



## RANGER ACTIVITIES INFORMATION EXCHANGE



Volume 4, Number 5

May, 1987

### Chief Ranger's Comments

We are still working very closely with WASO Personnel on a number of issues. Field representatives from various parks are currently working with the KSA standardization and seasonal employment working groups. We are looking forward to participating in the Servicewide classifiers workshop this summer. This will be an important opportunity to discuss ways to consistently apply the recently released 083 police standards to ranger positions and other issues.

Efforts continue toward expanding position management training. It is still apparent that there is room to accumulate more responsible duties, thereby improving work accountability in some lower graded positions and raising the grade level in some cases. Another recent example of restructuring positions has come to us from Everglades, where virtually all GS-5 positions have been restructured to GS-7. Servicewide, we have doubled the number of GS-7 level ranger positions since 1985 (see the chart on page six). The position management training will help supervisors and managers to look at their operations and understand the options available in organizing their human resources to accomplish the mission. The persons trained will have a much better understanding of the classification ramifications of organizing work and responsibilities in alternative ways. These decisions need to be deliberate, well-considered and based on a good working knowledge of classification principles.

There has been a very high degree of mobility in ranger positions in the last two years. The promotion rate for ranger positions for this last year was approximately 20%. For the federal government, that is a high rate. We continue to hear complaints of the lack of mobility opportunities, but our regular review of the "pinks" has shown as many as 47 GS-025 position announcements at a variety of grades in a single edition. While we are still hearing concerns expressed that there are limited opportunities to lateral or promote to new positions, we are also receiving complaints that a number of park areas are not getting sufficient applicants.

Alaska and South Florida are examples of areas that continue to experience very limited applications for some very good jobs. It is understood that family concerns, schooling and related matters limit the flexibility of some people, but not all. Some of the best growth and development opportunities exist in places where there is less competition. It is important to separate what is really a mobility problem and what is personal preference or self-imposed limitations. One of the best growth and experience moves I personally made was in moving from the Tetons to Everglades. In addition to having a very rewarding and challenging job, we had a great time in South Florida. The more flexible you are, the greater your opportunities.

We have recently requested information from the parks on resources needed for drug enforcement, fire staffing and enforcement of archeological resources protection. This information has been requested so that we may advise the Department and other entities of additional resource needs in these areas. We will not be asking for anything for which we don't have a significant need. Where possible, we would like to be in a proactive posture in order to support field operations.

### Field Incidents

**Olympic:** Sarah Halpern and her family were on a birthday outing in the park on April 16th. They'd intended to go to Ruby Beach, but decided not to enter the area due to the number of logs crashing in the surf. They went instead to Klalaloch Beach, about 10 miles further south, where conditions were a little calmer. All accesses to the beach were posted with warning signs about the danger of wave-driven logs. Halpern was standing on a log on the drift line with her parents and four other girls when a large wave hit, floated the log, and knocked them all off. One of the logs hit Halpern, crushing her. A ranger was called; he responded and gave her CPR. An ambulance was summoned and the victim was transported to a nearby hospital, where she died.

**Chancellorsville:** Last August 3rd, rangers arrested 25-year-old Paul Newcamp and 27-year-old Roger Newcamp of Castleton, Virginia, for employing metal detectors and digging in a Civil War entrenchment at Chancellorsville; a third member of the group escaped. Among the items seized were three camouflaged metal detectors, digging tools, and Civil War artifacts, including a US cartridge box plate, iron buckles, and 48 bullets. The Newcamps were each charged with two counts of violating the Archeological Resources Protection Act (ARPA), two 18 US Code violations (converting US property to their own use and gain and deprivation against property of the US), and two 36 CFR charges (injuring Civil War relics and possessing and using a metal detector). On November 13th, both were found guilty of all charges. They were each sentenced to a year in jail with all but 10 days suspended, a year of supervised probation, a \$500 fine and \$150 in court assessments. They were also banned from national military parks for a year, were directed to do 300 hours of community service and forfeited all metal detecting equipment. Following negotiations between their attorney and the US Attorney, the Newcamps identified the third individual in the incident as 23-year-old Donnie Ray Estes of Summerduc, Virginia. On April 6th, Estes was found guilty of the two ARPA counts and a 36 CFR count of failing to obey a lawful order. He received a lesser sentence because of he was found to have been less culpable. Because of their willingness to testify against Estes, the magistrate subsequently reduced the Newcamps' community service obligation to 100 hours each, but left the remainder of their sentences in place.

**Lake Mead:** As a result of the explosion which destroyed the American Pacific rocket fuel plant in Henderson on May 4th, Lake Mead closed all park roads which were in the direct path of the chemical cloud. Once it was learned that the cloud was not toxic, the roads were reopened and employed to route traffic diverted away from Henderson. Three fire trucks and 22 park rangers from Lake Mead were dispatched to provide emergency firefighting, law enforcement and EMS assistance.

