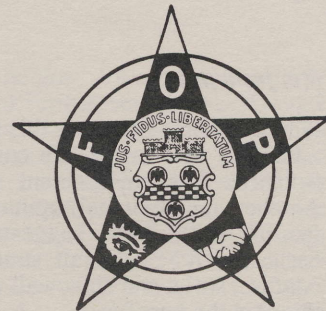


# The Protection Ranger



The Newsletter of the National Park Rangers Lodge, Fraternal Order of Police

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## National Affairs Update: The 6(c) Struggle Continues Legal Defense Funds Requested

by Dan Kirschner

*(Editor's Note: A special 'attaboy' to Dan for his detailed research to bring this information to the membership!)*

I was recently asked why the Ranger Lodge expends so much energy on resolving the 6(c) issue. In every single survey of our members, 6(c) is always the top priority.

So, once again, the National Affairs Entry focuses on the status of the 6(c) issue, including: A recent MSPB decision involving a USF&WS Police Officer; Progress being made on the resolution of some 6(c) past coverage claims; Status of filing a 6(c) past coverage claim IF YOU HAVE NEVER FILED a 6(c) past coverage claim or IF YOU FAILED TO SUBMIT YEARLY UPDATES to a 6(c) past coverage claim; A suggested guideline for preparing a 6(c) past coverage claim; FOP's current efforts directed at securing 6(c) coverage for those who are going, or have gone through, OPM's reconsideration and/or the MSPB administrative judge appeals process, and more! While this may seem like 6(c) overkill, the Lodge Board firmly believes that constant pressure is still necessary to resolve this issue in a fair manner.

In this article, we had hoped to report that all was well on the 6(c) issue. In fact, just the opposite is true. Of critical concern is that OPM has decided to appeal MSPB's precedent setting decision which granting USF&WS Police Officer James E. Ferrier Jr. past (Service Credit) 6(c) coverage. Due to OPM's appeal action, the Ranger Lodges have decided to establish a 6(c) Defense Fund (see enclosed form) so that we can provide Officer Ferrier (and others who will surely follow) with professional legal counsel. Before explaining the Ferrier case in detail, let's look at some other 6(c) matters.

**INDIVIDUAL 6(c) CLAIM STATUS:** Wondering about the status of your individual past coverage claim? Many of us are and the Lodge investigated the matter and we recommend the following: **TAKE NO ACTION.** The reason for this

recommendation is that there are only two people (6(c) coordinators) processing all of the past coverage claims at USDI. These two folks have a lot of work to do and inquiries cause them to stop processing if they must perform a status search for an individual claim. So, the less time spent researching individual claim status translates into more time being spent on processing claims. Note, these two employees have recently forwarded five claims (all with positive coverage recommendations) to Assistant Secretary B. Cohen. The privacy act prohibited us from being advised of their names--please call the Lodge at 800/407-8295 if you are notified of a positive, or negative, coverage determination. If you are about to retire (less than one year) and your case still hasn't been heard, you might consider contacting WASO-RAD (Bill Sanders) and advise him that you will soon be retiring and that you want to discuss the best way to handle your case.

**80 6(c) CASES OF MAJOR HEARTBURN:** If OPM has issued an Initial Decision (Declining 6(c) Past Coverage), OPM said that they intend to process the claim completely (all the way through the MSPB appeals process). USDI requested that OPM return all 6(c) past coverage claims to USDI but OPM refused. USDI also requested that the MSPB remand, to the USDI, all 6(c) past coverage claims currently going through the appeals process. The MSPB refused this request and stated that OPM was the agency that would have to make such a request. OPM has declined to make such a request.

**ANOTHER 6(c) PAST COVERAGE CLAIM APPROVED:** Recall the case of W. Acree (Law Enforcement Specialist at GRSM) and the time that OPM, almost simultaneously, approved (current position) and denied (past coverage) 6(c) coverage for the same position? OPM now agrees that Acree's position qualifies for past 6(c) coverage. OPM granted this approval, though, as part of an agreement in order to avoid an Administrative Law Judge (ALJ) decision in favor of the claimant! What this means is that OPM agrees to grant coverage if the claimant (Acree) agrees not to seek restitution (from OPM) of legal fees.

