in the State Office or to the Chief, Law Enforcement and Resource Protection Operations Staff (WO-177). If the Chief, Law Enforcement and Protection Operations Staff, or his acting is unavailable and immediate action is needed, the incident should be reported directly to the Office of the Inspector General (OIG). If the OIG remands the case to BLM it will be investigated by BLM special agents

These reports must be kept confidential, pending investigation by appropriate officials. Confidentiality is important for two reasons: (1) In the event the investigation determines that no criminal or inappropriate action has occurred, neither the person reporting the incident nor the person alleged to have committed the offense should suffer any repercussions; and (2) If interference has occurred, the investigation into the allegation must not be compromised.

Any BLM employee who is found guilty of exercising or attempting to exercise undue influence in the criminal justice process will be subject to appropriate disciplinary action, and possible criminal penalties, depending on the nature and severity of the offense.

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**National Lodge Programs** below are available through the National Lodge. Call 800/FOP-4321 for more information.

**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 ambulance, and more.

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

**Police Beneftiter 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.

Western Lodge Minutes

**Membership Meeting, May 1991**

**Presiding**: Jackson

**New officers**: Jackson, president; Cruz, vice president; Billie Bandy, treasurer; Dave Brennan, secretary; Durkee, Guard; Casalegno, Mather trustee; Roth, Valley trustee; Hendrick, Wawona trustee; Bob Bandy, seasonal trustee; Tomasovic, past president.

**Membership Committee**: Rick Obernesser to chair committee. Need to recruit in big parks. Durkee to continue to select mailing list of all Rangers through region. Jackson to finish new recruitment brochure.

**Awards Committee**: Roth to have article ready by June 1 to introduce program in newsletter. Motion: Tomasovic/Roth/unanimous to have Jackson write Director taking exception to the Deputy Director’s remarks on Valor.

**Safety Committee**: FOP is now recognized in Yose for safety issues by the Chief Ranger, and by WASO on firearms, body armor, etc. Cruz as VP to chair committee. Lalone may continue active role. Motion: Jackson to forward lodge concerns re: hearing protection on engines. Hearing booth to go in new safety office when Residence 1 transfer goes, fall 1991. FOP to try to get active again on regional radio review. Members in Yosemite urged to press for their physicals.

**Professionalization Committee**: New memo from director waters down program, saying look at needs then re-classify, no mandatory re-classification.

**Labor Committee**: Need to get the word out on what FOP is doing, set realistic time table. Controversy over who can belong, legal battle can be expected. Jackson: the lodge should continue moving toward collective bargaining until there is evidence to show that WASO is actively seeking field input on issues affecting rangers. Problem: as new issues arise, we’ll have to do battle each time, not so with bargaining.

**Old Business**:

**Fitness**: Final program at printer, can expect several EO complaints if it is instituted. Lodge should consider support for suits if filed. Local fitness programs in effect.

**Retirement**: JR: Our hope lies in the Swift bill, rather than with independent legislation. If FOP can help NTEU get the Swift bill moving, then NTEU will push for Park Rangers to be included. Ackerman will write letter to NPS getting them moving on retirement packages. Hearings a possibility.

**Seasonal**: GS-6 lead ranger positions coming, two 7’s being considered.

**Concealed Weapons**: Defensive equipment policy to be signed 5/21/91. Permanent commissions can CCW, seasonals with DR’s permission.

**Merit Systems Promotion**: New plan will go into effect this fall. Jobs below GS-9 will only be announced and open regionally. Intake Program: Yosemite will be a target park. Possibly the assistant Valley DR job will be used (5-7-9).

**Community Relations Committee**: Committee established, Weinstock to chair. Purpose: coordination of lodge’s community support efforts.