**Yellowstone:** A Piper Super Cub which was under contract to the park went down on May 10th while conducting an eagle survey in the north end of Hayden Valley. Pilot Bill Chapman of Sagebrush Arrow Flight Service and NPS biologist Terry McEneaney were both treated for minor injuries at a local hospital and released. The crash occurred as the plane was making low, tight turns to observe an eagle nest and the wing-tip struck the ground. According to the chief ranger, both individuals would have been seriously injured or killed had they not been wearing helmets.

**Grand Canyon:** A single-engine Cessna 182 overwing aircraft struck the base of trees on the rim at Vista Encantata (8,400 ft. MSL) on May 17th, killing both persons aboard. A park visitor heard a low flying aircraft and soon after observed a fire ball that burned for about three minutes. The visitor did not report the incident until 6:45 am on the 18th, as he did not think there were any survivors. Upon arrival, NPS staff and Coconino County Sheriff's officers found the partially burned aircraft and two badly charred bodies. Wreckage was scattered across the Cape Royal Road. The plane was enroute from Tucson to Page, and had been reported missing on the 17th. Identification found at the scene belonged to pilot Charles Arnold. The passenger was Wesley Frensdorff, an Episcopal minister from Tucson. The NPS, FAA and Coconino County all participated in the investigation.

**Appalachian Trail:** Rebecca Wight, 29, of Blacksburg, Virginia, and Claudia Brenner, 31, of Ithaca, N.Y., met on the Appalachian Trail in Pennsylvania on the 12th to take a leisurely overnight hike through the woods. They spent that night in the Birch Run Shelter in the Michaux State Forest. When they awakened on the 13th, they noticed a man nearby who was "sort of camping." They had a brief chat with him prior to hiking on the AT, then on the Rocky Knob Trail. They again encountered the man about 3 pm that afternoon, and again had a brief conversation with him. He appeared to be carrying a rifle. At about 5:30 pm, they sat down a couple of hundred yards from the Rocky Knob Trail. Shots came from the woods. Wight was hit several times about the face and apparently died instantly; Brenner was hit in the back of the head and shoulder. The assailant left, and Brenner hiked three miles to a road, where she was picked up by a motorist and taken to Hershey Medical Center in Hershey, Pennsylvania. She was last reported to be in stable condition, and the prognosis is good. On May 24th, Pennsylvania state police officers arrested 28-year-old Steven Roy Carr for Wight's murder.

#### Memoranda

Several requests have come in asking us to run periodic listings of key memoranda and directives which have been distributed to the field. Here are some which we feel are of particular interest:

- Special Directive 87-5, December 17, 1987: "Required Occupancy" - Clarifies the NPS policy pertaining to required occupancy and defines the respective responsibilities of park managers, supervisors and employees who are subject to that policy.

- Special Directive 88-2, April 14, 1988: "First Aid and CPR Certification Requirements Associated with NPS Law Enforcement Commissions" - Sets policy that "current first aid and CPR certifications are no longer required in order for an employee to be issued or to retain a valid NPS law enforcement commission."
- Personnel Management Letter 86-16 (550) (551) (610): "National Park Service Overtime Policy" - Deals with overtime policy and discusses compensatory time, on-call and standby.
- Memorandum, March 21, 1988: "Grade Evaluation Guide for Police and Security Guard Positions, GS-083/085" - Releases advance copy of OPM's Classification Guide for those two series with instructions on how to cross-reference park ranger positions.
- Memorandum, February 11, 1988: "CSRS Retirement Provisions for Law Enforcement Officers and Firefighters" - Transmits FPM Bulletin 831-178, which contains the new regulations.
- Memorandum, November 23, 1987: "Special Coverage Under Federal Employees Retirement System for Law Enforcement Officers and Firefighters" - Details the difference between FERS and CSRS coverage for those entitled to twenty-year retirement.
- Personnel Management Letter 87-1 (840), September 3, 1987: "Special Coverage Under FERS for Law Enforcement Officers and Firefighters" - Establishes the procedures for bureaus to request approval for special coverage under FERS for law enforcement officers and firefighters.
- Personnel Management Bulletin 88-28, February 24, 1988: "Technical Corrections to FERS" - Transmits an OPM Retirement Counselor Letter which briefly outlines technical corrections to PL 100-128 affecting law enforcement officers and firefighters.

#### ASTM

The American Society of Testing and Materials, now known simply as ASTM, has set up a committee (F-32 in their system) on search and rescue. The objective of this committee, which is similar to that of their emergency medicine committee (F-30), is to establish standards for all aspects of search and rescue operations. Bill Wade, the superintendent of Shenandoah, is the chairman of the committee, and there are subcommittees on equipment, management, training, education, search operations/techniques, rescue operations/technology, terminology, communications and electronics. If you have an interest in SAR, you or your park should either join the group or at least find out more about it. ASTM may eventually have a major impact on standards under which we may be judged. The organization's address and phone number are as follows: ASTM, 1916 Race Street, Philadelphia, PA 19103; (215) 299-5400. Membership costs about \$25. For further information, contact Butch Farabee at FTS 343-4188.