OPM has used this tactic several times to avoid ALJ decisions. OPM granted 6(c) past coverage to grant C. Ward just prior to an ALJ hearing and OPM granted 6(c) past coverage to S. Wissinger and J. Bachman during the ALJ hearing. These settlements include agreements not to file for restitution of legal fees, which means a significant (\$2,500 - \$4,700 each so far) loss of money for the individual claimant and the Ranger Lodges.

See 6(c) p. 2

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### MOVING?

Write or call **OUR 800#**  
**1-800-407-8295** with your new address.



It appears that OPM uses this tactic to avoid the establishment of a body of case law which could be used as documentation that front line law enforcement work qualifies for 6(c) coverage. Another (anonymous) opinion expressed to us by someone familiar with OPM suggested they are pursuing this tactic because "OPM's overall strategy is to play a game of delay, confuse, stifle, and stonewall until as many claimants as possible throw in the towel."

Unless OPM changes their position on 6(c), which is highly unlikely without significant legislative, executive or judicial pressure, we can expect to go through this process several more times. Remember, OPM retained 80 individual 6(c) past coverage claims. These 80 cases involve claims where OPM issued an Initial Decision. And what kind of treatment can these 80 employees expect from OPM during their reconsideration and ALJ hearings?

Barring a change in how OPM processes these claims, they will probably issue a Final Decision (OPM 6(c) staffer L. Hines is reviewing all 80 packets) that denies 6(c) past coverage. The employee can appeal to the MSPB where the first stage involves the ALJ process. OPM estimates it will take about eight months to clear all 80 claims--we figure this means a year and a half. An ugly part of this process involves a, "REQUEST FOR RESPONSE TO WRITTEN INTERROGATORIES" (RFRTWI).

**OPM 6(c) INTERROGATORY:** As part of the reconsideration process, the Interrogatory (RFRTWI) requires the claimant to respond to the following: "The OPM, through its designated representative (N. Ainsfield of C. McNeill) requests that the appellant (The Ranger) respond to the following written interrogatories separately and fully in writing, under oath or by certification. You must serve your answers on the agency's representative no later than twenty (20) days after the date of service of this request, as required by 5 CFR Section 1201.73(d) (2). All of the following interrogatories shall be continuing in nature until the date of any hearing, or the record closes, and you are required to supplement your answers as additional information becomes known or available to you.

1. Specify for each NPS position you held from (first date you are claiming coverage for) to (a date of OPM's choosing - usually the date OPM issued the Initial Decision) the percentage of time you spent performing each of the following duties: (a) Controlling pedestrian or vehicular traffic. (b) Investigating traffic accidents. (c) Patrolling park areas. (d) Guarding park resources or visitors. (e) Search and rescue AND/OR PROVIDING FIRST AID. (f) Investigating criminal suspects. (g) Apprehending criminal suspects. (h) Detaining criminal suspects. (i) Firefighting. (j) Other duties (specify). 2. Identify all documents not already in the OPM file sent to you or in your petition for appeal that you intend to submit to the MSPB as evidence or, preferably, send OPM a copy. 3. Identify by name, position or relationship to you, and phone number all witnesses that you plan to call for your MSPB hearing and specify the substance of the testimony of each witness."

Prior to responding to this OPM Interrogatory, you should already have legal counsel. As you can see OPM's Interrogatory is designed to confuse and not clarify.