**Supreme Sacrifice Award**: Linda McGhee expresses thanks to the lodge. Ceremony went well.

**President**: Motion Bandy/Lalone/Unanimous to support Jackson for 6 months for a trial of the out-of-park president.
Glen Canyon Vs. NPS-9

Editorial By Greg Jackson, President, Western Lodge

Here’s the content of a memo regarding "The Ranger Image" sent to visitor and resource protection permanent employees by Glen Canyon’s Chief of Visitor Services dated May 16, 1991:

"Over the last decade, there have been tremendous strides made in the professionalization of the ranger work force. Today, we are called upon to be many things to many people--medical emergency responder, information specialist, law enforcement officer, resource manager, firefighter, diver, and the list goes on. Here at Glen Canyon, because of the nature of our work and our limited staff, your efforts are frequently reduced to only the emergency responder--law enforcement and EMS. In spite of this, however, we must remember our broad responsibilities and always portray our image as rangers as opposed to officers.

In order to refocus on this image in our own minds and the minds of our visitors, I am instituting a new policy on the wearing of defensive equipment in situations when you are involved in administrative or other non-law enforcement situations.

Defensive Equipment Should be Worn: -- When your assignment is basically one of patrol -- If performing office functions in your own or adjacent subdistrict and are expected to be able to respond to emergency calls or act as backup to others. --When you are detailed to any area for the purpose of providing visitor or resource protection. -- When actively involved in V&RP Branch training.

Defensive Equipment Should Not Be Worn: -- When off duty. --When visiting park headquarters or other administrative facilities and duties are primarily administrative (ex., working on budget, hiring, serving on a panel, attending a meeting, etc.).-- When involved in administrative or other training not related to V&RP duties.

Once the new headquarters building is established, there will be secure lockers for individual storage of defensive equipment. Until then, when not being worn as outlined above, your equipment should be secured inside your locked vehicle or other secure area and available for use once back in patrol mode.

I am taking these steps to refocus our image because rangers are much more than enforcers of law; we must possess the ability to perform all the other facets of our responsibility--visitor information, interpretation, resource protection, and overall park management and administration. The law enforcement ranger must be compatible with all other disciplines who work side by side with us in the Service’s mission to operate Glen Canyon National Recreation Area.

Supervisors, please ensure that all subordinate staff and seasonals are aware of these guidelines. Your attention to these directions will ensure that we are placing appropriate and proper emphasis on all aspects of our job consistent with NPS-9 and all other guidelines and policies of the National Park Service."

Well.

According to my copy of NPS-9, "Rangers involved in law enforcement duties are not expected to remove defensive equipment to enter buildings or while at lunch." But that's just one point.

The scary thing is that people in positions of influence in the National Park Service still think in such ways.

The real danger is that the lives of rangers and the public are being put in jeopardy by people think they can decide when law enforcement actions will or will not be necessary. Putting defensive equipment in the car trunk does as much to stop the potential for crime as does putting one’s head in the sand.

The most insidious part of all of this is that it creates a feeling that rangers with guns are something to be afraid of. That they're liable to start shooting away at a staff meeting or something. The hand is tipped with the line, "The law enforcement ranger must be compatible with all other disciplines who work side by side with us in the Service’s mission to operate Glen Canyon National Recreation Area."

Obviously someone doesn’t like rangers (or maybe anyone) with guns, and accommodating them is the politically correct thing to do. Fair is fair: Let’s have maintenance check their tape measures at the door so they won’t start flailing them around at staff meetings. And interpreters, put your guidebooks in the trunk when you’re working on the budget so we don’t get any nasty paper cuts.

Somebody ought to have the courage to say that if you don’t want to see people carry guns, don’t join an organization with law enforcement responsibilities. But no, let’s be accommodating and lock up the guns.

Alluding to SAR and EMS, the memo says that "Rangers are much more than enforcers of law" but it goes on to treat them as something much less. For example, in my home town the county Sheriff is responsible for search and rescue. But deputies aren’t humiliated by having to remove their guns when walking into City Hall or doing community relations programs.

The fact is that hundreds of rangers make visitor contacts and do interpretation every day without freaking out the public by brandishing firearms. The public expects law enforcement officers to be armed. In this case, the problem is not public perception, but management perception.

