

The Protection Ranger



The Newsletter of the U.S. Park Rangers Lodge, Fraternal Order of Police

Vol.VII • No. 4 and 5 • 1996

SPECIAL DOUBLE ISSUE

In Memoriam

In The Line of Duty

by Tim Woosley, President

I am very sad to announce the death of one of our fellow Rangers, Michael Beaulieu, died in an MVA while responding to a report of a fire on August 26, 1996 (see Morning Report for details). The Lodge has been providing support to Michael's family and co-workers. We will be ensuring that the paperwork is submitted for Michael's line of duty death benefit and that his name be included on the Police Officers Memorial in D.C. The Lodge sent flower arrangements to a memorial service held at Michael's duty station, Bryce Canyon, and to his funeral which was held in Maine. Even though Michael was not a member of the Lodge we will continue to provide as much support as is needed. Michael leaves behind a daughter, Jordyn Walton. A college fund has been set up for her. Send your donations to: Jordyn Walton Fund, Acct. # 193095007467, Key Bank of Maine, 187 State Street, P.O. Box 847, Presque Isle, Maine 04769.

Please take this time to remember Michael and the sacrifice he made in the name of protecting our National Parks.

Inside this Issue

USRA Election Petition	2
Big South Fork Rangers Win	2
Presidents Report	3
VP, Internal Affairs Report	3
Secretarys Report	3
Reinvention	6
Legal Opinion That May Affect You	6
Leave Donation Request	6
Local Police or Park Rangers	7
NPS 57 Update	8
Rangers Online	10
Required Occupancy Housing	10
FOP Legal Coverage and You	11

Tribute to Michael Beaulieu

by Larry Neilson, Chief Ranger - Bryce Canyon

Taken with permission, from remarks made at Bryce Canyon Memorial Service

Superintendent Fagergren and his family have traveled to Star Valley Wyoming due to the death of Mrs. Fagergrens mother. Supt. Fagergren extends his heartfelt concern to us and his sincere regrets that he can't be here at this time. He also wanted me to tell you that Director Kennedy called him personally to extend his feelings of concern to us and tell us of his confidence in the staff of Bryce Canyon.

Michael Andrew Beaulieu, age 23.

Entered into this life on May 16, 1973, at Presque Isle, Maine, born of Franklin K. and Deborah L. Beaulieu, and departed this life on August 26, 1996. Michael attended the public schools in his home town, graduating from Presque Isle High School in June of 1991. He attended the University of Maine, Presque Isle, earning an Associate Degree in Criminal Justice and graduated in May 1995 with a BA Degree in Behavioral Science. He was a good student achieving the Dean's academic list for the spring semester of 1995.

Like many of us Michael worked assorted summer and part time jobs while in college, but eventually seemed to gravitate toward police work. He worked as a summer police officer for the Kennebunkport, Maine Police Department and as an intern and part-time officer for the Presque Isle and Washburn Maine Police Departments.

Michael volunteered his time by providing supportive counseling to emotionally challenged 10 through 13 year olds in the Aroostook Mental Health Academy. Through the SAD program he tutored 8th and 9th graders who were having difficulty with language and mathematics skills.

See *Tribute* on page 2

Tribute cont'd

Michael attended the Seasonal Law Enforcement training course at the University of Maine, Presque Isle during the 1994-95 school year, completing that program in May of 1995. In addition to meeting the qualifications for a seasonal NPS law enforcement commission, Michael became qualified in wildland fire suppression and as a State of Maine EMT. John Lisco, the director of this program told me Michael was one of their top students.

Michael worked as a seasonal park ranger at Acadia National Park in Maine during the summer of 1995 and at Bryce Canyon in 1996. He loved hunting, snowmobiling and other outdoor activities. His family describes him as having been a hard worker, a perfectionist, and a goal oriented individual. They said his goal from an early age was to be a police officer. He planned to take the Maine State Trooper exam this fall. We knew Michael as the friendly ranger who always had time for people to give them a good word and a smile.

Michael is survived by his parents, a sister, Heather and a daughter, Jordyn.

I would like to express my thanks to you for being here and a special thanks to those who have come here from neighboring Parks to give us a helping hand.

Editors Note: Ranger Bob Nalwalker, Bryce Canyon, accompanied Michael's remains to his home in Maine. He represented the park and all of us to Michael's family and friends during the services in Maine.

* * * * *

MOVING?

Write the Lodge or call

1-800-407-8295

USRA'S ELECTION PETITIONS CONTINUE TO PROGRESS TOWARD FLRA HEARING

By John P. Mahoney, Passman & Kaplan, p.c.

Since May 14, 1996, an original and four amended Federal Labor Relations Authority (FLRA) exclusive recognition petitions have been filed by Passman & Kaplan, p.c. on behalf of your United States Ranger Alliance (USRA). In these petitions, USRA, as a labor organization, has requested an FLRA election to determine if all unrepresented and seasonal law enforcement commissioned U.S. Park Rangers, Criminal Investigators, Special Agents, and Jailers [hereinafter collectively law enforcement employees] employed by the National Park Service (NPS), as well as, to date, those eligible NPS law enforcement employees at Delaware Water Gap NRA, Gettysburg NMP, New River Gorge NR, Valley Forge NHP, Chicamauga & Chattanooga NMP, Cape Cod NS, and Olympic NP wish to be represented by USRA for the purpose of collective bargaining. The USRA's petitions are currently proceeding on schedule toward a hearing before a Hearing Examiner of the FLRA's Washington Regional Office.