**NEVER FILED A 6(c) CLAIM or FAILED TO UPDATE YOUR CLAIM or FAILED TO APPEAL OPM's DENIAL OF YOUR CLAIM TO THE MSPB:** We don't have a definitive answer on these matters yet, but we are still investigating all of these issues. An interesting part of the Ferrier case (below) is that OPM missed the due date for filing an appeal. Although OPM missed the due date, OPM was able to get the Department of Justice (DOJ) to file a brief with the

Federal Circuit Court of Appeals. This brief requested permission to allow OPM to ask the MSPB to reconsider the Ferrier (MSPB) ruling. In their brief to the court, OPM stated that the Ferrier decision, if allowed to stand, 'will have a substantial negative impact on federal civil service law.' The Federal Circuit then issued a court order permitting OPM to petition the MSPB to reconsider the Ferrier Decision. On the face of things, this Court Order appears to be negative, but we are now wondering if we can file a brief with the same Federal Circuit court requesting similar treatment for individuals that missed appeal or filing due dates. Our question: can individual employees, or a group of employees, seek a similar petition from the circuit to have their cases reconsidered? Stay tuned. **WASO-RAD would like the names of any NPS employee who filed a 6(c) claim, was approved by USDI, was denied coverage by OPM, and then failed to file an appeal with MSPB - call Bill Sanders @ 202/208-4874.**

**THE 6(c) HORIZON:** Congressional action is being requested by the Lodge to resolve the 6(c) issue. The Lodge has always maintained and recommended that all law enforcement employees who qualify for 6(c) coverage, should be granted that coverage as contemplated by PL 93-350. FOP maintains that OPM did not properly administer PL 93-350 and promulgated rules and regulations which fostered the creation of a negative atmosphere. The end result was that Departments and Bureaus did not seek 6(c) coverage for front line law enforcement officers and firefighters, nor did they advise their employees about PL 93-350. (Recall the testimony of former Regional Director Howard Chapman who stated, under oath, that he was directed not to advise employees about their possible qualification for 6(c) coverage.) This negative atmosphere also discouraged employees from filing individual 6(c) past coverage claims. (Recall that the NPS stated in the mid 1970's that no NPS employees qualified for 6(c) and the issuance of several memorandums which stated that the NPS did not think many employees would qualify for 6(c) coverage.)

As we work to resolve the 6(c) issue in a manner that conforms with congressional intent, FOP advises all 6(c) qualified employees who have never applied for, or failed to submit yearly updates, to prepare an individual 6(c) past coverage claim and have it ready for immediate submission (see below for suggestions for putting a claim together). Because of the inequities surrounding how OPM administered PL 93-350, WASO-RAD is in the process of requesting a time period where all 6(c) qualified employees will be able to submit an individual 6(c) past coverage claim (first time and updates) to the USDI. This may or may not work, keep your fingers crossed and send in a donation to the 6(c) Defense Fund (see below).

**AN MSPB PRECEDENT SETTING (MAYBE)) RULING IN FAVOR OF 6(c) FOR FRONT LINE LAW ENFORCEMENT:** Let's take a close look at a 6(c) past coverage individual claim and MSPB Decision that may yet turn out to be of singular importance to the resolution of the 6(c) past coverage issue. The case [Docket Number SF0831930365-I-1] involves USF&WS Police Officer (GS-083/07) James. E. Ferrier Jr. of the San Francisco Bay Refuge.

On January 5, 1994, the MSPB issued an opinion and order granting James Ferrier 6(c) coverage for work performed as a police officer at a USF&WS Refuge. This case is very noteworthy as it establishes an appropriate precedent which other land management law enforcement officers may soon be able to use for support during the MSPB administrative law judge appeals proces. Unfortunately, OPM intends to appeal the Ferrier decision and this precludes citing the case as precedent until all appeals have been exhausted. **Because of the critical precedent for Park Rangers, the Ranger Lodge Board Members voted to provide Officer Ferrier with legal counsel.**



Ferrier was denied 6(c) coverage by both OPM and an MSPB Administrative Law Judge. He then appealed his 6(c) past coverage claim to the MSPB (Full Board). On page one of the MSPB Decision, the MSPB reversed the administrative judge's ruling, and ordered "...OPM to award the appellant LEO retirement credit."

