

The Protection Ranger



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

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NPS RM57

The situation with the National Park Service's RM 57 program of medical standards has now reached the point where the US House of Representatives favors the position of the Fraternal Order of Police and wants the NPS to change. Thanks to the hard work of many Lodge members, and particularly those of the Lodge RM57 Committee, the House subcommittee which deals with the Budget of the NPS has urged "grandfathering" of all officers on duty when the program was put into effect.

"The Committee is concerned about the effect that the RM-57 Policy related to medical standards for park rangers is having on the morale of all rangers and on the retention of experienced and otherwise qualified rangers. The Committee encourages the Service to consider additional changes to the standards including applying the standards to new applicants only."

The Lodge has recently learned that Senator John Warner of VA will not only support the House language but will work to see that this language is preserved in the US Senate.

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Representatives Nethercutt of WA and Regula of OH deserve the grateful thanks and support from the members of this Lodge. The representatives and their staffs have taken substantial amounts of time - time taken from other duties - to listen to us, evaluate our claims and concerns, and take this action of our behalf. This is an unusual step for Congress to take, they do not enjoy micro-managing, but they recognize that the NPS is not managing the law enforcement program in a manner to promote efficiency and to achieve agency missions.

NPS management has long maintained, and we at the Lodge have opposed, that all officers must be brought under RM57. We have been told it's impossible to "grandfather" existing employees. We believe the opposite is true.

In a discussion with a manager of law enforcement at the US Forest Service, the Lodge was told that it was illegal to impose standards on an existing workforce and that new standards should only apply to new hires.

Here are relevant sections from the US Forest Service Health & Fitness standards that went into effect after the NPS RM57: "5373.41 - Pre-Employment Medical Examination Not Required. Forest Service law enforcement personnel are exempt from the pre-employment medical examination requirement provided they occupy a full-time law enforcement position with the USDA Forest Service prior to the effective date of Amendment 5300-2000-12 (July 27, 2000).

5374.11 - Fitness for Duty Medical Examinations. Fitness for duty examination standards apply to all law enforcement

personnel under special retirement provisions (5 U.S.C. 8412(d)). When law enforcement personnel are unable to successfully carry out their assigned duties as a result of a physical impairment or medical condition, the Washington Office, Director of Law Enforcement and Investigations (for employees assigned to the Washington Office) or the Special Agent in Charge (for employees assigned to a Region) may, at any time, require that employee to undergo a fitness for duty medical examination for the purpose of evaluating the employee's fitness and ability to successfully carry out the assigned duties. All fitness for duty medical examinations shall be in accordance with agency standards and procedures for medical examinations (FSM 5374.3)."

All existing officers of the USFS were grandfathered into the system. The Lodge has long maintained, and are now being supported by Congress and other federal agencies, that the NPS can only remove officers for medical and physical conditions that adversely affect performance. This is nothing new: It's the way business has been done for decades and is the only fair way to proceed. The annual review process says definitely whether or not an officer can "safely perform the key elements of the position with or without accommodation" and to make officers jump through medical hoops at mid-career is demeaning, injurious to morale and agency mission, and downright unnecessary and a waste of taxpayer money.

The Lodge will support any member whose annual appraisals and consulting physicians say he/she is fit for duty and the NPS - without medical documentation

- takes his/her job away.

Notice of Lodge Elections

The Lodge will hold elections for Lodge officers at the end of 2001 and the newly elected officers will take office no later than April 1, 2001.

All offices will be filled by election: President, Vice President[1], Vice President[2], Treasurer, Secretary, Trustee, Director [must be a VA resident], Guard, Chaplin.

If you are considering standing for election, please phone me at 800 407 8295 so that I can discuss duties, responsibilities, and expected level of commitment with you.

As you know, the commissioned officer of land management agencies seems to be under attack by many departments. Lack of funding, inadequate managerial support for professional law enforcement, retaliatory health and fitness standards in the case of the National Park Service, and refusal to grant back 6[c] credit are some of the challenges officers are facing. The Lodge is in the forefront - seemingly alone on some issues - in working to improve the working conditions of land management officers. We need committed officers in the Lodge to shoulder the burden on behalf of the membership.