It is expected that by mid-January 1997, additional amended petitions will have been filed to include the eligible NPS law enforcement employees at Natchez NHP, Mammoth Cave NP, and Grand Canyon NP. Unfortunately, the legal bar to representation elections during the existence of an effective collective bargaining agreement prevents us from presently filing one petition covering all employees sought to be represented by USRA, or such a petition would have been filed. In addition, our work continues on finalizing the USRA's provisional constitution and bylaws, which will be filed with the Department of Labor before October 11, 1996, may not be

Cont'd on page 4

Big South Fork Rangers Win! U.S. Court of Appeals Reverses District

by Ed Clark, VP Internal Affairs

In a decision dated 9/3/96, the U.S. Court of Appeals, Sixth Circuit, reversed the District Court for the Eastern District of Tennessee. This case will affect all MOU's and mutual aid responses with local agencies. The facts of the case are as follows:

In September 1985, a Memorandum Of Understanding was executed by the NPS and Sheriff of Scott County, TN. It states that NPS law enforcement rangers working at Big South Fork NR&RA (BSF) will be deputized and may assist and request assistance from the Scott County Sheriff's Department for incidents in Scott County.

On January 22, 1994, the Scott County Sheriff asked BSF ranger John Diefenbach to assist with an arrest. Diefenbach and BSF ranger Richard Jenkins joined Scott County Sheriff's officers in the arrest attempt. A standoff ensued and the person who was to have been arrested, Max Carpenter, was shot to death. Diefenbach and Jenkins participated in the standoff while wearing their Park Service Uniforms and received overtime pay from the Park Service for the time they spent participating in the standoff. Neither of them shot Max Carpenter.

Grace Carpenter sued several defendants, including Diefenbach and Jenkins, individually and as the administratrix of the estate of Max Carpenter. The United States, Diefenbach and Jenkins filed a motion to substitute the United States as the party defendant for Diefenbach and Jenkins and to dismiss the claims.

The District Court denied the motion.

The Court of Appeals reversed the District Court, finding that Diefenbach and Jenkins had acted within the scope of their employment at the time

Cont'd on page 4

PRESIDENT'S REPORT

by Tim Woosley

In light of Michael Beaulieu's death it is awkward for me to try and talk about the other things the Lodge has been doing. However, there are many important events which have, or will, take place that we must pass on.

Second US Park Police Captain proposed for Inter-Mountain Field Area

There is currently a vacancy announcement for a "Law Enforcement Specialist" position in the Flagstaff office of the Inter-Mountain Field Area. This is of great concern to us for several reasons. Director Kennedy, in a letter to the Lodge, stated that there would be no new L.E.S. positions created and that he was in full support of the Ranger Careers/Futures principle of Rangers managing Rangers. In addition, various task groups were recently created to look at Park Ranger/USPP relations. A specific task group is supposed to be analyzing current staffing levels and future needs at the SSO's and Field Areas. To the Lodge's knowledge this task group has not concluded its study nor has it made any recommendations. We have written to Denny Galvin, the new Deputy Director, and passed on our concerns. If this position is filled, it will constitute a complete breach of promise by the Director and seriously damage the credibility of the Ranger/USPP relations project.

Lodge Elections-Two Years Already?!

As with our Federal Government, it is time to submit nominations for lodge officers. Rather than bore you with a list of my accomplishments over the last two years. I will only offer you my humblest thanks for allowing me to serve you and pledge that, if re-elected, I will continue to promote the Lodge and the Rangers. I will continue to spend as much time and energy as is necessary to ensure that Rangers get the fair and equitable treatment they deserve.

Cont'd on page 5

SHORT NOTES

by Ed Clark, V.P. Internal Affairs

FLSA Update Negotiations with WASO/RAD are ongoing and appear to be nearing a conclusion. Look for an update in the next issue.

SIG Purchase Program We have been receiving complaints, from the field, about filling orders in a timely fashion. The problem revolves around the procedure set up at the request of SIGARMS. They will not accept small, or individual orders. The lodge must accept orders/payment from Rangers, and hold the orders until a minimum order is met. We then forward the order and money to SIG for delivery. It then must take its place in line before SIG sends out the weapons. As you may know, SIG is back ordered for a considerable period of time; fortunately our orders receive priority treatment. Part of the problem is that the initial rush of orders from Rangers has subsided, now orders come in slowly, resulting in a many month lag in meeting the SIG minimum order amount.

We apologize for the inconvenience this process causes our Rangers, but must abide by the process SIGARMS has imposed on us. We encourage everyone to take advantage of the program, since the prices are hard to beat. We also are grateful that SIGARMS has offered us this opportunity, despite the inconvenience it has caused us all.

It is still possible to order SIG weapons at this time. Use the procedure outlined in previous issues, but substitute Pres. Tim Woosleys new address:

9 Nichols Rd.
Luray, VA. 22835
540-843-3240 home phone

Cont'd on page 5

SECRETARY'S REPORT

by Randall Kendrick

RENEWALS: Please send in your annual dues when your membership year is up. It saves the Lodge money when we don't have to send renewal notices. We still are encouraging members to pay by payroll deduction - use form 1199 - because it eliminates the hassle of annual renewal. Seasonals who pay by deduction pay dues only when they're working. If you have a question about how to fill out the 1199, call the Lodge 800#. You do not have to send in a membership blank when you pay your annual dues.

CHANGES OF ADDRESS: If you write to the Lodge, please let us know that you are intending to change your address. We don't automatically change your address just because your return address is different from what we have on file. You may change your address by calling the 800#.

MEMBER ASSISTANCE

COMMITTEE: The Lodge has in place a committee whose sole function is to give assistance to members in need. The committee chair will speak with you at length, consult with the other two committee members (one is on the executive committee and one is appointed by the chair), and get you the assistance and information you need. We have helped approximately twenty members over the past three years. Occasionally, we provide the member-in-need with a free consultation with the Lodge law firm. Often, we have dealt with a similar problem before and have expertise in the area. The Lodge, not having a national contract, cannot defend or represent you; what we can do, and what we have been successful in doing, is providing you with accurate and complete information so that you can successfully defend yourself, or answer your work-related questions, if that's your problem. Don't wait too long to ask for help. All is kept strictly confidential.

Cont'd on page 6

FLRA cont'd.

counted by the FLRA.

2) The proposed unit will not ensure a "clear and identifiable community of interest among the various types of employees in the proposed unit".

