

The Protection Ranger



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

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RM-57: Congress Intervenes

As we go to press, the Interior Appropriation Bill (H.R. 2217) has been sent to the President for his signature. At the urging of the Lodge, Congressmen Regula and Nethercutt added the following language to that Bill:

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.

Senator John Warner of Virginia fought to see that this language was retained in the Senate version of the bill and in the committee reconciliation bill. The Lodge and its members are continuing to successfully chip away at some of the

more unfair aspects of RM-57. It has been a long struggle and one that commissioned rangers should not have had forced upon them. Not grandfathering rangers into the program may be retaliation for rangers besting senior managers in the fight for 6[c] status.

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– H.R. 2217

Witness: The NPS has offered a Lodge member a generous settlement in an RM-57/EEO case where he was illegally denied a position that had been offered because of a disability. The speed with which the offer was made - literally within days of filing in federal court - is most unusual.

Witness: The House of Representatives has included language urging the NPS to grandfather its existing ranger force into RM-57 as other federal LE agencies have done.

Witness: An official of the US Forest Service has sent the NPS details of its program where all officers were grandfathered, with the legal opinion that it is illegal *not* to grandfather everyone. The NPS officials have long maintained - without legal justification - the exact opposite. Not one NPS official has had the courtesy to respond

to the USFS even though the NPS asked for the information in the first place.

Witness: Four law firms have looked at RM-57 on behalf of ranger/clients. All, after looking at 5CFR339.204 and other regulations, say that the NPS has promulgated a program that is inconsistent with law.

Witness: The NPS has been caught unprepared for the national emergency and does not have enough commissioned rangers to respond outside the parks. To have rangers shelved because of RM-57 and the Goldhagen/Davies/WASO axis, compounds this maladministration

The wording of H.R. 2217 on medical standards is another Lodge victory for rangers. However, this is a long and continuing process and members have to be patient. I think that as members win more court cases, and perhaps getting a federal judge to rule on RM-57, will bring our desired result.

Age Cap Lifted for Seasonal Rangers

by George Durkee
Lodge President

Through the determined efforts of Lodge members, being an aging seasonal law enforcement ranger just got easier. On October 23, Associate Director Dick Ring sent a memo to all Regional Directors and parks revoking that part of DO-57 that requires

Inside This Issue:

Age Cap Lifted for Seasonals ..	2
Manhattan Sites 9/11	2
Desert Training	3
The Morgenson Search	5
Army Corps Guards Unarmed ..	7
DOI Reorganizes LE at Top ...	8
Exempt or Non-Exempt?	

seasonal rangers to leave their law enforcement positions upon reaching age 57. Lodge members Michael McHale and Carleen Gonder were especially instrumental in bringing this about. They were assisted by the Congressional letter writing efforts of Gary Anderson and a number of other seasonal rangers whose jobs were threatened.

Ranger McHale made a number of phone calls to Dick Ring to tell him of the unfair situation DO-57 created for seasonals: that, even though they may continue to pass the physical fitness requirements, they must leave their job at age 57 – even though they're not covered by the 6(c) retirement system.

Michael also consulted with the same law firm that represented several NPS employees who were prevented from being on fire crews after age 57. As you may remember from our report last spring, those employees performed firefighting as a collateral duty and challenged DO-57 as illegal on two points: it discriminated against them based on age and Congress did not intend the original Act to apply to secondary duties. The court agreed and directed the NPS to end that practice.

As a result of Michael's calls to WASO, Associate Director Ring asked for an opinion from the Solicitor's office and was told: "the NPS should modify its policy so that employees with law enforcement responsibilities, that are not in 6c-covered positions, are not bound by an age restriction." Ring then instructed Regional Directors that: "Effective immediately, age restrictions as found in D.O. #57 on the performance of law enforcement duties by employees who are not "covered" by enhanced 6c annuity benefits retirement, will not be applied. These employees may continue to work past the age of 57. Such employees, however, must

continue to meet all other requirements of the Director's Order (e.g. medical qualifications)."