On pages two and three, the MSPB noted that LEO Ferrier cited the Sorber case as applying to his claim. The MSPB stated that the administrative judge rulings, such as the Sorber case, are not considered precedent setting and refused to consider the Sorber case as evidence in support of LEO Ferrier's claim.

In the analysis portion (pages three through eleven) the MSPB made the following comments, observations and statements. (1) LEO Ferrier provided un-rebutted testimony that his position description was accurate. (2) LEO Ferrier's position description reads, "The primary mission is the protection of life, property and civil rights of individuals by maintaining law and order on the Refuge Complex. This includes enforcement, priority setting and interpretation of all applicable traffic and criminal laws... There is heavy emphasis on professional law enforcement... this includes identification, investigation, apprehension and prosecution of all suspects involved in infractions." The position description further states that the LEO arrests individuals both with and without an arrest warrant, investigates crimes committed on the Refuge, including murder, assault, indecent exposure, rape, burglary, arson, robbery, and lesser crimes, enforces traffic laws and regulations, conducts accident investigations, responds to emergency calls while off duty, testifies in Federal and state courts... The position description further states that an Officer may be engaged in activities that involve strenuous exertion, long hours of work, significant periods without rest or relief, and work in adverse weather conditions. Note how this position description contains wording that OPM has previously maintained was not qualifying for 6(c) coverage!

(3) The Refuge's Deputy project leader (Ferrier's supervisor) testified that the duties of Refuge LEO's is fully commensurate with city police officers. This same supervisor stated that the Refuge's law enforcement plan and other documents showed the diverse law enforcement functions performed by Police Officers including; performing field interviews, evidence management, use of radar, motor vehicle accident investigation, controlled substance investigations and impoundment of property. The Plan also showed: the number and type of criminal incidents committed, number of arrests and violation notices issued and other incidents such as lost and injured persons. (4) LEO Ferrier submitted documents that showed law enforcement activities involving enforcement of hunting, fishing, conservation and other laws and regulations. (5) MSPB commented, "Finally, the appellant testified that his typical workday involved patrolling the Refuge looking for potential violations of law or regulations on the Refuge or in the area immediately adjacent to it, investigating any potential violations he observed, and warning, citing, or arresting anyone involved in wrongdoing."

(6) "We conclude, based on all of the record evidence, that the appellant engaged in the investigation of individuals suspected of wrongdoing. The verb "investigate" is defined as the act or process of "observe[ing] or study[ing] by close examination and systematic inquiry" or the "systematic examination esp[.] to conduct an official inquiry." [Webster's Ninth new collegiate Dictionary] (7) "We note that even a traffic stop constitutes such an investigation because the driver is questioned about his or her license, vehicle registration, and similar facts." (8) "The Board has held that an offense for which punishment, as distinguished from a civil remedy, is prescribed constitutes a criminal offense and that criminal laws encompass not only offenses classified as felonies, but lesser offenses classified as misdemeanors... Furthermore, the fact that the sole and maximum prescribed

punishment is a relatively small fine does not render the offense noncriminal in nature." The Board further stated that, "Despite the relative minor nature of many of these offenses (enforced by Ferrier), they do constitute criminal violations." (9) The Board noted that OPM's contention that citations issued for violations of State Laws do not constitute violations of federal law was incorrect since the State Laws become Federal Laws (through the Assimilative Crimes Act).

(10) The Board noted that simply determining that Ferrier performed investigations was sufficient for granting 6(c) coverage, "Because we find that the appellant "investigated" individuals suspected of wrongdoing, we need not determine whether he also "apprehended" or "detained" such individuals. See 5 U.S.C. Section 8331(20); Galuppo, 38 M.S.P.R. at 170-71 (LEO retirement granted based on the appellant's involvement in investigations of criminal activities); Briggs v. OPM, 30 M.S.P.R. 168, 169 (1986) (LEO retirement granted based on the appellant's involvement in investigations and apprehensions of individuals suspected of criminal activities)."

