Court Uncovers NPS's Actions To Keep Rangers From Retirement Benefits

In a sworn deposition, past NPS Regional Director Howard Chapman revealed that top NPS officials conspired to keep rangers from finding out about enhanced retirement benefits that they may be eligible for.

Chapman affirmed under oath that top management of the Park Service was "Squarely opposed to recognizing and/or implementing the provisions of 5 U.S.C. 8336 for any of its employees during my tenure as Regional Director, regardless of the duties actually performed in the field by its employees. I understood from our National Office in Washington, D.C. that field offices such as the Regional Offices were not to prepare, classify or submit for determination positions which might qualify for Firefighter Law enforcement Officers enhanced retirement credit."

National President Acts To Gain Future 6c Retirement Coverage

Letter To Interior: Pay Benefits Mean Now Is The Time To Designate Positions

Dear Secretary Lujan:

The National Park Service and the Department of the Interior have forwarded the retirement packages of nearly one hundred park rangers to OPM with positive recommendations for past law enforcement retirement (6c) coverage.

In doing so, the Park Service and Interior have given de facto acknowledgment that many existing park ranger positions are currently eligible for enhanced retirement coverage. Yet the Park Service has not sought or requested current or future 6(c) coverage for these positions.

This paradox, recommending past coverage for positions, yet taking no action to obtain current and future coverage for these same positions, will soon have adverse effects on many of the over 700 park rangers represented by the Fraternal Order of Police who occupy these positions.

On January 1, 1992, the Federal Law Enforcement Pay Reform Act of 1990 will provide substantial pay increases to many federal law enforcement officers, but only to those with 6(c) law enforcement retirement coverage.

OMP Pay Hike Proposal To Include Park Rangers

Lodge Plays Crucial Role: Our proposal puts FOP Member On OPM Pay Task Force

A motion by the National Park Rangers Lodge of the FOP to request OPM to include an FOP representative on its Law Enforcement and Protective Occupations Task Force was approved at the FOP's biennial conference in Pittsburgh.

FOP also gained support from members of Congress for this request. OPM has subsequently named Gary Hankins, a member of the national FOP Labor Committee to the Task Force.

Hankins reports that the proposed pay increases will include park rangers, thanks to a new definition of law enforcement recommended by the FOP and others.

Previously, OPM used 6c retirement coverage to determine who was a law enforcement officer. The new plan uses a modified Department of Justice definition, which will include park rangers.

Lodge Opposes Proposed $3.5 Million Rent Hikes

The Western and Eastern Lodges have written the Office of Management and Budget to express opposition to the agency's proposed changes to OMB circular 45. The changes would alter factors affecting the isolation adjustment on rent of government quarters and effectively raise rents by $3.5 million annually as estimated by the agency.

The lodges did support a change that would soften the 30 mile limit on isolation adjustment, allowing some relief for employees less than 30 miles from a qualifying community. Currently, renters 29 miles from a community do not receive any adjustment, while those a mile further away do.

Greg Jackson, president of the Western Lodge, contacted the office of Senator Malcolm Wallop, author of the Ranger Fair Housing Act, to gain support for opposition to the rent hike.

How To Get Your Back Pay From Past Time Spent On Call

By Kerry Maxwell, Western Lodge

Would you be interested in making about a thousand dollars or more for work you have already done and have yet to be compensated for? If so read on.
FOP: Rangers In On Pay Boost
(Continued From Page 1)

The Task Force's tentative recommendation includes the following definition of a law enforcement officer:

1. Having the authority to make an arrest.
2. Having the authority carry and use firearms.
3. Working in potentially hostile situations
4. Responsible for instant decisions that may result in loss of life.
5. Required to attend training, including refresher training.
6. Required to be screened for employment, including drug testing, background checks, and employee fitness.

Other contributing factors will be whether your conduct on and off duty is regulated, whether you perform arduous work, and whether you are subject to long hours of overtime or standby pay.

OPM's agreement to expand the definition is a major victory for field law enforcement personnel. Previously, OPM only recognized persons with 6c retirement coverage as law enforcement officers. Generally, these were in the 1811 Series. Hankins said that the proposal should cover NPS, USFS and BLM rangers involved in law enforcement.

Hankins will also bring to the attention of the Task Force a proposal by Western Lodge president Greg Jackson that additional protective service responsibilities such as firefighting, EMS and rescue be grade enhancing.

Congress has recognized that low pay by federal officers has meant the loss of quality personnel and low morale. Congress requested OPM make recommendations for increasing pay for law enforcement and other protective services, with a deadline in 1992.

As an interim measure, on January 1, 1992, Congress's special law enforcement pay rate went into effect for law enforcement officers with 6C retirement.

The Task Force's recommendations will be presented to Congress by January 1993.

The Task Force's tentative recommendation is to group all law enforcement officers into a separate law enforcement pay schedule, based on the type of law enforcement done.

No news on the amount of the pay increase recommendations has yet been released.

Park Rangers have been among the lowest paid federal law enforcement officers. While rangers often start at the GS-4 level, National Zoo Police officers begin at the GS-7 level.

How We Get Our Positions

Both Lodges survey their membership each year to find out what the concerns are in the field.

Lodge meetings and board meetings are open to all members. Members are encouraged to attend and discuss issues of concern. Lodge positions on major issues are voted on by the membership.