Over the years, the Lodge has helped many of its members on an individual, ultra-confidential basis. Required occupancy of government quarters, 6[c] claims, assistance in protecting careers in the face of the NPS RM57 policy, assistance when facing an adverse action are some of the areas where the Lodge has made a positive impact in members' lives. Isn't it time you gave your time and skills and energy back to the membership in running for Lodge office?

Please seriously consider serving in some capacity... Carry on the US Ranger Lodge tradition of service to the community of land management officers. Incumbents interested in re-election should also

contact me. There will be an increased time commitment needed in the next year.

FOP Legal Defense Insurance Covers 6[C] Turndowns

The Lodge has just learned that the legal staff at Passman & Kaplan has succeeded in persuading the risk management company employed by Hylant Maclean, the insurance carrier, to cover the legal expenses involved in fighting turndowns of past 6[c] coverage.

As many of you know, hundreds of park rangers of the National Park Service have not received approval of their law enforcement time prior to 1994. This approval period has lasted since 1989 and is very disruptive to career and retirement planning to say the least. Several Lodge members have unexpectedly not been given credit for their law enforcement work prior to 1994 although it's clear to all that they have been officers and firefighters throughout their careers.

The lawyers at Passman & Kaplan have gotten approval to have their legal expenses covered by the insurance plan designed by the Grand Lodge of the Fraternal Order of Police and offered by Hylant Maclean. This is a major step for Lodge members to appeal the adverse rulings affecting their 6[c] time. If you have the insurance, and hundreds of our members do, and have received an unfavorable ruling concerning your past law enforcement/firefighter work, you may wish to contact Passman & Kaplan at 202 789 0100.

Valuable Tip for Officers

Every time I make an arrest or see another officer make an arrest and put the suspect in the cage compartment we are at risk. Not from the obvious prisoner resistance, but from the car manufacturer design. The seat belt fastener mechanism is on the opposite/inside side of the prisoner. Most, if not all of us, have SOP's requiring us to fasten the prisoner seat belt.

Think about it. After performing a search on the prisoner and disarming them . . . what weapon is left to them when they are handcuffed? Their teeth!!!

When we have to reach across them and place our head in front of the prisoner we are at risk of a severe bite from them.

I suggest everyone remember this until such time as the seat belts in police vehicles are reversed and the buckle fastener is on the outside near the door.

Transferring with Park Purchased Handgun

The Lodge sent the following email to Associate Director Dick Ring. We received a prompt and thorough reply from Dennis Burnet whom Mr. Ring asked to respond. As you read the Lodge's letter, you can see that problems have arisen based on standard property accounting standards. It is not unusual that park property officers would look askance at allowing park purchased equipment leave the park just as you can see that an officer would want to retain his personal handgun. The reply stated that a procedure is already in place to address the problem outlined in our letter and that park management need only contact WASO if a dispute arises.

The bottom line is this: If your park purchases a handgun for you to use as a duty weapon, you may transfer to your next assignment with this weapon. Check to see if your weapon is registered on the national NPS registry...don't wait until you are transferring to do this.

The Lodge was told that a memo from the WASO Administrative Branch detailing this program will soon be issued.

The Lodge appreciates the prompt reply to our concerns from the Mr. Ring and Mr. Burnet.

Dear Mr. Ring:

I believe there is a problem with the

issuance of NPS handguns. We have a solution to offer and I hope you will consider it. The problem arises when a park issues a hand gun to a commissioned ranger and then wants it back when the ranger transfers. Many rangers become used to this particular weapon and want to retain it throughout his/her career.

When a ranger is issued a hand gun at FLETC and the park accepts this as appropriate for that park, then there is not problem because the ranger retains this weapon and it is carried [I think] on the FLETC inventory. The NPS should consider a national weapons cache and inventory system. An issued weapon could be tied to the commission/credential system. We also wish to retain the policy that allows a ranger to have a choice of weapons consistent with park needs.