Effective immediately, age restrictions as found in D.O. #57 [for seasonals] will not be applied. These employees may continue to work past the age of 57.

Associate Director Ring

Congressional inquiries also helped this successful outcome. Working on behalf of the Ranger Lodge, Carleen and Michael organized other seasonal rangers to write their Congressional representatives. One, Senator Conrad Burns of Montana, was especially sympathetic and helpful, following up on requests to investigate this situation and keeping his constituents informed of progress.

Once again, what has clearly been shown is that it's always possible to change the system to be more responsive to the reasonable needs of field rangers. Once again, we learn that the Ranger Lodge's strength is individual members putting time, effort and expertise into a cause they believe in. Congratulations and thanks to all involved!

Manhattan Sites on September 11, 2001

by Christopher Keenan
Supervisory Park Ranger
Manhattan Sites

My name is Christopher Keenan and I am the Site Manager of General Grant and Hamilton Grange National Memorials. These are two of six sites which comprise the Manhattan Sites. These six sites are spread across New York City and are managed by a

Superintendent, independent of the Statue of Liberty and Gateway NRA. I am also the park's only commissioned employee. Like most rangers, I wear many different hats. On September 11th, I was preparing for a park staff meeting at Federal Hall NM (also park HQ), located on Wall Street. Since I was riding a desk all day, I was wearing my defensive gear "Chief Ranger style" (off duty holster, cuffs, and magazine) and I was in Class A dress uniform.

After picking up some paperwork I took my unmarked government van and began driving south to Federal Hall. As I approached the southern end of the West Side Highway, I was greeted by black smoke and fire rising from one of the Twin Towers. I immediately cell-phoned Federal Hall (which was about four blocks from the WTC) to tell them there might be a major incident unfolding and to prepare for some emergency activity around the Wall Street area. I drove off West Street in an attempt to get out of the way of the responding fire and police vehicles. Unfortunately, I turned down a street that was showering glass and steel from the tower.

It was then that I heard an explosion overhead. I turned around and parked my van behind the World Financial Center. People were running around madly, screaming that we were under attack. Several civilians ran into my vehicle, bouncing off like rubber balls, just to continue running. The O'Shit factor kicked in and I reached into the back seat, grabbed my helmet and my EMS kit. I remember staring at the kit thinking, should I go around the corner to the WTC and lend a hand. Then I thought, no, there are hundreds of firefighters at the scene and I would only get in the way. So I left my kit in the van and ran towards Wall Street. (A decision that I feel saved my life).

It took several minutes to walk only a few blocks. People were running everywhere and traffic was at a total standstill. On the corner of Rector Street and Broadway, I had to assist an NYPD officer in moving traffic. I finally arrived at Federal Hall to find the site closed to the public (thank God). Everyone already figured out that this was a terrorist attack and we needed to prepare for what was next. There with Steve Laise, Chief of Interpretation, we developed an immediate plan. The site will remain closed to all public, we would utilize the interpretive and maintenance staff to conduct a bomb search of the site, and we would ask all NPS personnel to stay on site.

Steve Laise, Laborer Daniel Merced, and I were on the corner of Wall Street and Nassau when we heard a terrible rumbling noise. Looking up Nassau, I saw people running from a huge grey cloud of smoke. We all ducked into the basement door and were pushing civilians to safety inside our site. As the cloud rushed towards me I really thought this was a nuclear explosion and that we were going to die. As the cloud hit, I shoved the last civilian into the door and shut it behind me. Even during this terrible time, someone found humor. I was doubled over coughing when a citizen said, "Are you the National Guard?" I responded, "No, the US Park Service." He looked at my uniform for a second and said, "And you signed up for this!"

The O'Shit factor kicked in and I reached into the back seat, grabbed my helmet and my EMS kit.