The Western Lodge maintains a 24-hour phone line for members. Members are urged to call at any time to express their positions on issues, or request that a motion be made for at the next meeting.

The Lodges also relay input from Lodge Chapters. Chapter presidents relay the concerns of their parks directly to Lodge Presidents.

Both Lodges have gone to considerable effort to see that the Lodges act according to the concerns and positions of the majority of the membership, while encouraging and being a forum for other views.

FOP In The Media

Our lodge has helped gain support for rangers by taking our plight public.

Just this month, articles about rangers have appeared in the Los Angeles Times (Front Page), Federal Times, and U.S. News & World Report. Other items in recent months include stories in The Fresno Bee, the San Francisco Examiner, Audubon, The Washington Post, Jack Anderson syndicate, National Public Radio, Sunday Today and more.

Widespread favorable publicity has come in to the lodge from these stories, and Congressional interest is growing.

Membership Application

Page 6
How The Lodges Are Organized

The FOP is a national organization ran solely by and for law enforcement officers.

Local lodges group together within states, and elect a leadership board to manage the State Lodge. State Lodge officers appoint a trustee to the National Lodge. The National Lodge is made up of these trustees, plus a board of officers elected at the National Conference held every other year.

Because the NPS is a national system, with no great concentration of rangers in any single state, the National Lodge agreed to let our lodges form in a different way.

There are two ranger lodges, the Western Lodge is organized under the California state lodge, its members are rangers west of the Mississippi. The Eastern Lodge is organized under the Virginia state lodge and is for members east of the Mississippi.

Both lodges work closely together on national issues. Having two lodges allows our organizations to be more responsive to the needs of our members. Both ranger lodges are governed by an elected board of directors. All members can contact the board at any time.

To better resolve local issues, members have gathered together to form "chapters" of either the eastern or western lodges in many parks. Chapters exist, so to speak, as self-running committees of either the western or eastern lodges. They are not totally independent, but have a great deal of leeway in resolving local issues.

Chapters have presidents and officers. Chapter presidents, because they represent the interests of many fellow members, have direct access to the lodge presidents, and are consulted often on national policy. Chapter members are members of both the chapter, and of the lodge (east or west.) They can communicate with their Chapter president, or with the eastern or western lodge.

Lodge members who don't belong to a chapter can communicate to the Eastern or Western Lodge boards, who represent their concerns.

How To Form A Chapter

Contact the Eastern or Western Lodge. Basically, you need 6 members at a minimum, you need to elect officers, set up by-laws (which we can supply), and that's it.

Most chapters begin with a meeting to gauge interest. You put up posters, talk it over, and see who comes. If you have six interested members, and agree to form a chapter, your next step is to elect officers. Most chapters have a president, vice president, secretary and treasurer. The secretary/treasurer job can be combined.

The Eastern or Western lodges can help you in every step of chapter formation, from electing officers to setting up by-laws and finances.

Glacier Ranger's Four Day Prisoner Transport -- No Cuffs

A ranger apprehended an armed poacher deep in Glacier's backcountry, and in the ensuing four-day ordeal of hiking him out through a snowstorm at gunpoint, the ranger was forced to knock the suspect out by slamming his head against a tree, and bound him with his shoelaces. "I wish they would have given us handcuffs!" he said. (1929)

Yosemite Ranger Shoots Tires Out On Car That Ran Entrance

A Yosemite horse patrol ranger pursued a vehicle that ran a park entrance station, and shot out its tires, successfully stopping the vehicle and apprehending the violators. (1910's)

Glacier Ranger's Suicide Over No Time Off

A Glacier National Park Ranger despondent over a broken romance, committed suicide with a firearm after being denied time off to resolve his problems. (1926)

Ranger Shot In Stolen Car Case, Park Denies Medical Claim

A Grand Teton N.P. ranger was shot while investigating a stuck car that appeared hot wired. The park denied the ranger's claim for medical benefits, as the incident occurred outside his regular time on duty, and because of that he was not a law enforcement officer. The decision in favor of the ranger helped clarify that park rangers are law enforcement officers 24 hours a day. (1953)

These Stories And More Available Through The Lodge

Order your copy of Use of Deadly Force By--Deadly Assaults Upon Federal Land Management Law Enforcement Officers by Paul Berkowitz. Hundreds of stories of NPS, BLM and USFS rangers from the heroic, the tragic, to the unbelievable. Send your name, address and $10 (members), $11 (non-members) to FOP, P.O. Box 944, Yosemite, CA 95389

The Definitive Study On Ranger Shootings

Use of Deadly Force By--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. Now in second printing with 50 new pages. Order your copy from the Western Lodge. Send your name and address with a check or money order for $10 (FOP members), $11 (non-members) to FOP, P.O. Box 944, Yosemite, CA 95389
Claiming Your OnCall Back Pay

(Continued From Page 1)

It may be possible that you have thousands of dollars due in back pay for being assigned what the Park Service refers to as "on call" duty.

This duty was assigned on a schedule and required that you remain at home near your telephone when you were off duty. You were expected to respond promptly to any number of law enforcement incidents, medical emergencies or search and rescues. Because of the nature of these emergencies you could not drink alcohol, or take prescription drugs that would impair your abilities. You had to be prepared mentally as well as physically.