In an attempt to "always portray our image as rangers as opposed to officers" this policy becomes befuddling. I thought that Park Rangers, USFS Agents, Sheriffs, Troopers, and Policemen were all law enforcement officers. Duh, sorry ma’m, we’re jus’ rangers. Yuk, yuk, yuk!

How’s that for professionalization.

One more thing. Now the whole town of Page knows that it’s open season on Park Rangers after duty hours because policy says they can’t be armed. It doesn’t matter that the rest of the State of Arizona is armed, Glen Canyon rangers are sitting ducks. So after work let’s go have at the officer, er, ranger, that took Billie Bob to jail for beating up the wife.

Way to support the employee, guys.

Lastly, think of the personal liability that park management has taken upon themselves with this policy. If I’m injured off duty because I can’t carry defensive equipment, or if I’m a park visitor who is injured because response is delayed because rangers are busy getting their guns out of the trunk -- lawyers love this stuff. Whoever put this policy together is in line to lose his/her life savings, house, retirement and more in court. Think about it.

Protection rangers should not be treated like second class citizens.

The "hide the guns" approach is not a professional way to perform law enforcement, nor is it a way to retain quality employees or enhance employee morale.
Commissions In Jeopardy For Pregnant Park Rangers

Continued from page 4

There would have to be equal concern and penalties for non-pregnant temporarily disabled officers also identified as "poor judgment" risks.

— If in the future we received enhanced retirement benefits, would not these benefits be jeopardized if a commission were invalidated or suspended? (Note: The pregnancy act of 1978 states that employee benefit entitlement may not be restricted because of a pregnancy-related condition.)

— Once a commission is suspended, the ranger loses their "federal peace officer" status. Prosecution problems would arise if the officer were faced with criminal action by an angry individual seeking retribution or revenge. On a similar note, non-field investigative functions would be inappropriate and such limited light duty involvement would greatly complicate court testimony and case development.

Policies affecting pregnancy must also address temporary disabilities, since the Pregnancy Discrimination Act prohibits an employer from requiring stricter standards to be applied to a pregnancy-related condition over other medical disabilities. There is no documentation yet located of temporary disabilities not involving pregnancy resulting in either suspension or invalidation of commissions. There are a number of documented cases of temporary disabilities other than pregnancy that have resulted in light duty assignments without an impact on commission status.

Discussion among members of the Grand Canyon Public Safety Officers Association (the lodge's GRCA chapter) has supported policy changes which are equally applied to all types of temporary disabilities. In addition, temporary disabilities (pregnancy or medical) should result in the employee assigned to a light duty status. In the case of pregnancy, that change in duty status should occur early in pregnancy since the nature of law enforcement constitutes hazardous work. However, under no circumstances should the status of law enforcement commissions be jeopardized. "Light duty" law enforcement officers can provide valuable assistance to the victim protection operation. Invalidation of these officers' commissions constitutes an adverse action that also removes a valuable resource from the park's public safety operation.

Please contact your FOP chapter or lodge, Regional Ranger Activities, and WASO with your opinions on this issue. The GCPSOA is preparing a position paper which we will be submitting to appropriate offices. Please contact me with your ideas and related information. Input from any interested readers is welcome.

Sherrie Collins, Chief, Branch of Emergency Services, Grand Canyon National Park, 602/638-7840, FTS 765-7840.

Lodge Adopts Two Highways

The Western Lodge has joined the Adopt A Highway program, selecting two highways that enter Yosemite for roadside cleanup.

Millions of park visitors will see the lodge's name on large signs on Highway's 120 and 41 as they enter and leave the park.

Jeff Lynn is the coordinator for the lodge's role in the program. Jeff came up with the idea, contacted the agency, and volunteered to lead the work effort. Thanks, Jeff, for all your work.

It's Not Too Late For A "6C" Case

By Casey Casebeer, FLETC

As many lodge members are aware, the "open season" for presenting Federal Law Enforcement cases (aka "6c") has partially closed. Some cases may STILL be filed.