The entire park staff immediately responded to the injured persons. Over the course of the next hour, over 200 persons come through our doors

looking for help, including two pregnant women in distress, several injured fire and police personnel (one injured K-9 officer who was grieving the loss of his dog), many persons with cuts, bruises, and sprains, and numerous asthmatics with breathing difficulties. (I was later to find out that Laborer Merced gave out his own asthma inhaler to several victims). Our supplies ran short and I kicked myself for not bringing my EMS bag. People kept streaming into the site, covered head to toe in dust, including our Park Superintendent!

I have never had the feeling of being totally alone. Although the park staff were performing above and beyond the call of duty, I was still the only law enforcement person at the site. The feeling of responsibility was pretty heavy. In a city with 44,000 police and thousands of firefighters, we were totally alone. The streets were covered in "fallout" and the walking wounded were everywhere. I remember seeing a group of firemen staggering down Pine Street. They were looking for something to rally by: a fire truck or an officer. Their uniforms were in pieces and several of them were bloodied. I now know what Civil War soldiers looked like after combat.

I don't know when, but two officers from the US Park Police arrived with a vehicle. At the same time an ambulance arrived. The most serious were taken to a hospital and the rest of the injured were transported to a temporary medical facility in the US Federal Reserve. (First time in my life I saw several US Federal Reserve Police fully armed with long guns and in riot gear standing post on the street).

After several hours, the last of the civilians left the site. I volunteered to stay overnight with the USPP in case they needed access to any part of the building. At around 1630 I walked

toward ground zero to find my vehicle. It was parked about 200 feet from where the rubble had fallen. The pictures of the site, the rubble, the fire; they will stay with me forever.

If anything good could come out of this experience is my pride in the NPS and its personnel. I saw individuals take on the stress of the incident like professionals. Every staff member, from every division, did their part. No one lost their composure or their cool. Now, we will bump into workers on Wall Street and they will say thank you for helping us in their time of need. It makes me proud to know that during the worst attack in American history, the NPS and Manhattan Sites staff were there to do our small part to serve the public.

Cheto's Training in the Desert 2001

by Norm Simons, GGNRA

Having recently returned from a two week training in "Cheto's School" in Tucson, I want to share a few insights into this very significant "Special Operations" training.

Most of us are now aware of the recent IACP study and the significant recommendations made by the committee. Given the recent events in our country, this training and team building is very important to the mission of the NPS.

When I was selected for Special Ops, I received a phone call from Cheto (Aniceto Olais, Chief Ranger Zion), as did all applicants, which this year included 6 members of the BIA Special Response Team. Cheto advised this would be a fun, but intense class that required a positive attitude and willingness to work. Other

prerequisites included at least 3 years of permanent law enforcement experience, an M-16 qualification, and a recent PEB (fitness is a requirement for this course). Upon graduation your certificate will read 100 hours of training. Plan on 20-30 more "unofficial" hours. Days are long and the desert, even in March, can be hot. The first week was in the 80's. The first day in the second setting (you will visit three areas during training) was 94 degrees and we were outside all day. Most of us wore body armor and tactical vests, along with camelback bags, for all field work. Maximum classroom time was 4 hours. The 2nd week the classroom is out in the desert!

Cheto brought out an impressive array of instructors. Dan Dellenges to prep us for the late day formation runs in the desert. Captain Joe Robinson of Orlando PD is a highlight. This was the third time I had the benefit of his instruction. His credentials include Special Law Enforcement Assistant to the Mayor of Orlando (and infinite national and international political connections). His specialty is instruction of national and international police training. His SWAT background and building entry techniques are truly phenomenal. His team building exercises were not only fun, but had a very strong effect on the final two days of training. Fred Moosman, supported by Dellenges, provided expert M-16 rifle instruction. Mark Speier of Big Bend provided excellent resource law enforcement instruction and information on related issues.

Bob Marriot provided political guidance and mentoring, as well as firearms training and scenario development. Chip Davis provided updates on the latest surveillance equipment and provided expert Technicians to demo equipment. Mike

Sharp, SA from Glacier Bay, assisted by Cheto and Joe Robinson, instructed extensive advanced NLTA drills, and many advanced handgun drills. Then there were the ARPA, Officer Down, and building entry scenarios.