We strongly disagree with that argument. There is certainly a stronger community of interest among the law enforcement employees of the proposed USRA unit than presently exists in the nonprofessional units in which those law enforcement employees are currently grouped for purposes of collective bargaining.

3) The NPS argues that based upon its organizational structure, a nationwide unit is inappropriate as it would not promote effective dealings with, and efficiency of the operations of, the Agency.

Again, we disagree. On a nationwide basis, dealing with only one collective bargaining representative, i.e., USRA, would better allow the Agency to streamline its policies for all NPS law enforcement employees. Moreover, the USRA's organization and structure, with its National Executive Board, Regional Chapters, and Local Chapters, better promote meaningful and consistent bargaining over, and dealings with, regional and local issues than does the current multi-union structure.

4) The NPS argues that the Federal Labor Relations Act prevents a unit made up of law enforcement employees from being considered appropriate. The NPS rationale in this regard is that its law enforcement employees are allegedly engaged in intelligence, counterintelligence, investigative, or security work which directly affects national security. In support of its position, the NPS maintains that all law enforcement park rangers and criminal investigators are classified, at a minimum, as Critical Sensitive. Further, the Agency argues that its law enforcement officers play a significant role in drug interdiction and enforcement efforts aimed at

detecting and eradicating the cultivation of illegal drugs on federal property.

The Agency's arguments miss the mark in that they fail to recognize that many of the employees covered by the proposed USRA unit are presently represented by other unions under the Act and have been so represented for decades. Also, the Agency forgets that its own U.S. Park Police, as well as the Border Patrol, Immigration and Naturalization Service, and the Customs Service have been represented on a nationwide basis for years by their own, law enforcement-staffed, collective bargaining representatives. In our opinion, under these circumstances, the Agency's arguments lack merit.

Finally, as expected, at least one of the unions, currently representing the nonprofessional units in which some of the employees sought to be represented by USRA are grouped, has opposed carving out NPS law enforcement employees to allow them to be represented in a professional capacity by fellow NPS law enforcement employees of the USRA. Essentially, these other unions do not want to lose the benefits they receive from their NPS law enforcement members.

**KEEP THOSE SHOW OF
INTEREST CARDS
COMING IN**

We think that such benefits would be better invested in a union with keen, first-hand knowledge of the issues facing law enforcement employees specifically employed by NPS. That union is the USRA -- the union organized and run by NPS law enforcement employees for NPS law enforcement employees. We are hopeful, therefore, that USRA's representation petitions are accepted, so the affected NPS law enforcement employees can decide for themselves who would best represent their particular professional interests.

* * * * *

BSF cont'd

The full text of their decision is available on CC:Mail.

The ruling relied heavily on 16 USC 1b, which authorizes the Secretary to give "...cooperative assistance to nearby law enforcement... agencies and for related purposes outside the National Park System, ... in order to facilitate the administration of the National Park System". It also repeatedly referred to the relevant sections of the MOU which calls for rangers to render assistance outside BSF when "specifically requested".

This is a strong affirmation of 16 USC 1b, and our ability to do law enforcement outside of the park. It does bring up the issue of MOU's though. While we are not required to have an MOU to provide law enforcement services to surrounding communities, it's clear that having one will add to our ability to fend off personal liability. The key is in showing that you are acting within your scope of employment. Without an MOU, even if you're backing up another agencies officer/s on a legitimate stop, you are depending on the U.S. Attorney determining that you were acting in your official capacity. An approved MOU will delineate the conditions under which we respond to outside agencies, If you adhere to that, the U.S. Attorney would have to find in your favor.

The lodge congratulates Diefenbach and Jenkins and wishes them well. It has been a long, difficult struggle for them. They did their duty in a difficult situation, only to suffer the anxiety of a civil law suit and all that brings with it.

As for the future, we feel that this case, and the ruling affecting it should send a strong signal to us all. MOU's with surrounding jurisdictions are important and should be a priority at all parks. Of course the reality is that there are many equally important priorities competing for the attention of every Chief Ranger. We suggest that interested Rangers volunteer to assist their Chief Ranger in gathering the information necessary to open negotiations with the appropriate agencies.

PRESIDENT'S REPORT cont'd.

I have had the distinct pleasure and honor to work with Dan Kirschner, Ed Clark, Randall Kendrick, George Durkee, and Janet Bachman. Each of these fine people have limitless energy and dedication. I urge you to nominate and re-elect each of them. I will gladly accept a nomination to continue as your president and I hope that I have earned enough of your trust to be allowed to continue for the next two years.

Service-wide Field Training and Evaluation Program Being Developed

I have been given the distinct pleasure of being included in a task group that is developing a Service-wide Field Training and Evaluation Program (commonly referred to as an FTO program). The other members of the task group are: Paul Berkowitz, Roger Moder, Phil Selleck, Steve Dodd, Mike Durr, and Joe Nicholson. We have met once already at FLETC and will meet again at the end of September. Our recommendations have been forwarded to Ranger Activities where there is strong support. The Park Service has needed such a program for a long time. With it in place we will be able to ensure that we are retaining only quality Rangers. I will keep you updated on our progress and in the next issue will present a more in depth look at the program.

SIG program-Still Going Strong

We are all eagerly looking forward to the final version of NPS-9 so that we can begin ordering the P-230 and P-239. If anyone needs a current price list, I can fax one to you. Thanks so much to everyone for their support and patience with the program. I try to answer each call as quickly as I can but sometimes it takes me awhile. Rest assured that I will return all calls. Thanks again for your support. (See article in "Short Notes" for new address and phone number)

Collective Bargaining- In A Holding Pattern

As most of you know the petition has been submitted to the FLRA for the U.S. Ranger Alliance. We have been amending the

petition since we first submitted it to include those parks whose contracts expire. When a window period opens up, we must collect a 30% show of interest from the specific park. To date we have added New River Gorge, Valley Forge, Cape Cod, and Olympic. We will add Natchez Trace and Mammoth Cave by the end of October. We are doing this to ensure that every Ranger who wishes to can be a member of the Alliance. Remember that it will still take a ruling by the FLRA to bring you into the unit. It is anybody's guess as to how hard the individual unions will fight to keep you. John Mahoney, who has been instrumental in helping us with the filing of the original petition and the amendments, has submitted a very informative article which is in this issue. Please take the time to read it.