The original cut-off date for "old" cases was September 30, 1989. That date was ultimately extended until March 31, 1990 for certain National Park Service employees. Filing a 6C case by that date permitted the employee to claim any amount of prior time for 6C coverage. An employee in a potentially covered position could claim six months, six years, or twenty-six years for 6C purposes; whatever they could justify in terms of their individual career situation.

Slightly over 700 current and former Service employees presented cases prior to the cut-off date. But what about people who did not present a case: are they prevented from filing a case? Absolutely not!

If you are in a primarily law enforcement or firefighter position and DID NOT file a 6C case, you may still do so but with one basic limitation. You may only "reach back" one year for coverage purposes. Example: Fourteen months ago you were selected for a permanent position that is primarily law enforcement. If you submitted your case today, you could also claim up to 12 months of earlier coverage in addition to all qualified future time. The March 31, 1990 cut-off precludes you from claiming (any) more than 12 months back in time. Obviously, if you have been in a permanent position that is primarily law enforcement for less than 12 months, you haven't lost anything... yet! If you want to read the specifics, refer to 5CFR831.908(e).

Let's face it, if you are less than 40 years of age, you're immortal and not even thinking about retirement! On the other hand, if you are performing law enforcement or firefighting as the primary aspect of your position, you should consider looking into the enhanced retirement provisions. Six C retirement permits the employee to retire at age 50 if the person has twenty years of covered service. In addition, the upper retirement age limit has been raised to 57 (formerly 55).

There are some other "bennies" relating to 6C covered positions. Overtime is computed at your actual grade, and doesn't max out at the equivalent GS-10/1. Under 6C retirement, your overtime counts toward retirement credit, and finally, OPM and Congress are preparing for "law enforcement pay reform" which will probably affect employees covered by 6C retirement. You would be well advised to keep informed on these and related issues.

What is the lodge doing on retirement?

By Greg Jackson

On past coverage, the lodge is continuing to put pressure on WASO for realistic, timely processing of retirement packages by working with other agencies and Congress.

On future coverage, we believe that legislation is the needed channel, and we are working with FOP lobbyists to get Park Rangers added to the Swift bill. The Swift bill has well over 100 co-sponsors, and stands a far better chance of passing than other legislation. We will soon be calling for your support in contacting Congress to help push the Swift bill.

In addition, we have released information on re-writing PD's to more clearly express important language to help qualify for 6C.
We Told You So!
WASO Gets The News On Fitness

By Greg Jackson, Western Lodge President

Preliminary results are in from the Rocky Mountain region on physical fitness. That region, which serves as a pilot for many programs designed in Washington, was the first to subject employees to the new mandatory physical fitness program that may soon affect all commissioned rangers and others.

The bad news, and the good news, is that the program has failed drastically along the lines forecast by the Eastern and Western lodges.

The Eastern and Western lodges have made no secret of our opposition to the Park Service's proposed physical fitness program. We've done so on two primary grounds: First, any fitness program must be linked to enhanced retirement, and second, any fitness program must be age and sex adjusted.

The lodges' opinion was validated by a survey of more than 500 lodge members, with the vast majority of responses (almost unanimous) supporting the lodges' position.

So here are some of the figures:

Fifty-one Percent Failed to Pass

Of the first 87 persons tested, 44 failed to pass one or more tests.

Seventy-Six Percent Of Women Failed To Pass

Thirteen out of seventeen women tested failed to pass one or more tests.

Forty-Four Percent Of Men Failed To Pass

Thirty one of 70 men tested failed to pass one or more tests.

Age-Related Data Has Not Been Compiled

Despite being an obvious area of concern, data has yet to be tabulated on this vital area.

There is an increasing resistance to the fitness program in the region. The region required all parks to submit test result forms to them by April 10, but by April 17, only a few parks had responded.

Where They Failed:

Great Sand Dunes: complimented for an outstanding job in implementing the program, of the five females in their voluntary program, four failed to do the pull up.

Badlands: Of the sixteen people tested, only one was able to pass all the required tests. The step test created difficulties for the men, and the upper body tests created problems for the women.

Mount Rushmore: Four of nine failed. The female had trouble with the pull up.