The Fair Labor Standards Act defines this duty as "standby duty". According to FPM letter 551-14, standby duty is compensable when the employee's living quarters is designated as his duty station and the employee's whereabouts is narrowly limited; the employee's activities are substantially restricted; The employee is required to remain at his or her living quarters; and the employee is required to remain in a state of readiness to answer calls for his or her services.

This is the law according to 5 CFR 550.143(b)(3). Duty stations are usually listed as your park or the area in which you work within your park. If your quarters are within these areas you are at your duty station when you are home. Check your Notification of Personnel Action for your listed duty station.

Here is how to file for your standby duty backpay.

Exempt employee's file directly with the Park Superintendent. Non-exempt employee's can file with the Office of Personnel Management for your region or directly with your park. For non-exempt employee's I recommend filing with OPM and giving a copy of your packet to the park. This way your park cannot put your claim in the back room.

Obtain an FLSA complaint form from the OPM regional office in your area. Fill out the form and take the original to your personnel office and have them stamp it received with the date.

Keep the original, make two copies. Give one to your personnel office and mail the other along with your copy to the OPM office. FLSA complaints have a six year statute of limitations.

You can only claim six years back from the date on your stamped FLSA complaint form. The longer you wait the more money you lose, especially if your park has discontinued standby. In Yosemite employees were able to write a memo of intent to file for backpay and give it to the personnel office. Personnel then recorded the memo, stamped it with the date, and gave a copy to the employee. This effectively stopped the clock on the six year statute of limitations. The employee was then required to turn in his completed packet within a reasonable time period.

The next step is to gather documentary evidence that proves your claim. This evidence should bring out the elements of standby duty. These would be limits on whereabouts, restricted activities, and the requirement to remain at your quarters in a state of readiness. The best documentary evidence is the schedule. Try to find copies of the old schedules for the six year period you are claiming. This may not be as difficult as you think. Many supervisors save old schedules. If you check in your district files you may find copies of old schedules going back several years. I was able to obtain about 97% of the schedules for the covered period from the above resources. You do not have to have all the schedules. The burden of proof is on the government to show that you were not on call for the hours you claim.

Next you should try to get a written affidavit from your supervisor or supervisors for the claim period. This affidavit should explain what your duties were when you were scheduled for standby at your residence. It should explain the type of calls you responded to and the time within which you were expected to respond after being contacted by phone. If there was an emergency vehicle parked at your residence, this should also be noted in the affidavit. It was my experience that most supervisors were more than willing to write an affidavit for me, as they were also filing for backpay.

Then you should write a narrative explaining your case. You should add up the number of hours of standby duty you are claiming and include it in the narrative. I also calculated the amount of pay, at the overtime rate, for the hours which I claimed, and included it in the narrative. You can elaborate on the facts in your supervisor's affidavit and refer to FPM letter 551-14 and 5CFR 550.143(b)(3) and explain how the law covers you.

The FPM letter and a copy of 5CFR should be available at your personnel office.

The last step is to make up your claim packet. This should start with a copy of your stamped FLSA complaint form. Next is your narrative with affidavits and copies of all the schedules you can get your hands on. You should highlight your name or number wherever it appears on the schedule. Finally, non-exempt employees should mail your packet to the OPM office covering your region. Give a copy of your packet to your personnel office. Exempt employees should give their packet directly to the park in which their claim originates. Be sure to keep the original stamped FLSA complaint form.

The address for the San Francisco Regional Office Of Personnel Management is:

United States Office of Personnel Management
San Francisco Region
211 Main St., 7th Floor
San Francisco, Ca. 94105
Phone# (415) 744-7252 FTS 484-7252

This procedure was very successful for me and resulted in a favorable finding in the amount of $4000 for standby duty backpay. Good Luck!
Collective Bargaining: Studying The Alternatives

Most federal employees are covered by a collective bargaining contract.

Virtually all uniformed Federal Law Enforcement officers are represented by bargaining units. In fact, hundreds of NPS law enforcement officers receive the benefits of collective bargaining. They are the highest paid and best equipped law enforcement officers in the service. They are the U.S. Park Police.

The Fraternal Order of Police is studying ranger interest in collective bargaining. The FOP is not a bargaining unit itself. However, the National FOP sponsors the FOP National Labor Council, a separate organization that is a labor organization.

In January, rangers from several Western parks met to decide on a course of action to gather information on national interest in a contract for all park rangers.

Rangers in several parks will be presented with information on the pros and cons of collective bargaining, and surveyed as to their interest. If interest is high, we will proceed accordingly.

Rangers who are already covered by contracts would have to be de-certified from their bargaining unit. The Ranger Bargaining Council would petition the Federal Labor Relations Authority as a community of interest (field level rangers) by showing that 30% of eligible members support such a move.

If FLRA agrees that we are a community of interest, a national election would be held, supervised by the Federal Labor Relations Authority.

At that time rangers would be free to choose who to be represented by, or whether they do not want to be represented. The FOP National Labor Council has successfully negotiated contracts for the Conrail and Amtrak police, resulting in better retirement benefits, and markedly improved working conditions. While pay is non-negotiable (a GS-7 is a GS-7) some aspects of job classification is, as are benefits, safety equipment, uniform, housing, fair employment practices, fitness, etc. If patterned after the Conrail police, an operation of similar size to the NPS, the Ranger Bargaining Council would have about six leaders involved in negotiations. These would be park rangers elected from the field by members. A lawyer would be placed on retainer.