PLEASE SUPPORT THE LODGE BY RECRUITING NEW MEMBERS AND BUYING LODGE MERCHANDISE!

SHORT NOTES cont'd.

6(c) Coverage If you are currently doing Law Enforcement more than 50% of the time, in a primary position, or you currently occupy a secondary Law Enforcement position, you should have been converted to a 6(c) covered position. If you have not been designated 6(c) contact Bill Sanders, Program Manager-Ranger Careers, at WASO/RAD, by CC:Mail at Sanders, William at NP-WASO-POPS.

6(c) Past Coverage

Previous Applicants- FERS Rangers who have already applied for past coverage should begin receiving written notifications soon. All packages were reviewed and those who had problems were contacted for clarification. The next step has been to have individual packages assembled for signing and get out the notification letters. This has been slow due to the lack of personnel to process the packages.

Those who have not applied - As you probably noticed in the Morning

Report, the process of applying for 6(c) past coverage is being moved over to the NPS, under the direction of Bill Sanders, Program Manager-Ranger Careers, at WASO/RAD. At this point, all parties have agreed that 6(c) past coverage should be an administrative process, should be streamlined, and should remain in-house, requiring only adequate, not extensive documentation. This is in keeping with RAD's attempts to manage the occupation in a more cohesive manner. Once the solicitors office approves the process and it is signed off, RAD will announce the new procedure.

This will apply to all CSRS, FERS, and Offset personnel who have not applied for back coverage, regardless of past deadlines.

The lodge would like to thank Bill Sanders for spearheading this effort, as well as the following individuals for their hard work and support in rectifying the situation: Maureen Finnerty, Assoc. Dir.; John Reynolds, Assoc. Dir.; Chris Andress, Chief Ranger WASO/RAD; John Mussare, WASO/RAD; H.T. Leal, 6(c) Coord. DOI; Claudia Schechter, NPS Sect. Desig. For Special Retirement Programs; and Lynn Smith, NPS Personnel.

Elections

Nominations are open for candidates to fill positions in the Lodge. The following positions are to be filled by election:

President
Vice President for External Affairs
Vice President for Internal Affairs
Secretary
Treasurer
Guard
Lodge Trustee (One year Term)

Send your nominations to: Randall Kendrick, POB 151, Fancy Gap, VA 24328

Cont'd on page 6

REINVENTION

by Ed Clark, V.P. Internal Affairs

A recent initiative out of the Appalachian Cluster has targeted grappling with 6(c) position costs as the "...single most important action in becoming more efficient and better able to manage our costs..." (see companion article, Local Police or Park Rangers).

Increasingly, Ranger Careers/6(c) is being blamed for NPS budget woes. This is wrong. Since the Vail Agenda was adopted, the NPS has known it was going to upgrade our profession. In fact, specific Congressional funding was sought and obtained to do so. We have had an ongoing budget crisis for years. Witness the GAO report that says we are behind on routine maintenance of trails, roads, buildings etc.

When confronted with the specter of increased budget cuts, the NPS reorganized, saying that resources would be moved to the field. What we have seen is upgrades for managers, and relocation of highly paid people to the parks, coupled with increased moving and travel costs. Yet Rangers are still to blame?

We agree that the Park Service must reinvent the way we do business to save money and provide better service to our visitors. However, we believe that attempting to solve budget shortfalls on the backs of its employees is not the answer.

Reinvention/quality improvement involves looking at the processes used in doing our jobs. The NPS has said it embraces the concept of TQM, or Total Quality Management as part of the reinvention process. Yet it was adopted it in pieces rather than as a whole. TQM is a systematic process involving fundamental change in the way of doing business. The philosophy behind it is one of providing customers (internal &

Cont'd on page 9

SEC. REPORT cont'd.

SEASONAL ISSUES: The Lodge has worked very hard trying to improve the pay and working conditions of seasonal rangers. As we have found, and as our law firm points out to us, we have no leverage with the National Park Service to persuade them to do the "right thing" by seasonals. The only thing that will help is to obtain a national contract: Seasonal issues are bargainable and you can be assured that the Lodge will assign this top priority. It has been very frustrating, but this is what we are up against. At least we are close to being in a position to make a difference: Support a national contract.

* * * * *

LEGAL OPINION MAY AFFECT YOU

The Lodge asked this question of our law firm Passman & Kaplan: Can a ranger who completes 20 years under 6(c) before the age of 50, resign and then begin collection of his/her pension upon turning 50? The legal opinion is: No.

The law is two-pronged and both elements must be satisfied: (1) 20 years of coverage under 6(c); and, (2) attaining the age of 50 while on the job. Mr. Kaplan went on to say that he had researched the entire case records of the Merit Systems Protection Board and had found no litigation in this area: No case law.

The Lodge has knowledge of a former ranger who is caught in this very limbo and we would like to see the case litigated and won. It would help a number of our members who are potentially in the position of having 20 or more 6(c) years before becoming 50. It would give them the option of beginning another career secure in the knowledge that a pension is forthcoming at age 50. However, as it now stands, you must be on the job at age 50 to collect your 6(c) pension at age 50.

* * * * *

SHORT NOTES cont'd.

Line of Duty

In the past we have printed stories of Line of Duty deaths of law enforcement officers throughout the country in an attempt to educate our Rangers about the risks we face and to keep us ever vigilant. Now we face the loss of one of our own. Let this terrible tragedy serve as a reminder to us all that we must be safe out there.

In our next issue, we will report the findings of the Board of Inquiry and explore the issues raised through those findings. For now though, we should all pause and reflect on the fragility of our lives, and the loss Michael's family and friends are suffering.