**THE IMPORTANCE OF FERRIER to 6(c):** We asked W. Craig James (of Skinner, Fawcett & Mauk) for his opinion of the importance of the Ferrier Decision and his response was: "Ferrier gives us a clear and current definition of what duties (law enforcement) meet the requirements for 6(c) coverage. And this is especially significant in light of the dual priorities (of rangers) of visitor and resource protection and management. The type of law enforcement (patrol and front line law enforcement officer) has always been an issue for OPM and the Ferrier Decision sorts out the significance." Edward Passman (of Passman & Kaplan) said, "Ferrier is the only case where they (MSPB) specifically address patrolling (front line law enforcement) and where MSPB determined that patrolling does indeed qualify for 6(c) coverage."

The Ferrier Decision identifies the Patrol Function as qualifying duty for 6(c) coverage. We are hoping that by defending the Ferrier Decision (and winning) that it will assist us with all facets of resolving the 6(c) issue. If the Ferrier Decision stands, it sets an important precedent for the resolution of the remaining 6(c) past coverage cases for land management law enforcement officers.

Also, if we win this case, it may enable USDI to re-open past coverage claims that were denied by OPM. Ferrier might be considered new & substantial which would meet the requirement for re-opening denied 6(c) claims.

A win would also help us to win the 80 cases at OPM because these individuals will be able to cite Ferrier during their ALJ hearing. Even if we win Ferrier, though, there is no mechanism for a class action law suit because of the individual nature of each claim. Without a retroactive law or some gracious act on behalf of OPM (admitting they improperly administered the 6(c) program) we can realistically expect to fight every single case!

Finally, a win should help us to win approval for 6(c) current position coverage. If you hadn't noticed, 6(c) current position coverage is not a given with Ranger Careers. 6(c) current position coverage must be approved in a time consuming process that will probably involve OPM for CSRS employees and possibly FERS employees. (FERS 6(c) current position coverage can be approved by the USDI, but this has only been done for 1811's and jailers at YOSE.

**WINNING THE FERRIER CASE: RANGER LODGE ESTABLISHES 6(c) DEFENSE FUND:** The members want 6(c), but it will not happen with dues of just \$25 per year. While we recovered some of the money from Ranger Sorber's 6(c) case (about \$2,500), this money was quickly re-allocated for the defense of other 6(c) claims (\$1,700 for C. Ward; \$500 for S. Wissinger; \$500 for J. Bachman). Add in our general 6(c)



consulting fees (paid to attorneys when determining strategies for winning). The Lodge has spent more money on 6(c) than any other issue.

While we are actively pursuing other avenues (legislative and executive) to win the Ferrier case, legal defense has proven to be the most effective action. And while legislative and executive action involve large expenditures of time and small amounts of money, legal defense is very costly. An example: obtaining certified transcripts of ALJ hearings costs anywhere from \$200 to \$600. There is no mechanism to recover the money used for obtaining these transcripts. These transcripts are required for legal defense. The attorney charges us \$160 per hour (\$40 below his regular hourly rate). Then there are fees for research, copying, phone calls, filing fees, etc.. Depending upon what level (MSPB and/or Federal court) we must work at, we expect the Ferrier case to cost about \$2,000 to \$10,000.

To defend the 80 cases still at OPM and other cases that may also require legal defense, we expect to incur legal fees between \$40,000 to \$320,000. The Lodge simply doesn't have enough money on hand to cover these expenditures. We obviously have a need for a 6(c) Defense Fund.

Think you can present your own case in front of the MSPB? Think again. All of the members who have had Lodge legal assistance have won their cases. This is not true for those who "went alone." Officer Ferrier stated that the only argument he hoped to make was that OPM had filed (their appeal) untimely but the U. S. Federal Circuit has already issued a court order directing MSPB to allow the OPM reconsideration request. Several folks said that they would have been "in over their heads" if it weren't for the legal assistance provided by FOP.