And this all in the first week.

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Week two moved into an advanced mode. Instructors included 5 US Army Special Forces Personnel with experience from all over the world. They instructed day and night team movement and combat tactics that were extremely important the last two days of the course. They reviewed the perishable skills of mapping and compass, camouflage, with practicals at each level of instruction. They did find it interesting that trained federal officers walk around with yellow blocks in their M-16s (18 year old Army privates routinely walk around with loaded weapons), and that rangers, prior to insertion with a Helo, are required to wear nomex. Like military and rangers everywhere, they are befuddled by politics that compromise reality training.

Cheto also brought in several Native American US Customs experts in tracking to demonstrate and teach tracking techniques, and tactics used by the bad guys to avoid detection. How many of you can track one person in the midst of a large group? This is just one of many lessons learned from these skilled artists.

We also had an opportunity to use night

vision equipment to detect "bandits." Conversely, we used our Special Forces training techniques to approach within yards of classmates using NVG to locate us in the semi- open desert under night desert conditions.

The last day, about 19 hours, included a border operation. Using the team building techniques taught by Robinson, and movement techniques by the Special Forces, each team, locked and loaded, hiked into an observation point just before dark. The areas included heavy drug traffic and numerous undocumented aliens (UDAs). In my 20 years of NPS law enforcement and two years as a Military Policeman in the desert, I have never moved across such open terrain with a team that moved so quietly, shadow-like, both day and night, moving fluidly in an area ripe with not only drug traffickers and UDAs, but with cactus everywhere. One team actually captured 6 of 20 UDAs they came across. The sunset over the desert from our OP/IP was breathtakingly beautiful. Moving silently to an extraction point in the dark using compass and GPS in the early morning hours was like magic.

The teaching point of all of this is that in just two weeks, Cheto and his staff took complete strangers and bonded them into teams that functioned very well together. We utilized all of our training during the night operation.

How does this relate to the IACP report? Professional training, teamwork, planning, tactics, weapons, communication, skill development, and the willingness to try new ideas and techniques. And we worked with a highly skilled BIA team. I was particularly impressed with their capabilities and their equipment. They supported all of us as we supported them. Sound familiar? If it doesn't, it should. I personally learned my own

strengths and weaknesses, and that of my team, and how to blend together in an effective team. It is something we do all too little of in our own parks, and was emphasized by the IACP report.

One issue rang through loud and clear in the training. The old school that brought so many changes to the NPS (and I have been around to see most of them) are retiring.

If we are to continue to grow professionally, WE, the field ranger staff of ALL parks need to stand together if we are to make the recommended changes. We spend too much time fighting about how bad things are in our individual parks. We need to see the bigger picture, and press for what is good for all law enforcement rangers nationally.

Folks, if good things happen and become policy, it will flow downhill to everyone. I especially challenge those supervisors and field rangers in their last few years of service to become more active and push for the much needed improvements. Be patient, pick your battles, educate yourselves, develop the staff in your parks. Every Team everywhere has strong members and weak members. Bring up the level of the weak members and the team will grow in strength. So will we nationally. Be Safe!

The Search for Park Ranger Randy Morgenson: A Review

by George Durkee

As many of you know, in July of 1996 Park Ranger Randy Morgenson disappeared while on backcountry patrol in Kings Canyon National Park.

In spite of two massive searches over two years, plus continued patrols of the area by his colleagues, no trace of him was found. Until this year.

Last July a Kings Canyon trail crew climbing an isolated peak near their camp found his pack and some scattered remains in a stream. An investigator and several backcountry rangers were flown into the site to collect the remains and try to figure out what happened. The Lodge has published a number of law enforcement related safety recommendations over the years. I believe a review of Randy's death will provide some safety reminders to us all as well as considerations for future SARs.