Golden Spike: Everyone failed.

Glacier: Failed to complete the result reports.

Tetons: Failed to complete all testing. Of those tested, 10 of 28 failed.

Zion: Two of three females failed, three of thirteen males failed.

Fort Laramie and Grant Kohr: Failed to complete tests.

Glen Canyon, Cedar Breaks, Colorado, Curencanti, Timpagnogos, Roosevelt: Failed to complete the tests.

Of the eighteen parks in the region, only eight have been able to complete the tests on schedule. A reminder that one of the criteria for the program is that it was easy to administer.

Where they really went wrong

There are basically two problems: the tests themselves, and the grounds for administering the tests in the first place.

For the first time, the National Park Service is requiring all FLETC graduates to pass the Physical Efficiency Battery of tests in order to pass FLETC. In the justification for the PEB, FLETC's sources cite the differences in upper body strength and other factors between men and women, and among age groups, so FLETC's test is age and sex adjusted.

If that test is good enough for the National Park Service, why come up with another?

The U.S. Park Police have their own fitness test. First, officers already employed are not required to pass the test, and new recruits have a complete physical, then take the age/sex adjusted test.

Again, if this standard is good enough for the National Park Service, why come up with another one.

For an agency that is always crying short of cash, they've dumped a lot of money into this duplicate, unfair testing program.

The NPS report on the tests makes our second point for us. "A significant number of people feel there is a strong relationship between 20 year retirement (I'm sure they mean enhanced law enforcement "6C" retirement.) and a mandatory physical fitness program with negative consequences," it says.

No lie.

"The Chief Ranger at New River Gorge has widely circulated a memo he wrote (not correct: the FOP circulated the memo to our 700 members) which states that there are seven federal agencies that have mandatory fitness standards with negative consequences," it says.

No lie.

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No lie.

"He questions why we would take a different tack," the memo continues. We all question why the NPS is taking a different tack.

"The program is not presently supported at all levels and within all divisions in the parks," the memo continues.

And finally, "If 20-year retirement is not a possibility and we decide to require the passing of fitness tests, at the very least, we should provide age and sex adjusted tests."

Where do we go from here?

To think that mandatory fitness is no longer a threat is to be blind to reality. The program has "pet project" written all over it. We should prepare for a revised program, and a resulting possible future battle in court.
Steps Toward A National Contract

By George Durkee, Joint Lodge Labor Committee Chair

In the past few issues we've examined the possibility of forming a collective bargaining unit represented by the FOP Labor Council. As we've mentioned before, the FOP has been extraordinarily successful at gaining improvements in working conditions and equipment for rangers at the local level, especially in parks where we are well organized. Our success at WASO has been sporadic. The key to the problem has always been that WASO and Interior have no duty to consult us on matters of policy. The Professionalization Plan, the Physical Fitness plan, the new intake program, and even some aspects of random drug testing are all examples of recent important changes proposed by WASO without consulting field rangers who would be most affected by these proposals.

The benefits of negotiation

Had rangers been represented by the FOP Labor Council:

"Any labor organization having national consultation rights in connection with any agency shall be informed of any substantive change in conditions of employment proposed by the agency and be permitted reasonable time to present its views and recommendations regarding the changes.

"The agency shall consider the views or recommendations before taking final action... the agency shall provide the labor organization a written statement of reasons for taking the final action." (5 USC 7114)

Government syntax aside, this means that WASO not only would have to consult us if we organized as a bargaining unit, but they would have to negotiate with us on these issues in good faith. If we disagree with their decisions, we can present the problem to the Federal Labor Relations Authority to help resolve the disagreement.

Historically, bargaining units have gotten a bad reputation. Many people conjure up visions of smoke-filled rooms, shouted exchanges between management and labor, and general bad vibes. The Labor Council of the Fraternal Order of Police is not the Teamsters.