### Health Appraisals in Western Region

Western Region recently completed its second employee health appraisal. Preliminary figures indicate that about 780 permanent employees volunteered for the free screening process. They completed confidential medical history questionnaires and gave blood samples; both of these were then analyzed by a health risk management consulting group. The confidential computerized results were then provided to employees, and any significant problems were "flagged" in the printout with recommendations for further consultation. The appraisals cost \$63 per employee, and were paid for out of regional reserves.

### Update on Twenty-Year Retirement

CSRS employees have until September 30, 1989 to request OPM consideration that any previous service be covered under the CSRS retirement provisions for law enforcement officers and firefighters. Similar determinations under FERS are made by the Secretary of Interior. The burden of proof for past coverage rests with the employee and must be processed through the servicing personnel office, regional personnel office, and Washington office. For further information and detailed instructions for preparation of individual submissions, contact your local personnel office. To date, there have been no test cases for law enforcement or a combination of law enforcement and firefighting received in WASO. See the list of memoranda on page four for specific applicable instructions available through your regional personnel offices.

### Danford v. United States

The United States District Court for the District of Arizona has dismissed a Federal Tort Claim action which was brought against the government as the result of an injury received by a visitor to Carlsbad Cavern. The plaintiff, who fell 3 1/2 feet when she caught her foot on a rock border that lined the trail on which she was walking, asserted that the park's decision not to place handrails along the trail "involved a failure to follow established safety procedures..." The government maintained that "decisions regarding safety measures within Carlsbad Caverns involved the balancing of competing policy concerns and therefore these decisions involved a discretionary function which is insulated from judicial review." The U.S. Attorney moved for dismissal on the grounds that the court was without jurisdiction to hear the case because the decision to design the trail without rails involved "an exercise of discretionary decision making", which removed the action from the purview of the Federal Tort Claims Act.

"The government contends that the decision respecting the design of the trail involved the competing policy commands of providing for visitor safety while at the same time preserving a 'cave experience'," the court said in its judgement. "Such a balancing is precisely the kind of decision the exception to the waiver of sovereign immunity is designed to protect, the government maintains. Plaintiff argues that the local park officials did not have the discretion to effect such a balancing, that the decision to place handrails had already been made and codified. Plaintiffs point to rules promulgated pursuant to the Occupational Safety and Health Act (OSHA) and Park Service rules which require handrails."

"The Court is troubled by plaintiffs' assertion that OSHA regulations should apply to the Park Service on an across the board and mandatory basis," the judgement continues. "First, plaintiff has offered no authority to support its contention that OSHA regulations apply to visitor safety...In addition, were OSHA regulations to apply to visitor safety, plaintiffs' argument would compel the installation of handrails along Bright Angel Trail into the Grand Canyon. Such a result would entail wholesale abdication of the Park Service's responsibility to preserve the national parks."

"The Park Service's decision not to place handrails along the trail where Mrs. Danford fell was grounded in social and political policy," the court concluded in dismissing the case. "...the Park Service had to weigh the competing interests of visitor safety versus preservation of the cave's natural beauty. No regulation cited to this Court conclusively dictated that a handrail was required at the area in question. For this reason, such a decision remained within the discretion of the Park Service."

025 Stats

Here's the most recent breakdown of the number of GS-025 positions in each grade. The figure in parantheses indicates the increase or decrease in the number in each position between September of 1985 and May 23, 1988:

GS-3	30 (-19)	GS-9	608 (-10)
GS-4	147 (-97)	GS-11	403 (-18)
GS-5	758 (-23)	GS-12	268 (+3)
GS-6	40 (-227)	GS-13	150 (-11)
GS-7	583 (+291)	GS-14	71 (-1)
GS-8	2 (-1)	GS-15	47 (+1)

The total for all grades is 3,107, a decrease of 118 from the number of GS-025's in the NPS in September of 1985. The number of GS-7's has doubled from 292 to 583 since the new 025 standards began to be implemented.

Briefly...

- Butch sends his thanks to all of you for providing a quick response to his informal training needs survey. The information proved invaluable in establishing training priorities for the coming year. He also extends his appreciation to those parks replying to his request for information on how many have lifeguards; he has since added Acadia, Natchez Trace, Pictured Rocks and Whiskeytown to the list of areas with "guarded" beaches.
- NPS-4, the diving guideline, is now off press; it was mailed to regional diving coordinators on the third week of May.

\* \* \* \* \*

The Ranger Activities Information Exchange is produced by the Washington Division of Ranger Activities. Walt Dabney, Chief Ranger. Address letters, comments and inquiries to: Bill Halainen, Ranger Activities (650), Stop 3310, National Park Service, Box 37127, Washington, D.C. 20013-7127; (202) 343-4874.