We have received condolences through America Online's 1st Precinct bulletin board from the following: HAWK338, formerly of Bryce Canyon, now a S. California Dept.; Cpl. Valerie Simmons Arnold, Baton Rouge PD, LA.; The Green Bay PD, WI.; PO John M. Griesbacker, NYPD Transit Bureau; Tolleson PD, AZ.; Chris DiToro, NYC Auxiliary Emergency Services Unit.

We will pass these on to the family and I will personally thank each for sending them.

Leave Donation Request

Karen Morris, wife of Lodge Brother Terry Morris, Blue Ridge, is enrolled in the NPS leave sharing program. Karen suffers from a chronic disease and could use any annual leave you can spare. To donate, contact your local personnel officer; you will be given a form to indicate how much leave you wish to donate and the name of the person to whom you wish to make the donation. Your thoughtful gift of leave will be greatly appreciated by Brother Morris and his family.

* * * * *

Local Police or Park Rangers Who Do You Want Patrolling Your Park?

by the Executive Board: Ed Clark, Tim Woosley, Dan Kirschner, Randall Kendrick and George Durkee

The latest challenge to Rangers in law enforcement comes from those who would seek to lower costs by replacing Rangers with some combination of: local law enforcement agencies, 083 police, 085 guards, and/or private security/night watchman. The most current proposal comes from the Appalachian Cluster, in the form of a memo, and cites "...grapple with the cost of 6(c) positions and the potential impact to our cyclic funds..." as the reason.

The Memo goes on to say that "...the single most important action in becoming more efficient and better able to manage our costs. That action is securing Concurrent Jurisdiction...

...which provides superintendents the option of entering into cooperative agreements with local police agencies to obtain some of the law enforcement services now provided by park rangers".

We believe this argument is flawed on a number of levels (see companion article, "Reinvention").

For now, we would like to detail our objections to the proposals set forth in the Appalachian Cluster Memo, not the reasons stated for making the proposal.

Legal-

16 USC 1a-6(b), states that the Secretary of the Interior is authorized to:

1. "Designate officers and employees of any other Federal agency or law enforcement personnel of any State or political subdivision thereof, when deemed economical and in the public interest and with the concurrence of that agency of that State or subdivision, to act as special

policeman in areas of the National Park System when *supplemental* law enforcement personnel may be needed, and to exercise the powers and authority (delegated to Rangers)" (emphasis added).

2. "Cooperate, within the National Park System, with any State or political subdivision thereof in the enforcement of the laws or ordinances of that State or subdivision."

3. "Provide *limited* reimbursement, to a State or its political subdivisions...where the State has ceded concurrent legislative jurisdiction over the affected area of the system, for expenditures incurred..."(emphasis added).

4. "The authorities provided by this subsection shall *supplement* the law enforcement responsibilities of the National Park Service, and **shall not authorize the delegation of law enforcement responsibilities of the agency to State and local governments.** (emphasis added).

Policy-

1. It is NPS policy not to use GS-083 series Police Officers in the Park System.

2. It is NPS policy to adopt the Vale Agenda which mandates the professionalization of the Ranger series, including its upgrading.

Image-

Do we really want to have visitors being served by GS-083 police, GS-085 guards, private security guards, or night watchman rather than Rangers when they have a law enforcement problem? None of these series/vendors have the same stringent professional and educational standards that an 025 Ranger does. Neither do they include the complete package of Visitor Education, LE, SAR, EMS and Fire in their PD's. The visitor would receive sub-standard service from a non-ranger. How would this reflect on the NPS? What kind of message would this send to our customers?

Congress stated its desire that the Service "...maintain...the appearance of all designated employees as representatives of a resource and people-serving agency..." (West's U.S. Code, Congressional and Administrative News, for the 94th Congress-Second Session, 1976, Jan. 19-Oct. 2, Volume 4; Legislative History). We have consistently put this into practice by placing all public contact employees in the same basic uniform. While this raises certain safety issues in our minds, the point is that we Rangers clearly represent a land management agency. If we employ a potpourri of guards, sheriffs deputies, game officers, fish officers, etc. all wearing different uniforms, operating with different mandates, answering to different agencies, where is the consistency? Who represents the NPS to the visitor? How do we achieve the "...conspicuous public presence and an active deterrent to criminal activity..." which Acting Director Jack Davis spoke of in his letter to OPM in 1993 regarding the NPS uniform?

Cost-

The kinds of agreements suggested all cost money. The local agency will bill the NPS for all the costs incurred to provide service, not just the time that their people are patrolling the park. Local deputies/officers make more money than Rangers do on average. The agencies they work for are more attuned to liability problems, and spend more on maintaining state of the art equipment, training and certifications. We will pay all their costs, including overhead. Ask any community that contracts with a local Sheriffs Office, they will tell you, it's not cheap.

Responsiveness-

Local law enforcement will not have the expertise or inclination to do Resource Protection, that would have to fall to the local Fish and Game officers, yet another group to be contracted with. State/local agencies don't know or enforce ARPA laws.

Cont'd on page 8

NPS-57 UPDATE

by Ed Clark, VP Internal Affairs

As many of you probably noticed in the Morning Reports some time ago, I have been appointed to coordinate an effort to review the medical/physical requirements of the Ranger occupation. This effort will result in a re-write and updating of NPS-57. I have been working with Jim Lee of WASO-RAD, who has been hard at work on NPS-57 for some time now. Jim is currently wrapping up some other projects, and so I was asked to come in and help out. It is an honor to be chosen to help on a project of such importance to Rangers. I am also gratified that as a Lodge Officer I can voice our concerns.

The project is actually two-fold. Currently Federal Agencies doing law enforcement are being encouraged to establish medical and physical fitness standards for all those involved in arduous and hazardous duties. As you know, benchmark PD's state that Park Police Officers, Protection Rangers, Jailers, Criminal Investigators and Special Agents are required to perform duties which are arduous and hazardous. I have been tasked to coordinate the development of medical and physical fitness standards for those job descriptions in the Ranger areas, and cooperate with the U.S. Park Police in providing review of medical standards for them.