I work as a backcountry ranger in Sequoia Kings and was with the first group of rangers to begin the search for him when he was overdue. SEKI backcountry rangers work at remote stations—going into the backcountry in June and staying, usually without a break, until early October. We are assigned a large area often encompassing 10 to 20 square miles of rugged terrain at high altitude (10,000 feet and above). We cover our area either on day hikes or multi-day overnight patrols. We check in once each day by radio. SEKI policy is that if a ranger is not heard from for 24 hours (missing two check-ins) another ranger will be sent to check on that ranger's status.

Although there are repeaters throughout the park, transmitting ability is extremely problematic over significant areas of the backcountry. In addition, rugged use is hard on our radios and failure is not uncommon—Randy's radio had to be exchanged the week before he disappeared because it had stopped working.

Randy did not check in when called on July 21, 1996. The following morning,

he also didn't respond. The nearest ranger was told to hike to his station to find out why. That ranger arrived the next morning (it was an 18 mile hike) and found a note Randy had left saying he was "on patrol" and would return to the station in "3 to 4 days." That afternoon 5 more rangers were flown in and a search began that eventually involved over 100 ground searchers, 6 helicopters, search dogs and a night-flying infrared capable helicopter. The search lasted 2 weeks but no sign of Randy was found.

That fall the area was flown again after a first snow fall. The theory was that animal tracks might be visible from the air leading to remains, but this was also unsuccessful. The following year another search was conducted, lasting about a week and involving 20 people and spending more time in technical terrain. Again, no sign of Randy was found.

Almost exactly 5 years after Randy left on patrol, a trail crew found him. His remains were caught in a stream in a bouldery area at the base of a small cataract. His radio was found about 100 feet upstream and the switch was in the "on" position. His pack, which had been washed about 200 feet downstream, was still buckled and his uniform was also still in the boulders with his remains.

Hindsight is always 20/20, but even now I don't see any major glitches in the 2 searches we did. I'll give a brief 'best guess' on what I think might have happened. I also have some thoughts on a few things we might consider doing on future searches as well as how we can more safely carry out our jobs in remote areas.

The first and the last lesson is to be careful out there. The NPS has one of the highest injury rates of government agencies. ... we almost always are working alone with backup hours or even days away. We really do have to "think safety" when we're working: work slower, more carefully and think about what you're doing.

It's all guessing, of course, but it appears Randy left his ranger station on patrol, possibly mid or late morning, heading for a nearby cirque, where he likely camped. He had not checked in that morning, probably because he couldn't transmit effectively. The area he went into is a radio dead zone, so he wouldn't have been able to transmit later that afternoon either, nor would there have been an easy place to get to and radio out from where he likely camped.

The next morning he started on a cross country route which took him over a 3rd class col which then drops into the drainage where he was found. He probably reached the top of the col by mid-morning. My thinking is that he didn't radio in when he reached the top of the col because by then it would be close enough to check-in time (11:30 AM) to wait.

There seem only two possibilities for the accident:

1. While crossing a narrow rocky gorge upstream, he jumped to cross the stream, slipped and hit his head. The mornings were cold enough for frost or ice on the rocks and spray made those rocks slippery anyway.
2. While crossing a snow bridge, it

collapsed, incapacitating him. The spot is at the bottom of an avalanche path and deep enough to hold snow late, though none of the 6 searchers who went through there can clearly remember the snow conditions five years later.

The latter is the only thing that fully explains not finding him (buried under the snow bridge and out of sight). It didn't seem like the stream would have been high enough to wash him out of the site if he'd fallen at the head of the gorge but, of course, we'll never know. Nor do any of us think the stream could have been deep enough to not see him underwater, yet we didn't... Also, it seems he'd have to have been unconscious right away – the stream didn't look like it could get high enough where he couldn't have gotten out if conscious.