When the ranger arrives back in his/her home park after FLETC and the park purchases the ranger his/her weapon of choice, that weapon should be placed on the national inventory system and not have it tied to the park's inventory. This would make transferring with the weapon easy and would maintain the integrity of the inventory. The tracking of the commission, credential, and weapon would be as a package.

We would like to see rangers' weapons transfer with the ranger when the individual ranger so desires it; we are hoping what we propose here addresses that need.

Randall Kendrick, Executive Director,
National Park Rangers Lodge, FOP

Age 57 Committee

The Lodge's committee on the age 57 restriction for seasonal officers is making good progress. The NPS and perhaps other agencies has told officers that they cannot work as seasonals because 6[c] prohibits officers from working past that age.

The Lodge has long disagreed.

Seasonals are not under 6[c] - they should be but that's not our decision to make - so this retirement program should not apply

to them. An agency should not conflate the two because they are not related. A recent court decision at another agency dealing with firefighters has ruled that simple age alone cannot be used to screen out applicants for firefighters.

We have seen movement within the NPS that might indicate a shift to the Lodge's position. This important struggle is perhaps at a critical point and we are very hopeful that officers can be hired even if they have passed their 57th birthday. We very much want to see this settled without a court fight. We want to let our seasonal members know that we are working on this issue, we have dedicated and skillful members spending vast amounts of personal time to win this, and that an attorney knowledgeable in this field has been put on retainer.

Holey Envelope Stickers!

Help us promote support for the law enforcement programs of land management agencies . . . The enclosed stickers are intended for use on interoffice mail envelopes -- "holey envelopes." Rather than crossing out names, put on a "Support Land Management Law Enforcement" sticker.

These envelopes get circulated for years through all divisions, regional offices, and WASO. If thousands of holey envelopes display the message, we hope to build support for our cause, and as a fringe benefit, drive ranger-haters nuts.

Ranger Suicide Rate

The Lodge has long been aware that the suicide rate among park rangers seems to be abnormally high. We can't tell for sure without a study but a health and safety issue like this needs to be explored. To pursue this, the Lodge sent a letter to Associate Director Dick Ring. We received a very

prompt and responsive letter in return. To save space, we won't print the full texts of each letter but will give a synopsis and a couple of quotes. The Lodge is thankful for Mr. Ring evaluating our suggestion and hereby thanks him.

Mr. Ring writes, "I am asking the NPS Associate Director, Administration, to conduct a review and report on the rate of suicide of all NPS employees in the past ten years . . . A quick check of NPS personnel deaths has revealed that they do not track any information relating to suicides or employee deaths . . . I have spoken with Acting Director Dennis Galvin and he supports this review and we look forward to this report."

We all remember suicides when we hear of them but we don't know if rangers and other NPS employees suffer this fate at a rate higher than the population as a whole. With some of our memories of NPS activity approaching the 50-year mark, the telescoping effect may be playing tricks on us. At any rate, the matter will be studied and we look forward to the report and any recommendations it may make.

Wireless Program

The Lodge has discovered that the NPS Radio/wireless program is not properly funded and it has now been declared as having a material weakness affecting life and safety of field level employees by the wireless program manager. The Lodge wants to know how many more service wide material weaknesses exist that affect their life and safety of our field employees. We have learned that the Wireless program manager is being brought into Washington to meet with the Associate Director for Operations. Possibly, this is to discuss his memo outlining the safety hazards in the radio system, but more than likely to be chastised for speaking out. We will go to Congress to protect such honesty if needed.

The Lodge knows that no budget request to repair these safety hazards can be prepared before FY 2002 thanks to NPS

management leaving this major safety issue out of the budget process yet again — despite being brought out seven months ago by the IACP — and years ago by the Lodge. We know that the Fire program was able to present its budget request and get it entered into the process this year. Rangers want to know why was not the wireless program given equal treatment. A ranger in Hawaii lost his life because of inadequate radio communication. Hundreds more are at risk each day. Who is making these life and death decisions? Why do we tolerate such callous disregard for our lives, our safety, and the safety of the public?