The reasons for imposing standards is actually quite straight forward. It is recognition that the arduous and hazardous duties of law enforcement demand a particular level of fitness and absence of contraindicating medical conditions. Agencies want to know that applicants have a reasonable probability of completing their career without undue risk, and that incumbents who are "at risk" can be identified. Agencies have a responsibility to ensure mission accomplishment.

Law enforcement officers, all of us, need to know the same things, and for many of the same reasons. We don't want to face early retirement due to

some medical condition/s that come up during our careers. However, if those things bring risk to ourselves, our partners or the public we serve, it's better than the alternative. Of course on the personal side, we have all had to work with someone we knew was not capable of performing anymore. No matter how much we like that person as an individual, when you need back-up you hope it's someone else.

The current legal climate has brought about the necessity of "task validating" any standards developed, so that they can be shown to relate directly to the actual tasks performed in meeting an occupations position description. The reasoning is that should someone fail to meet a standard, there should be a reasonable belief that they would then be unable to perform the "full range" of their duties.

The Department of the Interior has been working on draft medical standards for law enforcement, and recently funded a "task validation" study. The NPS volunteered to be the first agency examined and a team was put together to conduct the study. The team consisted of: Dr. Richard Miller, USPHS Occupational Medicine; Dr. Bruce Butler, USPHS Occupational Medicine; Phil Spottswood J.D., M.P.H., OPM Medical Policy and Programs; Bob Garbe, DOI Safety and Health; and myself as guide/coordinator.

We traveled to FLETC, Yosemite, Lake Mead and Grand Canyon so that the team could observe firsthand, and where possible participate in a representative sampling of tasks and the environment they're performed in. Members of the team also spent a week working with the U.S. Park Police in the D.C. area. This process will allow the medical doctors to select standards that have been "validated" to the observed tasks. OPM, who will ultimately sign off on these standards, and have to defend them in court, participated as well.

LOCAL POLICE OR PARK RANGERS cont'd.

Ask any Ranger, they will tell you that local LEO's frequently operate on a priority call basis, responding only to the most serious of crimes. Do you think they will do the visitor assists we do?

We already have examples in the NPS system of how local law enforcement/public service fails to respond to our unique Park needs. Both the Appalachian Trail and Upper Delaware have narrowly defined areas of Ranger jurisdiction. In both areas we have consistently had problems with obtaining service to the level the NPS and its constituency has come to expect from Rangers. Problems exist in getting them to respond to incidents in remote locations, routine patrols, notification of incidents, differing response criteria etc.

In another section of the Memo, the suggestion is made to centralize criminal investigative services in the cluster. The idea suggests to be to moving the Criminal Investigators to a central location "...to accomplish cluster business and provide service...". At the same time, a question concerning the appropriate role of the USPP Captain, and a similar role in the cluster is raised.

We believe that the model being proposed by GRCA of a Service Support Park with regard to Criminal Investigators has merit. The idea is that a park with Criminal Investigators will make them available, by agreement with other parks on an *as needed* basis. The logic being that a park with a proven need for Criminal Investigators can't afford to lose them to the cluster where they would no longer be doing the day-to-day investigations the parks need them for. Being centralized would be more costly, requiring travel expenses for almost all investigations, while being located in high need parks means they are available for those parks without travel costs.

Local Police or Park Rangers
cont'd.

As to the question of the USPP and the clusters, we believe that it is inadvisable to expand their role at this time. In the past, we may have needed the mentoring of the Park Police as we professionalized our ranks. That time is past.

The Park Ranger profession has reached the point where we have fully competent personnel at all levels, and are capable of directing our own operations. In fact, it's time to recognize our Rangers by moving them into those Law Enforcement Specialist positions currently occupied by USPP as they are vacated. National Park Rangers are now recognized as the premier resource based law enforcement organization in the country. We say this not as an attack on the USPP, for we should be grateful that our sister organization was there to help us when needed. Rather it is that awkward time when the apprentice is capable of being the master, too.

In summary, as we have said before, Rangers are "Public Service Officers". We do resource education, law enforcement, EMS, search and rescue, and firefighting. In most areas, we are the only such service available. The NPS and the visiting public gets a lot of bang for their 6(c) buck. We routinely perform at a professional level in all these areas on a par with those who specialize in each.

The National Park Service can ill afford to favor one of its' law enforcement organizations over another or replace either with local/state agencies. We cannot afford to support multiple bureaucracies and ultimately give the public less personalized service. It makes little sense to give our responsibilities over to "outsiders", and lose the ability to set objectives, performance standards, and all the other management tools that go into creating an image and level of service in the area of a parks Resource/Visitor Protection.

* * * * *

REINVENTION cont'd.

external) with satisfaction through its products and services. It must be scientific, systematic and agency-wide. The role of management in such a system is leadership and coordination, not supervision. In other words, the best ideas for streamlining and improvement come from the people doing the work in the field. Management should be acting as a catalyst for change, empowering the work force, not imposing change.

The key to cost savings is not to cast about looking for a scapegoat based on total dollars spent in a given area. Rather, it lies in using TQM methodology to positively identify problems, track indicators, develop countermeasures, and implement them. You then stand back, watch the indicators, determine if the countermeasures are working and act if they are not.

Replacing Rangers because they cost more now, is wrong. The NPS should be looking at the level of service they provide and empowering them to find ways to do it better.

On Sept. 11th, 1996, the National Partnership Council presented V.P. Al Gore's Eagle Statue award to various labor-management teams which improved customer service. Their accomplishments centered around cutting operating expenses by: employee suggestions, reduced grievances filed, decreased worker's compensation claims, simplifying application procedures, using in-house instructors for maintaining certifications (a union suggestion), cooperative agreements between unions, human resources and operations departments, and others. (Federal Times, 9/23/96, p 40)

Its time that all of us in the NPS work together in this fashion to better serve our visiting public. We must re-evaluate our core mission in these lean budget years and make sure our work force meets that mission first. Rangers have always been and will remain, the living symbol of our commitment to that

mission.