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Working with the FOP National Labor Council, the Ranger Bargaining Council would negotiate a contract with the Park Service, subject to approval of the members. Ranger bargaining council dues would be about $5 to $10 per pay period, and could be deducted directly from the employee’s pay with his or her consent.

Of course, Rangers would never have, and would never seek, the ability to strike. This would violate federal law, and the proposed mandate of the Ranger Bargaining Council. Instead, NPS would be bound to negotiate in good faith by federal law with a federal mediator. Should disputes arise, they will be bound by federal law to submit to arbitration with a federal arbitrator. Again, we do not advocate or seek the right of protective services personnel to strike. This is also a violation of the Western Lodge by-laws, and it is not even a labor organization.

The Lodge originally studied the collective bargaining alternative three and a half years ago before its formation. Rather than form a bargaining unit, we decided to form a fraternal organization with the hope of developing a positive working relationship with NPS management. While we have had some successes in some parks, we have had no sign of cooperation from NPS or Interior at the Washington level. Letters have gone unanswered. Agreements have been broken. Yet the programs advocated by the FOP are those that would benefit the service. Our work continues.

Here’s To Your Health

The FOP has worked hard in support of better health maintenance and health care for rangers.

Rather than come up with a plan where seasonals can buy their own health insurance, we’ve been in contact with Congress, working toward healthy benefits and other programs.

In the field, we’ve pioneered a hearing conservation program as part of a comprehensive fitness program. The hearing conservation program means free in-park hearing tests, and hearing protection in emergency vehicles like ambulances and fire engines.

We’ve developed a communicable disease program, including hepatitis vaccinations. We’ve also developed a complete employee fitness program.

Our lodges have studied a variety of safety issues, from body armor to vehicle protective equipment, and have provided positive solutions.

FOP In The Community

Our Lodges believe in being a constructive part of the community.

We’ve sponsored little league teams, and are planning on sponsoring a scout troop.

We’ve donated funds to Easter Seals, to Foresta Fire victims, and the families of employees in need.

We’ve donated annual leave as a Lodge to NPS employees in need.

We’ve adopted two highways for clean-up, and are working on adopting Lakeshore coves.

FOP has fingerprinted children in community schools for safety. Lodge members have contributed time to work on a child care center, building a better playground.

We’ve helped fund DARE programs, have donated money to fire victims and much more. Community support is a vital part of the FOP.
Join The Lodge For These Benefits

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, 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 Calif. 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.
Chapter Activity Highlights

Rocky Mountain
The Chapter had its first meeting and elected officers. Work will now focus on defining issues and setting up chapter infrastructure.

Shenandoah
Chapter is studying Supt's plan for concurrent jurisdiction and its effect on careers. FOP has several members in the State Legislature. Media relations officer designated. Park has undergone a 22% cutback in commissioned rangers 1988-91. All but two of the commissioned rangers in the park is a member. Members will seek 2-hour call back for work-originated telephone calls. Will study NPS-9 revisions.

Delaware Water Gap
Membership has grown from seven a few months ago to 26 at present. Steve Clark is chapter President. Assistant Superintendent Hal Grovert attended the last meeting. The park will provide Hepatitax for rangers. The chapter will work on defining local and national issues of concern.

Lake Mead
Attended Collective Bargaining Meeting in Las Vegas. Will present upcoming valor award. Surveys being taken on on-call and callout. Community relations plan being developed. Meeting Feb 11 Lake Mead Lodge at 7 p.m.

Death Valley
Helped Nye County Nevada Law Enforcement Officers Association form 2nd FOP Lodge in Nevada -- 80 members. Working with Supt. on helping park seek concurrent jurisdiction. Working to set up Boy Scout or Cub Scout Troop.

Grand Canyon
Attended Collective Bargaining Meeting in Las Vegas.

Glen Canyon
Hepatitis vaccination won for all commissioned rangers. Attended Collective Bargaining Meeting in Las Vegas.

Western Lodge
(Yosemite) Attended Collective Bargaining Meeting in Las Vegas; Adopt-A-Highway initial clean up to be initiated.

Eastern Rangers Lodge
Board Meeting Held

Great Smoky
Initial meeting held

Boston
Chapter forming.

Organ Pipe Cactus/Saguaro
Chapter forming.

Fitness: Good Idea, Bad Program
We have defeated a mandatory program that would have resulted in adverse actions for those who could not pass. This program was not age or sex adjusted, nor linked to enhanced retirement. (See related article, page 8).

Before this program was proposed, the lodge had already drafted a program now in use in Yosemite and being duplicated in other parks. This voluntary program provides benefits such as medical examinations for participants. Time on duty is given for exercise. Off duty exercise is also covered for injury purposes. Fitness equipment is being purchased for satellite duty stations.

The lodge supports voluntary fitness programs, or mandatory programs with no adverse action to those that do not pass. We oppose mandatory programs with adverse actions possible for those who do not pass. We oppose mandatory programs that are not age or sex adjusted, that are not linked to enhanced retirement, or (as courts continue to hold) do not "grandfather" in people in their present positions.