Parks Canada Parks Wardens

Parks Canada national parks are staffed by park wardens. They have been struggling with problems that those of us in US land management agencies would recognize. Their struggle has just taken a bizarre and unwelcome turn...

As some of you are aware Canadian Federal Park Wardens are no longer doing any law enforcement. The RCMP have been called in (at a cost of 40 million for two years) to do all law enforcement work in our national parks. On February 1, 2001 a Health and Safety officer release his direction to Parks Canada after a 7 month long investigation. He found that, with the absence of proper protective equipment, like sidearms, Park Wardens are unreasonably exposed to "danger". He essentially ordered Parks Canada to immediately remove its Park Wardens from all law enforcement duties until the safety deficiency is corrected. In summary, since that ruling Parks Canada has appealed the decision and entered into an agreement with the RCMP to secure 140 officers from existing detachments to come to our national parks and do all law enforcement duties. The date for the appeal is the last two weeks in August 2001.

The NATIONAL PARK WARDEN ASSOCIATION is looking for your support!

- The National Park Warden Service is responsible for the law enforcement program that strives to protect our heritage resources and visitors in our national parks and some national historic sites.
- For well over ten years, Park Wardens have been trying to improve their level of safety, training and equipment related to law enforcement in order to attain a reasonable standard of occupational safety that is already the norm in almost all agencies where officers perform similar duties and are exposed to similar risks. After exhausting all other options, a Canada Labour Code complaint was filed because Parks Canada had steadfastly refused to issue sidearms and related training to Park Wardens. Park Wardens already carry handcuffs and other defensive safety equipment such as batons, pepper spray and soft body armor.
- On February 1, 2001 the Health and Safety Officer filed his report. He found that, with the absence of proper protective equipment, like sidearms, Park Wardens are unreasonably exposed to "danger". He essentially ordered Parks Canada to immediately remove its Park Wardens from all law enforcement duties until the safety deficiency is corrected.

The situation today:

- Parks Canada has ordered its Park Wardens not to conduct any law enforcement duties, including patrolling, investigations and information gathering.
- Parks Canada is currently analyzing the implications of the safety ruling and has decided to appeal the ruling. In the meantime, the RCMP and other police agencies have been asked to step up their law enforcement efforts.
- It is apparent that police forces are presently incapable of providing a level of law enforcement service that Park Wardens normally provide. They do not have adequate staff to do the job properly. Neither are police forces equipped, trained or even inclined to effectively conduct natural resources law enforcement in our national parks.

Why should I be concerned?

- Virtually nobody is monitoring our national parks for poaching activities or habitat destruction. Winter is the prime season for some violators to access remote areas of our national parks. When spring and summer arrive so will more wildlife and visitors to our parks. Who will enforce angling regulations and protect other flora and fauna, including members of several endangered species?
- The future role of Park Wardens in national park law enforcement is uncertain. Park Wardens have been performing this function for over 100 years and are uniquely qualified and dedicated to provide this service effectively from within the Parks Canada system. One thing is near certain - whoever provides national parks law enforcement services from now on will be equipped with defensive sidearms. .

For more information contact Mark Halley President of the National Park Warden Association by sending email to president@npwa.ca.

IACP Update

Nine months after being presented with recommendations to enhance the safety and effectiveness of the NPS law enforcement program, zero recommendations have been implemented.

The National Park Service has failed to include any IACP recommendations, including those in the Thomas Report in OFS budget planning for FY 2002.

WASO-RAD has advertised a detail position to continue "implementation planning," including budget development. We wonder why the NPS has ignored the budget planning that was done in the Thomas Report, has failed to implement items that require no budget planning, and have not used the NPS budget office to develop budget figures to implement IACP recommendations.

We will be reporting this failure to act to congressional representatives as both a risk to rangers and a waste of IACP study money. The NPS should also be aware of its liability for failure to act on these important safety recommendations.