Editors Note: The author worked at Florida Power and Light Co. for nearly 10 years, during which time he served on various quality circle teams as a Member and Team Leader. Ultimately he was trained in TQM by Japanese consultants as an "Applications Expert", serving as a consultant on the process and statistical analysis for quality circle teams. FP&L became the first non-Japanese company to win the coveted "Deming Award", given to companies who demonstrate excellence in adopting and implementing TQM.

* * * * *

NPS 57 cont'd.

We received typical Park Ranger/Park Police welcomes in all the places we went. The team was very impressed with the professionalism of Rangers and Park Policeman. They were also surprised at the wide range of duties that Rangers perform along with their law enforcement role. The places selected gave the team a taste for the variety of environmental conditions with which Park Service law enforcement personnel must contend. Ultimately, this will be an important factor affecting the standards which emerge.

Obviously, the question in most Rangers minds is: How will this affect me? Will I lose my job, or my commission if I can't meet the standards?

There is no simple answer at this time. Medical standards will ultimately be mandatory, there are already many Federal LE agencies with them in place. Typically what happens is that the standards are imposed after a "start" date on all applicants. They are used as part of the selection process and must be met throughout the remainder of your career. The problem, of course, is how to deal with an incumbent work force that was hired before the imposition of the standards.

Cont'd. on next page

RANGERS ONLINE

The courts do not accept dual standards or "grandfathering" (in the sense of a blanket waiver). What they do accept is a gradual phasing in of the standards on the incumbents. The law also "requires" the agency to consider the granting of a "waiver" on an individual basis. The important factor in all of this is the ability to perform the full range of duties as described in your position description, considering all the tasks involved, and the environmental conditions in which they are performed.

Physical fitness standards are separate from medical standards, but ultimately related in that they must also be "task validated". There is an important test case before the courts this year involving the U.S. Marshals Service.

We are watching that case carefully since it will probably be precedent setting.

Over the next couple of months I will be putting together a plan for the implementation of medical and fitness standards. The DOI funded medical standards team will present their results by the end of the year. DOI will be using these standards to create a minimum standard for all DOI law enforcement. In the meantime, I will be consulting with Rangers from around the service at all levels in an attempt solicit feedback and input. Ultimately, the package will be put through a formal review process.

As the coordinator of the project I am tasked with developing a process that is fair, equitable, and makes sense. It must meet the legal tests required by law and the courts. If done correctly, it will protect the rights of the individual, and the interests of the agency. As a Ranger, and FOP officer, I want it to be one that advances our profession, makes us safer and has compassion for the individuals in it.

If you have any suggestion/comment on making a comprehensive medical/fitness program work better please send them to me via CC:MAIL. I'm listed under Clark, Edward- VAFO.

A few of our more industrious members have put the Lodge into the electronic era. Those of you who have access to the Internet are encouraged to participate.

WEB PAGE:

Brother Duane Buck has put together a "small" Eastern Ranger Lodge Web page at:

<http://home.earthlink.net/~bikeranger>

Check out his beginning model and let him know what you think. Reply to: BikeRanger@earthlink.net

PROTECTION RANGER UPDATES BY E-MAIL:

Beginning approximately two weeks after this PRORAN is published, the Lodge will be E-Mailing updates and new information by E-Mail. If you want this free service, send your E-Mail address to Bro. Joel Musick at YOGICHASER@AOL.COM It is the Lodge's intention to provide biweekly updates between the bimonthly issues of the Protection Ranger.

In addition to the above rangers, many of our members are already online. A list is provided below of some of these members. Send Your name and address to BCCMO@aol.com for inclusion in the next issue of **The Protection Ranger**.

President: Tim Woosley -
TimWFOPDir@aol.com

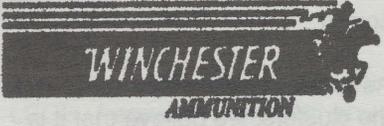
VP, Internal Affairs: Ed Clark-
EdClark50@aol.com

Secretary and Director: Randall Kendrick - RandallFOP@tcia.net

VP, External Affairs: George Durkee -
gdurkee@sonnet.com

Guard - Dan Kirschner
71673.3432@CompuServe.com

Editor for the PRORAN: Susan Zoccola - BCCMO@aol.com



WINCHESTER
AMMUNITION

OLIN-WINCHESTER
Law Enforcement Marketing
427 N. Shamrock Street
East Alton, Illinois 62024

Contact: Mary A. Stanley
Phone: (618) 258-3752
Fax: (618) 258-3393

Commitment to Law Enforcement

REQUIRED OCCUPANCY AND YOU

The Lodge has been successful in assisting a couple dozen members to leave required occupancy housing over the past six years. Just because you signed a document saying you accepted required occupancy housing and because it may be in your position description, does not mean that you are forever tied to required occupancy housing while working in your park.

The Lodge has recognized that housing needs for rangers change as family needs and professional requirements change with passage of time.

If you have a housing problem, the Lodge has several members who have been through this particular struggle and they are willing to share their knowledge and experience with you. Your problems are kept confidential.

It is our opinion that required occupancy housing is valid only in those cases of extreme remoteness. Anything less than that usually means you can get out of required park housing.

FOP LEGAL COVERAGE AND YOU

by Leigh Zahm,
US Fish and Wildlife Service Refuge
Officer,
John Heinz NWR

In the last 10 years, the National Park Service has come a mighty long way in their law enforcement program. Our safety and working conditions have improved. We now think officer safety, wear body armor, and practice defensive tactics. We're the ones out in the field making the contacts and we're the ones left holding the bag should anything go wrong.

For as far as we've come, we (as officers) still have a way to go. For me, the next step was obtaining legal representation liability insurance. I think of it as my "legal body armor" which insures my chance of surviving legal suits and administrative actions.