Now a couple of thoughts that might help us all:

1. The first and the last lesson is to be careful out there. Randy had been a backcountry ranger for over 25 years. He had grown up in Yosemite and was likely the most experienced backcountry ranger in the National Park Service. None of us imagined finding him in such relatively "easy" terrain. The NPS has one of the highest injury rates of government agencies. Being a law enforcement ranger adds another layer of risk. And we almost always are working alone with backup hours or even days away. We really do have to "think safety" when we're working: work slower, more carefully and think about what you're doing.
2. Because we're often alone and isolated, we've got to do a better job of telling people where we are and our park has to do a better job of knowing where we are. One thing Sequoia Kings does very well

is our daily check-in and as well as a contingency plan if a ranger didn't respond after 24 hours. I've talked to rangers in other parks though, and in many cases check-ins for backcountry and even frontcountry people are haphazard and there's rarely a plan if someone is not heard from. Of the several rangers murdered in the last decade, two were found by passers by—they had not checked in and their parks had no method of keeping track of them. This is unacceptable. If individual parks don't keep track of their people, there needs to be a directive out of WASO to do so. As a result of Randy's death, we did change the policy at SEKI to additionally require backcountry rangers to leave a note at our stations with a detailed itinerary of our patrols, as well as our daily radio check-ins.

3. Immediately after the search, everyone was given time for a stress debriefing with a trained counselor. The same was done after the recovery, with not only those who were at the site, but all park employees. SEKI administrators get full marks for their continued concern for Randy's friends and colleagues. It's important to keep in mind, though, that the formal "debriefing" is probably less helpful than the continued concern and monitoring of friends and colleagues for each other. This also means that we have to take responsibility both for making sure our colleagues are doing OK in the weeks and months after a critical incident, but we also have to listen when a colleague suggests that maybe we're not doing well and may need help.

Now some practical SAR matters:

1. During a large search, it might not be a bad idea to take general aerial or ground photographs of environmental conditions such as snow levels and river heights. One of the problems after we found Randy was trying to remember the snow and river conditions to reconstruct a likely scenario for the accident. A snow bridge collapse made the most sense, but none of us (searchers) could clearly remember if there was snow in the area then, even the people who had actually gone through that area. General photographs – and not even necessarily of the specific site – might have helped to jog memories & recreate a sense of snow levels. Same with stream levels: it was hard to imagine the creek where we found him being high enough both to cause a fatality or to hide the body from searchers, yet that's what happened. Even an estimate at the time of the first SAR of cfs for feeder streams and main rivers would have helped to recreate river heights later.

In addition, actual photos of the general area would have helped Randy's wife, Judi Morgenson, in her claim for Officer Survivor's Benefits (administered by DOJ). When first filed for in 1998, benefits were denied because "the evidence submitted on your behalf [by the National Park Service] is insufficient to conclude that your husband's death was the result of a **line of duty**." [*emphasis in original*] The DOJ Determination letter also said: "the evidence submitted thus far is insufficient to conclude that Ranger Morgenson was engaged in duties which he was authorized or required to perform as a park ranger at the time of his death." I

believe DOJ was pretty clueless about both the nature of a backcountry ranger's duties and the terrain we work in. In helping with Judi's claim later, I used photos of the general terrain, but didn't have any from the actual searches.

2. Ground searchers near streams and snow should probably be issued avalanche probe poles or ski poles to actually probe behind waterfalls, around snow bridges and log jams where we can't see clearly. None of us had poles during any of the Morgenson searches.
3. On the first search, a dog apparently alerted in the area, but it was disregarded because the dog was considered tired and had to go out shortly after. It's hard to make decisions on following up on every dog "alert" but I also remember a search many years ago where the same thing happened – the handler decided the dog was alerting on another dog nearby when it turned out the lost hiker was also nearby. Perhaps we should map all dog alerts, and make sure to go back later to double check such places.

It's also worth mentioning, though, that the scent-specific dog I worked with for 2 days alerted twice to what the handler said was Randy's scent trail in a basin many miles away. There is no evidence Randy had ever been in that basin at any time during the season.