Most federal employees are members of bargaining units

Today, 60 percent of all civilian federal employees are represented by collective bargaining units. Most relations between labor and management take place in a responsible atmosphere, which is marked at times by disagreements, but rarely by open strife. In most negotiating situations, each side recognizes the legitimate needs of the other and strives to maintain a relationship that is based on mutual respect as well as recognition of equitable power. In the case of Park Rangers negotiating with WASO and Interior, I like to think that we would be guided also by our concern with the Parks themselves and our respective roles in protecting and preserving them.

The Federal Labor Relations Authority was created to ensure that bargaining is truly done in "good faith." The FLRA is an independent, neutral, full-time authority overseeing labor management issues in the federal sector. It also determines what constitutes a bargaining unit (based on "community of interest" among the employees) and who can or cannot be a member.

What can be negotiated?

A major area of contention between labor and management is in defining the range of negotiable issues. Bargaining may not change federal law nor may it affect the merit system promotion concept. That is, hiring, transfers, and promotions must be based solely on merit considerations and collective bargaining cannot interfere.

Collective bargaining is permitted such areas as the technology, means, and methods of performing the agency mission as well as conditions of employment. Bargaining is also mandatory to decide procedures for resolving grievances. Safety, physical fitness standards, equipment (including uniform standards), and some aspects of position descriptions are examples of negotiable issues. A ranger may request the assistance of the FOP Labor Council to assist in matters such as disagreements over comp time, travel status and pay, when he or she is the subject of disciplinary action by the Service, where smoking is or is not permitted, and even where the employee sits in the office.

Further, when a rule or regulation is proposed by the Park Service at any level, the bargaining unit may challenge the Service to show that there is a compelling need for the new proposal. The agency must prove that need and is required to release any relevant documentation and statistics to prove it. Again, the FLRA can hold a hearing to decide if the need exists.

The FOP Labor Council, then, can represent us not only on the larger issues from WASO and Interior, but also on the day-to-day issues in our immediate working environment. Most important, of course, the individual park or WASO is required by law to listen and respond to our concerns.

Making the transition

As we've mentioned before, your FOP is currently a professional organization, with no official power or sanction. How, then, do we enter this brave new world? Our first step is to get feedback from our membership. The Boards of both the Eastern and Western lodges are convinced that collective bargaining is the logical, necessary step in our continuing efforts to get better compensation and working conditions for rangers.

We will not act, though, unless we feel the members support us. More importantly, we also need the support of non-members.
If ranger response is favorable, our next step will be a "show of interest" vote. In that vote, 30 percent of eligible voters must vote to request that they be represented by the Labor Council of the FOP as their bargaining agent. Within a short period of time, another election is held in which at least 50 percent plus one rangers must vote that they wish to be represented exclusively by the FOP. Eligible voters will be limited to currently employed commissioned rangers below (probably) the district ranger level.

Who can belong?

Although only commissioned, non-supervisory (currently interpreted as those who don't spend the majority of their time with supervisory duties) rangers will be eligible to vote, we plan to ensure that all rangers receive some level of representation. In grievance procedures, all eligible rangers, whether dues paying members or not, may use the bargaining unit grievance procedures and representation in settling differences with management.

We hope to have a system available where dues-paying supervisory rangers may have FOP representation in grievances. Labor Council representation will also include the equivalent of the civil, administrative and criminal legal representation offered separately through the FOP.

Dues will depend on our projected expenses and how many rangers become dues-paying members. Rangers could join either the FOP as it currently exists, or the FOP labor council. Our hope is to have dues of no more than $10 per pay period (this will include the legal coverage, currently $130 additional.)

For almost 15 years, rangers have been making good faith efforts to have our concerns resolved by Grand Canyon Public Safety Officers Association (WASO) and Interior, either through the Association of National Park Rangers, or more recently, the FOP and Ranger Alliance. Too often we have been ignored. Rarely have we been consulted on issues that affect all of us. Collective bargaining, with the FOP labor council as our chosen representative, is the next logical step to ensure that we have a permanent, viable method of bringing our concerns to the attention of WASO, and as important, being consulted where changes are proposed in our working conditions.