My decision to obtain legal coverage was a fortunate one in deed. I have already been named in a civil suit while a National Park Ranger. If you've never been sued, then count your blessings. It was a difficult time for me, even though I was found to have acted within the scope of my authority. Having legal representation gave me someone who was looking out for my own best interest, rather than the AUSA who represented both the Park and me.

Nowadays, you can be sued for just about anything (I know first hand). Through my experience, I have found that if you are named in a suit:

1) The government is under no obligation to represent you. If you're facing criminal charges, it will be the United States Attorney's Office doing the prosecution. Costs for any legal representation will come out of your own pocket. Do you have \$10,000.00 lying around to retain a good criminal lawyer?

2) One of the questions the government considers when deciding whether or not to represent you, is whether you were acting within the scope of your duty. Sometimes this is

a straight forward matter, other times it's not. Law enforcement is a "gray area" and I would hate to be caught in that place.

3) Assuming the United States Attorney's office chooses to represent you in a situation where both you and the park/agency have been named in the suit (which is almost always the case), the United States Attorney's office is representing two clients at the same time - you and the National Park Service. It doesn't take a rocket scientist to figure out which way the attorney's office is going to go if the Park's concerns differ from your own.

Besides the specter of civil suits and criminal charges, there is a third concern - namely the administrative disciplinary action. This is an area which is easier for most of us to understand and relate to. If you're working at a park where you are treated fairly, then count your blessings. If you're not, then you probably feel the need to protect yourself. Becoming a member in the FOP National Park Ranger's Lodge is one way to do that and a second way is to get yourself liability insurance. Consider liability insurance as going hand-in-hand with our emerging professional status, identity, and occupation.

The FOP program lets you pick your own attorney. I interviewed several different lawyers and checked out references before I selected mine. I know I'll be prepared if and when the time comes. The FOP program is cheaper than the Wright & Company full liability and administrative coverage.

Simply stated, the biggest difference between the two is that the FOP plan spends your money protecting you and doesn't pay damages, while the Wright & Company acts more as an insurance plan and pays any damages. This is assuming you were acting within the scope of your duty. If you were and any damages were assessed against you, Uncle Sam would pick up that tab. I've been involved in this issue for years, and I still don't see how Wright & Company ever end up paying

any damages. I've even asked that question directly to Wright, but didn't get a satisfactory answer.

As a closing note, if you have any particular questions or if you ever find yourself named in a civil suit, feel free to give me a call. Go through Randall Kendrick and he will get in touch with me.

Editors Note: Information on obtaining your own legal defense policy can be obtained from Bro. Anthony Macri, P.O. Box 97, Valley Forge, PA 19482 or call the Lodges 1-800 number.

LODGE LOGO ITEMS

These items help finance Lodge projects:



Coffee Mug: 10 1/2 oz., Lt. Gray ceramic mug with Green, US Park Rangers Lodge Logo - \$5.00

Drink Can Holder: Dark Green, barrel shaped can holder with Gold Ink, US Park Rangers Lodge Logo. Fits standard 12-ounce cans, and is made of tear-proof Tufffoam® insulation from Coleman® - \$5.00

Add \$5.50 shipping on orders under \$50. VA residents add 4.5% sales tax. Send your orders to the Lodge Address.

DO YOUR CHRISTMAS SHOPPING EARLY

Lodge Dues and E-Z Pay Plan

Lodge dues are \$52/year (just \$2/pay period using Direct Deposit). To make it easier for you to pay and the Lodge to collect, we hope you'll fill out Form 1199: the Direct Deposit Sign-up Form, available from your park's fiscal office.

You are only allowed 2 such allotments from your paycheck, so if you have that many already, you'll be asked to send a check for the full amount. Otherwise fill out the Form 1199 as follows:

Section 1:

Block C: Write in your Social Security Number.

Block D: Check the Checking block.

Block E: 090220704401

Block F: Check Other FOP Dues

Block G: Type: New Amount: \$2.00

Section 2:

Agency Name: USDI-National Park Service

Agency Address: Your Park's HQ address

Section 3:

Name and Address of Financial Institution

Mountain National Bank
POBox 1776
Bassett VA 24055

Routing Number
0514-0547-6

Sign your name and Date (Section 1) then send it to the Lodge at POBox 151, Fancy Gap, VA 24328. We'll have our bank sign it then we send it to NPS payroll. We realize this is, initially, a little more complicated. Ultimately though, it makes your dues a little more painless and our cash flow a lot steadier. We hope you'll choose this option.

Your dues cover a legal assistance fund available to all members. Members of the Lodge will automatically be entitled to initial and free legal advice from Passman and Kaplan for Service related problems. The Lodge may cover additional legal expenses for a member. Your dues are used extensively to cover legal expenses involved in questions or challenges to LE retirement cases of national importance, LE Backpay claims, FLSA coverage and overtime disputes, as well as individual assistance to members in need. Thank you for maintaining your membership in the US Park Rangers Lodge.

U.S. Park Rangers Lodge
Fraternal Order of Police
POBox 151
Fancy Gap VA 24328

Lodge Members: Please check the Renewal Date on your address sticker and renew if necessary. Get Form 1199, Direct Deposit, from your Fiscal Office and pay your dues in easy installments of only \$2/pay period. Thank You!

Lodge Phone: 800-407-8295
10 AM to 10 PM Eastern Time

Application for Membership

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

Name: _____

Signature: _____

Address: _____

City: _____

State _____ Zip: _____

DOB (required) : _____

Permanent Ranger: \$52/year (or \$2/pay period using Form 1199 Payroll Deduction)

Seasonals: \$35/year

Both Seasonal and permanent members are entitled to coverage from our Legal Assistance Fund for Service related problems.

Associate (non-Commissioned) Membership (newsletter only): \$35/year.

Renewal

Enclose a copy of your Commission (new members only)

NPS area: _____

Mail to: FOP Lodge, POBox 151, Fancy Gap, VA 24328