In early October this year there was a memorial service for Randy at Kings Canyon. The park presented his widow with a plaque engraved with a drawing of the peak that heads the drainage in which he was found. His recovered badge and name tag were mounted on the plaque. It reads:

Sequoia and Kings Canyon
National Parks
Randy Morgenson
Backcountry Ranger
1942 - 1996

*We Few, We Happy Few,
We Band of Brothers.*

Wm. Shakespeare
Henry V

Great Smoky Rangers Win Straight 8 Hour Shift

Lodge members at Great Smoky Mountains National Park, working through their union, have won from management the right to work a straight eight hour shift with a paid lunch period. Citing 5CFR, union attorneys became convinced that regulations call for law enforcement officers to work a straight eight hour shift with lunch being part of the shift. Relevant sections of 5CFR are: 551.432, 551.541 and with the definitions found at 5CFR550.103.

If any member wants to know more about this, contact the Lodge via email or telephone and you will be put in touch with a member at the Smokies.

During National Threat, Army Corp Guards Dams Unarmed

During the current national emergency many Lodge members have been called upon to render service over and above that which they normally provide. The Lodge is proud of its two members who have volunteered to serve a six month stint as sky marshals and we wish them well. The Lodge

also is proud of its members who have tried to volunteer for this service only to be rebuffed by NPS management.

Sincere thanks go to those reservists in the FOP who have been called to active duty. Theirs is a sacrifice of time, money and loss of daily contact with family. The Lodge wants to let its Corp of Engineers (COE) ranger members know that we deeply appreciate the service you have rendered and are rendering in protecting key elements of the nation's infrastructure. We know the trying conditions that you are serving under.

To explain to all Lodge members, COE rangers are guarding dams and waterways without defensive equipment. Management of that agency has told the rangers, in effect, "Go armed, get fired." COE installations have operated under Threatcon Charlie and Delta, the two highest of the four states of readiness, and rangers are sent there unarmed!

The Lodge is adamant that no officer should be expected to endanger his or her life guarding installations without defensive equipment. Train and equip these dedicated officers now! All members of security forces should always be properly trained and equipped. We find this situation as short-sighted as it is intolerable.

Superintendents Not Responding To National Needs

Furthermore, a memo from the Multi-Region Coordination Group on the current national emergency states: "Protecting high-risk parks, BOR dams and the DOI building has and will require a substantial commitment of resources for the indefinite future." We will not meet this commitment without the support of parks throughout the Service. Our thanks to the many parks and rangers that have already contributed to this national

effort. The current challenge is finding enough protection rangers to meet the resource orders that have been submitted. For example, for the week of October 22, only 19 protection rangers were available to meet resource orders for 127 rangers needed over the next 2 to 3 weeks to cycle out the rangers currently deployed. Of the 24 rangers needed during the week of October 29 none were available. Eight of the Service's 10 special event teams are deployed or just recently released from incidents, and 2 teams are being held in reserve to meet regional or national response needs. While some parks have sent many to assist in the effort, some with considerable staff have failed to send any rangers. Why?

Go back to the IACP report: Accountability. Superintendents are still free to hold their staff in park without being accountable. Regional Chief Rangers can scream at Chief Rangers until they turn blue, but because there is no chain of command, nothing happens. We've seen this happen in fire, where some parks send lots of rangers to fight fires, while other Superintendents keep their staff in park because they don't want to deal with the political pressure of closing areas of the park or cutting services. In adopting the Fire Model, the National Leadership Council has adopted the fire problems – lack of a chain of command for park rangers. Those advocating the Fire Model recently asked the question "where have all the firefighters gone?" then put the same staffing model that has diminished firefighter availability to work for law enforcement. Now they are lamenting "where have all the rangers gone?" Brilliant.

DOI Reorganizes LE At Top

On October 26th, Interior Secretary

(and former Colorado Attorney General) Gale Norton signed Secretarial Orders that restructure the DOI law enforcement and security functions, moves them from their current location in the Office of Managing Risk and Public Safety and creates an independent Office of Law Enforcement and Security.

Included in this restructuring is the creation of a new Deputy Assistant Secretary for Law Enforcement and Security who will answer to the Assistant Secretary, Policy, Management, and Budget.