FOP's Communicable Disease Safety Program Now OSHA Law
The Lodge conducted research and found CDC recommendations and guidelines on hepatitis and emergency medical personnel. Based upon this, the lodge drafted a communicable disease program that gave free vaccinations. Rangers in many parks including Yosemite, Blue Ridge, Grand Teton, Lake Mead, and Glen Canyon have or will soon have this protection.

Unfortunately, our surveys show these parks are still the exceptions. Most parks do not yet routinely vaccinate EMS personnel, although OSHA is requiring this.

Hepatitis B is sometimes called "the silent epidemic" and is responsible for the deaths of over 200 health care workers a year. It is 300 times more contagious than AIDS and infects an estimated 1.25 million Americans. Symptoms range from mild and flu-like to fulminating cases where the liver is severely infected. Worldwide, it is blamed for 300,000 liver cancer deaths a year. Although many recover from the milder symptoms, 10% develop chronic hepatitis or become asymptomatic carriers. It is transmitted by "needle sticks" and other contacts with contaminated blood and from mother to child at birth.

Hepatitax reduces the infection rate by 90%. Side effects of the vaccine are minimal. It is expected that the CDC will issue recommendations calling for the immunization of all U.S. children at birth. Similar vaccination programs in Taiwan and the Pacific islands have virtually eliminated the disease among children.

Cost and the "it can't happen to me" syndrome are the major impediments to all rangers getting vaccinated. The FOP has helped parks receive hepatitis vaccinations for free. Armed forces medical facilities may be available to vaccinate rangers at no charge. For more information, contact the Eastern Lodge.

Stopping Illegal On-Call
If you've been placed "On Call" and were not paid for it, you may have some money coming to you.

Most parks do not have 24-hour patrol coverage. To make up for this, rangers are often put "on call," expected or assigned to be at home, ready to respond. Some parks even have rangers sleep with their park radios on!

Anytime you are "engaged to wait," you are on call, and must be paid at least minimum wage according to the Fair Labor Standards Act. The lodge used this act to stop unpaid on call in Yosemite. Further, members have billed the Park Service for back pay for time spent on call.

These claims, totalling several thousand dollars, have been upheld by OPM. The lodge warned the Director's office of this illegal operation two years ago, but that office ignored our warning, and this condition persists to this day in many parks. The lodge is working to identify parks who have, or who have recently had, an unpaid on-call program, and to assist rangers in filing for back pay. Several rangers who have already filed are in line to receive compensation of several thousand dollars each.
Interior's Valor Award: Why Aren't NPS Rangers Being Recognized?

Reprinted below is the text of a letter from the Western Lodge President regarding recognition of park rangers involved in shooting incidents. As of this printing, one month later, this letter has not been answered.

December 15, 1991
Morris Simms
Director Of Personnel
Department of the Interior
1849 C Street NW Washington, D.C. 20240

Dear Mr. Simms:

In 1990, the National Park Rangers Lodge of the Fraternal Order of Police submitted a request to your office that the park rangers involved in the shooting incidents of 1989 and 1990 be considered for the Departmental Valor Award.

As a part of the chain of correspondence following our request, Deputy NPS Director Herb Cables responded that those involved in the shootings would not be considered for the valor award because shootings were merely a part of law enforcement, and that the award was for actions taken above and beyond the call of duty, thus disqualifying the rangers.

This ludicrous response has caused considerable morale problems among field rangers.

To compound the problem and further diminish morale, in 1991 the Secretary presented the valor award to a U.S. Park Police officer involved in a similar shooting incident. That officer deserved the award, as do the rangers. At the same ceremony, a ranger involved in a rescue received an award, deservedly, even though rescue is part of that ranger's job. This further refutes Cables' claim.

Some of the park rangers involved in these shooting incidents have suffered significant post incident stress, and have stated that lack of agency recognition has exacerbated their difficulties.

Use of deadly force was ruled justified in each of these incidents, meaning that each ranger had reason to believe that his life and the lives of others were in imminent danger. In the face of this danger, each ranger made the correct decision and acted to save the lives of fellow rangers, the public, and themselves.

While not all of these incidents were necessarily textbook cases, each case deserves consideration on its own merit. It is inconceivable to our members that out of five deadly force incidents -- incidents in which rangers acted properly when faced with the threat of death -- none of the involved parties have received the Departmental Valor Award.

Shooting incidents are a rarity in the Park Service. They are the greatest test of the merit of the individual officer. The test of the agency is how it supports its personnel in these critical incidents.

The National Park Rangers Lodge of the Fraternal Order of Police requests that you promptly reconsider the nominations of these rangers and inform us of your determinations.

We have attempted to resolve this situation cooperatively, without involving Congress and the media. Your cooperation in this matter will make their involvement unnecessary.

Sincerely:
Greg Jackson Lodge President
cc: Secretary of Interior

Ask Your Supt. For Retirement

Superintendents may request 6c coverage for employees. Some Superintendents have already identified the positions that meet the coverage requirements and have made recommendations to their respective regional offices requesting coverage determinations. Check with your Chief Ranger to see if this has been done in your Park. If you would like to see a copy of the memorandums submitted by the Superintendents of Grand Canyon or Great Smoky Mountains, write to the Grand Canyon Public Safety Officers Association, P. O. Box 1198, Grand Canyon, AZ 86023

Help For Seasonals: FOP Works With Congress For Health and Retirement Benefits, Status

We Need Your Help: Please write the lodge with your problems as a seasonal, or problems you have with the seasonal employment system. Items of exceptional interest include twice-a-year drug testing, background checks, economic hardship, no future without retirement, problems without health insurance, self insurance costs, difficulty getting status, etc.