Collective bargaining ensures that individual rangers have access to professional representation in disputes with supervisors or the Service -- disrupting the "family" tradition that has developed over the years with a new tradition of fairness to all employees. All our goals have been no more, and no less, than asking for a voice in the policies and decisions that affect us all.

Finally, collective bargaining is not, as it is often portrayed, carried out in a confrontational manner. Rather, it is done between parties who respect the needs and opinions of each other, and who, ideally, come together with the goal of reaching mutually satisfactory agreements which will benefit not only rangers, but management, and most of all, our National Parks.

We Need Your Input On NPS-9

Both lodges will be working on a review of NPS-9 with the goal of providing WASO with a list of recommended changes. Chris Cruz, Western Lodge Vice President, will be coordinating the effort, and seeks input from all lodge members.

Emphasis will be placed on safety matters, as well as changing sections that are impractical, or don't mesh with state-of-the-art law enforcement techniques.

In addition, in an attempt to remove legal liability from the Service, NPS-9 places prohibitions on some acts that may save a ranger's life in the course of a life-and-death struggle, placing the employee at legal risk for defending her or his life. The lodge will look at changes to help protect employees who act reasonably.

If you wish to become active on this or any lodge committee, contact the lodge. Send NPS-9 comments to Chris Cruz, C/O FOP, P.O. Box 944, Yosemite, CA 95389. Or call the lodge at 209/372-9216.

Know Your Lodge Officers

National Park Rangers Lodge 23
Fraternal Order Of Police (For states west of the Mississippi)
P.O. Box 944
Yosemite, CA 95389
29/372-9216 (24-hour phone/fax)
President -- Greg Jackson 2101 W. Warm Springs Rd. #4023
Henderson, NV 89014 702/458-5845 Vice President -- Chris Cruz
Secretary -- Dave Brennan Treasurer -- Billie Bandy
Guard -- George Durkee Past President -- J.R. Tomovisco Seasonal Trustee -- Bob Bandy Wawona Trustee -- Jane Hendrick
Mather Trustee -- Cathy Caselegno Valley Trustee -- John Roth
Death Valley Chapter FOP Lodge 23
P.O. Box 8
Death Valley, CA 92384
President -- Eric Inman Treasurer -- Terry Stoia
Lake Mead Chapter
c/o Glen Anderson
P.O. Box 1020
Cottonwood Cove, NV 89046
President -- Glen Anderson Treasurer -- Alice Ruth
Eastern Rangers Lodge (States east of the Miss.)
P.O. Box 151
Fancy Gap, VA 24328
President -- Randall Kendrick

Form A Chapter!

Forming a chapter in your park is easy. You get financial incentives to fund local projects, get help on resolving local issues, and have greater input on national issues. Contact either the Western or Eastern lodge today for details.
The Problems of Non-LE Supervision Of LE Personnel

The following two incidents where rangers were threatened with deadly force happened in the same state, to members of the same Department.

August 24, 1989. Two off-duty rangers were eating at a restaurant outside their park. As they were leaving, an NPS maintenance employee who was described as extremely intoxicated accosted the rangers with a knife, and made verbal threats. The rangers were able to leave the scene without incident.

One of the involved rangers said that the investigation was taken over by the superintendent, who was not a commissioned law enforcement officer. On the advise of management, the case was never prosecuted.

On March 28, 1991, rangers investigating ARPA violations were accosted by a local rancher who pointed a rifle at them. The rangers were able to leave the scene without incident.

But in this case, the director of the agency was on the phone to the U.S. Attorney within two weeks asking why the case had not yet been prosecuted.

So why in one case was the investigation stymied, while in the other, the Director of the Agency took it upon himself to become involved in protecting his employees?

In the first case, the rangers were NPS employees. In the second, they were BLM rangers. Both agencies are under the Department of Interior, but they are miles apart in their attitude toward law enforcement.

In 1989, BLM initiated a study of the organization and management of its law enforcement function.

One of the recommendations of that proposal was that the Director create a policy that would forbid non-law enforcement BLM managers from interfering in the criminal justice process.