Each bureau in the DOI with a law enforcement function will have one person representing the agency on the DOI panel. The staff levels in the DOI law enforcement program will be expanding greatly, from 2-3 at present to 30. The Lodge views these as extremely positive steps. The IG report has been reviewed in draft form, so we don't see DOI making any changes that would be in conflict with actions in the report. For example, DOI requesting one person from each agency, knowing that the NPS has both USPP and rangers, implies that there should be someone along the line of an Associate Director for Law Enforcement for the NPS to handle this function. If not, who? The current Associate Director for Operations and Education doesn't even have a current background check, so we find it difficult to believe he should be included in any sensitive law enforcement discussions.

Members can read the Secretary's Orders on these changes at:

http://elips.doi.gov/elips/sec_orders/html_orders/3233.htm

http://elips.doi.gov/elips/sec_orders/html_orders/3234.htm

The Lodge hopes and expects that this organizational structure at the departmental level is the needed first step in a series of reorganizations that will result in line authority for the management of law enforcement at the Bureau of Land Management, the US Fish & Wildlife Service, the National Park Service and the Bureau of Indian Affairs. It makes sense to start the reorganization at the top of the chain.

We have reason to believe that the Inspector General's report to the Secretary of Interior, now almost complete, will offer such documentation of managerial lapses in the National Park Service, that removing non-law enforcement professionals from the chain of command will be an inevitability.

We also think the recent Department of Justice report documenting that US Park Police and National Park rangers are the most assaulted federal officers will play a role in going to a professional law enforcement setup. The existing organization scheme has allowed unsafe working conditions for NPS officers to go essentially unaddressed for years while management frittered money away on projects recently referred to in Congress as "mission creep."

Things are beginning to move rapidly and we think events are moving in the direction long advocated by your Ranger Lodge.

**Exempt or Non-Exempt:
Make Sure You're
Getting Paid
Appropriately**
by Randall Kendrick

Exempt from what? The Fair Labor Standards Act is the act in question. If you are a GS-9, or below, there is

almost no way you can be non-exempt from the FLSA. You don't want to be exempt because of the premium pay benefits that are in your favor if you are non-exempt. Your pay check printout tells you what your exemption status is.

For a GS-9 to be exempt, you must be an executive, administrative or professional employee. Field level rangers are not any of those. An executive employee is a "supervisor, foreman, or manager who manages a federal agency or any subdivision of an agency, including the lowest recognized organizational unit with a continuing function, and regularly and customarily directs the work of at least three subordinate employees, excluding clerical support employees," and whose main job is management or supervision.

If you are a law enforcement officer GS-7 or GS-9, you must spend 80% or more of the work time in a representative workweek on supervisory and closely related work to be exempt. How do I know this? I am reading from the book, *Federal Employees Legal Survival Guide*, written by the attorneys at Passman & Kaplan, our Lodge's attorneys.

It's an extremely useful book to have. You can buy a copy for yourself from the law firm at 202-789-0100. Please check to see if you are exempt or non-exempt. You are being cheated out of pay you should be getting if you are wrongly classified.



Ranger Lodge Grateful for Congressional Support

The Lodge wants to publicly acknowledge our gratitude to US Representatives George Nethercutt of Washington and Ralph Regula of Ohio, and US Senator John Warner of Virginia.

Reps. Nethercutt and Regula have contacted managers of the NPS over RM-57 and expressed Congressional displeasure over both the management of RM-57 and the fact that the ranger force was not grandfathered in. They placed language in the Interior appropriations bill strongly urging the NPS to grandfather all rangers who were on the rolls when RM-57 was implemented. Senator Warner took steps to see that this language was retained in the Senate's final bill and committee report. This bill has passed the House and Senate and will be signed into law.

The Lodge is very appreciative of the efforts of staffers Cathy LeBret of Rep. Nethercutt's office and Cathie Gollehon of Sen. Warner's office. These two, and others, have taken interest in the plight park rangers have had imposed upon them and their helpfulness, initiative, and knowledge have been of critical importance to us. They, and their bosses, are true friends of park rangers and of the Fraternal Order of Police.

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



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