Supervisors should focus on problems with the costs of the seasonal system to their parks, loss of seasonals to other agencies and the training costs lost, how seasonals are used instead of permanents to save money, etc. Your letters will be forwarded to Congress for use in hearings on proposed legislation.

Legislation is being drafted that will provide health and retirement benefits for temporary federal workers, including seasonal park rangers and USFS rangers. The legislation may also allow temporary employees to acquire status to apply for permanent positions.

Western Lodge President Greg Jackson has been in contact with house staffers involved in the legislation, who requested that the FOP provide them with information regarding problems with the NPS's seasonal employment system in general, and with problems facing employees and supervisors. USFS members should also contact the Lodge with similar problems.

Congress is now becoming aware that OPM has been ignoring how the NPS and other agencies misuse temporary employees to save money over hiring permanents. The Lodge has been outspoken on this matter since its founding.

The Lodge is planning a cooperative strategy to contribute to the content of the bill, and work toward its passage.
Slain Rangers Families Receive $110,000 Plus

Our lodge sought and secured law enforcement officers death benefits from the Department of Justice for two families of rangers killed in the line of duty.

The families of one U.S. Forest Service ranger and one Park Ranger family each received benefits of over $110,000. Upon hearing of the deaths of each ranger, the lodge contacted all involved parties to assure their needs were attended to, and provided benefit information to each family.

Rangers Survivors Presented Supreme Sacrifice Awards

The families of rangers McGhee, Patrick, and Cary, killed in the line of duty, have received the Supreme Sacrifice Award from the Fraternal Order of Police.

The FOP sponsors COPS, a support program for those who lose spouses in such incidents. Our Lodge recognizes the need for all in the Law Enforcement community to pull together in times of need.

National President's Letter

(Continued From Page 1)

Unless the Park Service proceeds immediately to request future 6(c) coverage for the positions that its review process has found to be 6(c) qualified, the men and women in these positions will not see these pay increases for many months.

The Park Service could face a substantial number of back pay claims and potential litigation by delaying the recommendation of these positions for coverage because it has in fact already identified them as being eligible. This will be especially true when OPM grants final approval to coverage for these positions.

The Park Service has stated that it would not address the designation of current positions until it knew what OPM's Task Force was going to recommend with respect to protective service occupation retirement. When OPM Director Constance Newman announced that the Task Force was not authorized by Congress to look at retirement issues, the Park Service's position became moot.

The Park Service has continued to place the onus of obtaining 6(c) coverage on the individual employee, rather than taking pro-active measures in support of employees. If fact, the Park Service has been so opposed to this important employee benefit that it has discouraged the BLM from actively seeking law enforcement retirement for its rangers. Individual park rangers have gone through a lengthy process for seeking past coverage, and will have to go through an equally elaborate and frustrating process to get future coverage without the help of the National Park Service.

The Fraternal Order of Police asks that you instruct the Park Service to immediately seek current and future 6(c) coverage for positions that the retirement package review process has ruled 6(c) qualified, as well as for positions with similar duties. The Park Service should designate these positions by utilizing a position description amendment similar to the one used to identify and designate law enforcement positions covered by Interior's drug testing requirements.

Superintendents of Grand Canyon and Great Smoky Mountains National Parks have identified positions in those parks that they believe meet the 6(c) coverage requirements and have requested determinations through their regional offices. These requests should be acted upon immediately. Other parks should be encouraged to act similarly and promptly.

Your action to assure that this process proceeds immediately will assure fair, timely compensation of all affected employees.

Very Truly Yours:

Dewey Stokes
National President
Fraternal Order of Police.

Editor's Note: In a memo dated June 14, 1991, then Associate Director Jack Morehead stated, "We expect that some rangers will be eligible for this coverage based upon preliminary reviews of some of the cases on hand." In the following six months, the Service has not demonstrated any effort to acquire future coverage for these positions.

Toward Enhanced Retirement

The lodge published "Winning Enhanced Retirement," guidelines used by many rangers in processing their enhanced retirement packages. Many of these packages have been approved by NPS and sent to OPM. This same publication is still available to members wishing to put together requests for coverage for the past year. Employees who have not submitted requests for past coverage may still do so, but the request may only cover the past year.

We have been in contact with OPM, asking them to urge NPS to speed up NPS's unnecessary review process.

We have asked OPM to implement future retirement coverage.

We have been in contact with Interior asking them to implement future retirement coverage.

We have helped change PD's to increase the chance for enhanced retirement coverage.

We have helped Superintendents seek 6c coverage for employees in their parks.

We have helped some employees receive coverage.

We have publicized NPS's efforts to keep rangers from receiving coverage.

We are studying whether grounds exist for a class action suit over NPS's efforts to keep rangers from their entitled coverage.
A Call For Entries: FOP Awards Program Open To All

The Western Lodge announced a national awards program for NPS emergency service providers.