Delaware Water Gap Chapter

"On Tuesday, June 5th, 2001, the Delaware Water Gap Chapter of the Fraternal Order of Police hosted its seventh annual triathlon at the Delaware Water Gap National Recreation Area. The triathlon consists of a 3½ mile, 2 person, canoe segment down the Delaware River, followed by a 3½ mile run, and anchored by a 6 mile mountain bike race. This year there were six, 4 person, teams competing in the events. The 24 competitors consisted of NPS Rangers, Dispatchers, and Interns from Delaware Water Gap NRA (DEWA), Statue of Liberty (STLI), and Upper Delaware S&RR (UPDE). Also competing in the events were Rangers from State agencies such as Worthington State Forest and Stokes State Forest, and Firefighters from the NJ Forest Fire Service. One spouse of a Ranger also competed. Approximately 60 people attended the event.

This year's overall winning team consisted of four Park Rangers from Delaware Water Gap, with a record breaking time of 1:07:43. Team members were Michael Croll, Edward Appel, Ronald Matthews, and Joseph Hinkes. Their names will be added to the plaque with all the past and future winners of the triathlon, which is displayed at the Bushkill Visitor Center at DEWA (see photo). Congratulations to the winners and all of the competitors - many attained personal and event best times this year. Great weather, good friendly competition and hard work made for a very successful event.

Plans for next year's triathlon are already underway. Anyone interested in competing or would like more information and details about DEWA's triathlon, please contact Mike Fernald — Delaware Water Gap Chapter President at (973) 948-6500 The Chapter sponsored brother

Chris Kross to attend the Police and Fire Games. . He competed against 34 other individuals in his class and placed 9th overall. Several countries were represented at the games including USA, Finland, Germany, Switzerland, Spain, and a couple of others. The Chapter is proud at Chris's placement among so many strong competitors from all over the globe. Chris is a fine example of the type of caliber of Ranger the NPS has and that the FOP support. Contact the Lodge if you are interested in starting a park chapter.

Ten Most Dangerous Parks

This Lodge news release had a major media impact. Stories based on this news release appeared in newspapers in Tucson, AZ, Los Angeles, CA, Harrisonburg, VA, Dallas, TX, Corpus Christi, TX, Boston, MA, and others who picked up the Associated Press wire report.

Multiple television and radio stories appeared through the week in Arizona. The full text of the news release is at the Lodge's web site. In addition, localities like Corpus Cristi, and media like the Associated Press are doing additional stories on safety related issues in national parks because this news release piqued their interest and that of their audience. The Lodge will repeat this ranking next year, and for as long as the NPS fails to implement changes needed for the safety of the workforce.

Thanks to all the members who sent in material for this initiative. We hope that next year all the members will contact the Lodge with information about what's going on in their areas.

"The Lodge mourns the passing of Irv Tubbs at DOI. Irv was always a supporter of ranger law enforcement, a supporter of the field, and a proponent of quality."

PLEASE DO YOUR PART!

The House Interior Appropriations Subcommittee (Skeen) has adopted language in the FY2002 bill that advises the National Park Service to make changes to RM-57. Changes include the "grandfathering" of rangers in permanent positions as of the date of the implementation of the medical standards program. The Committee has expressed concern that permanent employees with experience and positive work records are being adversely affected by RM-57.

PLEASE TAKE THE TIME TO WRITE to your congressional representatives and senators thanking them for their support and encouraging their continued support of the language in the House Interior Appropriations Subcommittee bill (Skeen). You can find your representative's address by going to the NPS Website, click on Infozone and then click on legislation. Please send copies of your letter to George Nethercutt R-WA and Ralph Regula, R-OH.

YOUR SUPPORT IS NEEDED NOW!



Lodge Website

Brother Duane Buck has built and maintains the Lodge website. We keep it updated with notices and links to other sites that we think are interesting and/or helpful to resource based law enforcement officers. Visit it often between issues of the Protection Ranger to keep current on things that affect you and your job. The address is www.rangerfop.com

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: _____

Permanent Rangers: \$52/year

Seasonals and Retired Active Members: \$35/year

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

Renewals: You do not need to send in this form to renew. Enclose a copy of your Commission (new members only).

Agency and Work Unit: _____

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

Phone: 1-800-407-8295 10am-10pm Eastern Time or email randallfop@ls.net



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