National Valor Award
This is the highest honor granted by the Lodge to persons who demonstrate unusual courage involving a high degree of personal risk in the face of danger. This award is designed to recognize acts, deeds, efforts and rescues in the disciplines of law enforcement, emergency medical service, fire service, and search and rescue.

National Meritorious Conduct in Law Enforcement Award
This award recognizes significant acts and efforts in conducting the law enforcement function of the National Park Service. Significant law enforcement efforts, advancements in criminal investigations of all types, and the advancement of law enforcement programming in the NPS and its cooperating agencies are eligible for recognition.

National Outstanding Park Ranger Award
Each annual recipient of the National Valor Award and the National Meritorious Conduct in Law Enforcement Award will be considered for the National Outstanding Park Ranger Award.

Deadlines for Submission
Entries must be submitted to the Western Lodge no later than May 1, 1992.

The 1992 Awards will cover acts from April 1, 1991 to April 1, 1992. Any individual or group of individuals may make a nomination. However, all nominations must include supporting documentation and shall be prepared and submitted according to Lodge rules.

Further information on eligibility, preparation, and submission of nominations may be obtained by writing the Western Lodge or by calling Awards Chairman Gus Martinez at 209/372-0239.

FOP Wins Funds For Autoloaders

FOP lobbying is credited for securing funding in 1992 for autoloading handguns. The decision on which calibre and make is still under discussion in Washington. We want this program to move faster. We do not want a calibre with markedly less stopping power than current ammunition.

FOP Wins Funds For Body Armor

FOP lobbying is credited for securing funding in 1992 for body armor. FOP in 1989 began a body armor study that resulted in a program to supply body armor to NPS rangers. This was the foundation of today's body armor victory. We encourage prompt issuing of body armor. We remind those involved that Ranger Bob McGhee was shot and killed with his body armor on order.

Shooting Review: FOP Helps The System Work

When rangers become involved in shooting review panels, more often than not they contact the FOP. We've helped rangers involved in shootings receive fair review panels in the past through correspondence and phone calls with NPS officials.

Also as a resource, we have access to a nationwide pool of lawyers experienced in defending law enforcement officers.

The FOP offers an affordable legal defense plan.

We have developed a proposed shooting review policy which takes in the rights of employees, and their psychological needs after a critical incident as prime factors. We have proposed this for service wide use and have submitted it to WASO.

Critical incidents are an ever-present part of the workload. The psychological damage does not stop occurring after the incident. Our lodge has made a consistent effort to see that employees receive psychological counseling on a par with other agencies, and to see that agency policy helps, not hinders, the recovery process. Our lodge has also published articles on stress management for law enforcement rangers, and have helped parks develop counseling programs.

Our resources are available to you at any time.

Support Fair Housing

The Ranger Fair Housing Bill (S. 1704) would help provide more, better, and more affordable housing to park rangers.

It was introduced by Senator Malcolm Wallop of Montana. The Western Lodge is continuing toward finding co-sponsors for the bill.

If you have not written or telephoned your Senator in support of this bill, there's still time. Addresses and phone numbers are in your phone book. A copy of the bill is available by contacting your Lodge. Support of better housing is a long-time lodge goal.

Past Western Lodge President Tomasovic testified before Congressional Hearings on the poor state of NPS housing. The Lodge has also responded to OMB's proposed changes to Circular 45, changes that would affect the housing deduction for isolation, and, according to OMB, would raise rents by more than $3.5 million.

Join The Fraternal Order of Police:

Join with almost 700 park rangers across the country working to improve the ranger profession!

Applications on page 6
LE Retirement: How the NPS Worked To Keep It From You
(Continued From Page 1)

Rather, the position of management was to neither recognize the existence of this statutory entitlement nor inform their employees of the options provided for the making of individual claims of entitlement credit for past service performed as a Firefighter and/or Law Enforcement Officer pursuant to the retirement scheme. It is my understanding that as a former Regional Director that the NPS did not communicate this information to the field because of the potential for losing seasoned Park Rangers to the early retirement contemplated by 5 U.S.C. 8336(c). This management attitude remained effective, as policy and practical, through the time of my own retirement in 1987.

The deposition was from the Merit System Protection Board Case of Lady D. McLaren v. OPM. Mrs. McLaren was a substitute claimant for her husband, Richard McLaren. Mr. McLaren was a park ranger in a number of positions in the park service.

McLaren sued for past coverage claiming that the Park Service withheld information vital to his timely claim for 6c coverage.

Park Service opposition to 6c coverage for park rangers has been assumed by employees in the past, but has never been revealed under oath before.

A Bureau of Land Management report reveals that the Park Service expressed "concern" that the BLM recommended enhanced retirement for their rangers. U.S. Forest Service employees contend that Park Service opposition was responsible for delaying 6c coverage for USFS law enforcement rangers.

Eastern Lodge’s Letter To OPM

Dear Ms. Newman: (Constance Newman, Director, OPM)

Our Fraternal Order of Police Lodge represents 290 law enforcement park rangers of the National Park Service. We are asking you to abate the National Park Service’s unreasonable delay in implementing the 20-year 6c retirement provisions and the Federal Employees Pay Comparability Act (FETCA) provisions of minimum pay for law enforcement officers.

In 1987, OPM published regulations requiring agencies to submit current positions qualifying for 6c to it for final determination. After four years, and despite compelling evidence that hundreds of NPS positions qualify, the agency has submitted almost none. The evidence includes: 1. Agency legal opinions saying NPS positions meet OPM guidelines; 2. Massive documentation submitted by 800-plus park rangers; and 3. Attempts by senior field managers to propose positions for coverage.

Delay has the following impact on our members: 1. Inability to transfer for fear of accepting a break in service under 5CFR831.904; 2. Inability to plan for retirement; 3. Inability to develop and pursue career plans.

Implementation of FETCA has made this serious delay critical. Our members will not be getting the pay raises on January 5, 1992.

The NPS has not recommended LE positions for 6c coverage in four years and will not tell us when they will do so. We find this unreasonable and ask the following relief: 1. You demand the NPS to recommend positions for 20-year retirement coverage by 7/1/92; 2. That OPM provide the NPS with all necessary assistance to complete this task; 3. That you make these determinations for the NPS if they fail to meet the 7/1/92 deadline; 4. You assure LE rangers that any and all back pay under FETCA will accrue to all those ruled eligible.

OPM has, or will soon have, 800 plus retirement appeal packages from park rangers of the National Park Service. The deadline for submitting these packages was 9/30/89. To date, OPM has not ruled on the first one. I want you to have OPM’s determination on these packages by April 1, 1992. If you cannot meet this target date, 30 months after the deadline, I would like a letter from you saying when these packages will be finished and ruled upon. This delay has created a real hardship for commissioned park rangers.

Sincerely:
Randall A. Kendrick
Lodge President
Why You Belong In The FOP

Dear Colleague:

The National Park Ranger Lodges of the Fraternal Order of Police were organized to clearly articulate the professional needs of commissioned rangers while providing the camaraderie among its members for which the FOP has been famous for over 75 years. Before we organized into the Fraternal Order of Police, there was no single voice speaking for commissioned rangers and there was no national organization to make our concerns known to Congress.

The FOP is made up of 225,000 law enforcement professionals like yourself. It is the largest organization of and for peace officers and is recognized as the voice of law enforcement before Congress. At our national convention last August in Pittsburgh, President Bush addressed the delegates.

On the national scene, the FOP has been instrumental in establishing the $100,000 survivor’s benefit for families of local, state and federal officers killed in the line of duty; funding and building the law enforcement memorial in Washington, DC; banning armor piercing bullets; establishing a separate pay system for federal law enforcement officers; and sponsoring the Police Officers Bill of Rights legislation.

Closer to home, NPS ranger delegates to the August convention succeeded in passing a motion to get an FOP member on the OPM committee charged with creating the new federal law enforcement pay system. That FOP member, Gary Hankins from the FOP National Labor Council, will guarantee that ranger concerns are voiced on this critical committee. The FOP stopped the NPS adverse-action fitness plan by having national President Dewey Stokes contact DOI Secretary Lujan directly, detailing our objections and promising to fight it if draft NPS-57 was put into effect. Instead of the adverse plan, we are now going to have an age and gender adjusted, non-adverse, health and fitness program: No one will be fired for not running fast enough or doing enough pushups and the goals will be age and gender adjusted. The FOP has gotten free Hepatitis B vaccinations for rangers at Yosemite, Blue Ridge, Canaveral, Big Cypress and several other parks. The FOP saved the appropriation for our auto-loaders in the House of Representatives last summer.

As a member of the ranger lodge of the FOP, you will receive the PROTECTION RANGER every other month as well as the FOP's national and state magazines to keep you informed of NPS and national law enforcement issues. You will also be eligible to take part in the ten FOP insurance programs. These benefits are detailed on page six in this issue.

I would like to invite you to join over 700 of your fellow commissioned rangers in the Fraternal Order of Police. We want to welcome you into this national organization of law enforcement officers and together we can advance our profession.

Sincerely,

Greg Jackson, President
Western Lodge

Randall A. Kendrick, President
Eastern Lodge

What We’re Doing About Pay

The FOP believes that rangers are significantly underpaid, especially when compared to rangers in other federal and state agencies doing similar work.

The FOP has made several significant efforts to increase ranger pay. OPM is required by Congress to propose solutions to the problems resulting from low pay for federal law enforcement officers in 1992. A motion by the National Park Rangers Lodge of the FOP to request OPM to include an FOP representative on its Law Enforcement and Protective Occupations Task Force was approved at the FOP’s biennial conference in Pittsburgh. FOP also gained support from members of Congress for this request.

OPM has subsequently named Gary Hankins, a member of the national FOP Labor Committee to the Task Force. Initial recommendations of the Task Force would assure Park Rangers of inclusion in the ranks of those due pay increases. Until recently, only those with 6c retirement were to be considered for pay hikes. (See article, page 1).

The Lodge has helped rangers in two parks receive Administratively Uncontrollable Overtime (AUO) pay increases, of 15%, which have set a precedent other parks are looking at. Because rangers are frequently interrupted at home (which may be a field ranger station) for questions, minor medical problems, etc. AUO gives them a pay differential to cover these interruptions, rather than charging the park for overtime, or turning away visitors in need.

National Park Rangers Lodge 23
Fraternal Order Of Police
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Yosemite, CA 95389