It is clear that rangers need legal counsel when going through 6(c) appeals. With this in mind, and so as to best serve the membership, the Board voted to establish a 6(c) Defense Fund. The 6(c) Fund will be used solely to provide legal counsel to members for securing 6(c) past (service credit) coverage. Currently, the Lodge doesn't have enough funds to pay for every claimant's entire legal counsel costs. Our goal is to get to a point where we can pay the entire cost.

**WHO SHOULD DONATE & HOW MUCH:** For the reasons explained above every member should donate to the 6(c) Defense Fund. And if for some reason you think you don't need to donate because your name isn't Ferrier or you aren't one of the 80, think again. If we lose Ferrier, it may signal the end of 6(c) for park rangers. And, it was the luck of the draw that determined which claims OPM processed first. **Donating to the 6(c) Defense Fund isn't just helping Ferrier or one of the 80. Donations to the 6(c) Defense Fund will clearly benefit every Lodge member.** Remember, our strength comes from being a collective entity! If each Lodge member donates \$100, we should be able to establish a 6(c) Defense Fund that will total about \$100,000. While some of you may not be able to make one \$100 donation, please send as much as you can now and, if possible, more later. All donations will be appreciated! Please use the enclosed form to mail in your donation. This will be a necessary supplement (because of the higher expected legal costs of 6(c) claims) to any dues increase and proposed legal help the members vote for. Thanks in advance!

**\*\*\*\*\* 6(c) LEGAL DEFENSE FUND \*\*\*\*\***

My name is \_\_\_\_\_ and I want to support the formation of the 6(c) Defense Fund. I am enclosing a check for \_\_\_\_\_ dollars for deposit into the 6(c) Defense Fund. I understand this money will be used solely for 6(c) claims defense. Please make your check out to: "FOP 6(c) Defense Fund" and mail your donation to the Lodge at: FOP National Park Rangers; POB 151; Fancy Gap, VA 24328.

## PREPARING A 6(c) PAST COVERAGE CLAIM

Since so many of you have called me for this information, reprinted here one more time are the FOP suggestions for preparing a 6(c) claim. The USDI may, or may not, decide to accept 6(c) past coverage claims (from employees who have not previously claimed 6(c) past coverage or failed to submit yearly updates) during a "time window" (reprieve from unjustified OPM 6(c) regulations). But, if we win Ferrier, it may be the avenue to have your claim filed! Either way, FOP is recommending that you at least put together a basic 6(c) past coverage claim. We recommend this because it is very difficult to predict how the 6(c) past coverage issue will be resolved.

Your basic 6(c) past coverage claim (or update) need not be extensive, but you may eventually be asked (by NPS or USDI or OPM) to put together a very detailed packet. There is no standardized format for submitting a 6(c) past coverage claim. Thus, FOP suggests the following format for preparing a 6(c) past coverage claim. FOP advises that this format is suggested as a guideline for the individual preparation of a 6(c) past coverage claim. FOP asserts that the following suggested format is used at the individual employee's discretion. FOP cannot be held responsible for the outcome of any individual claim that uses this suggested format.

**WHEN TO FILE:** This is the unanswered question. For now, while we are waiting to see if the USDI will have an open time period, or we obtain a court order allowing employees to file claims, or we get a congressional mandate to allow for filing, FOP suggests you start preparing a claim and close monitoring of upcoming NPS Morning Report and Clear Text entries.

**WHERE TO FILE:** The NPS previously directed individual employees to file claims through the Regional Offices. To our knowledge, this remains the proper manner for submitting claims and so we suggest sending your claim to the various regional Branch of Employees Relations--address available in the NPS Directory of at your servicing personnel office.

**WHAT TO FILE:** We suggest that all 6(c) past coverage claims contain the following information: Individual Affidavit; Fellow Employee Affidavit(s); Position Description(s); Evaluation(s); description of all positions for which you are applying for coverage [Title of position, dates in the position, major duties of the position, (list of laws enforced and/or fires fought, copies of performance evaluations, vacancy announcement for position, role and function statement for position, desk audits, list of LE & FIRE training courses, copies of IDP/EDP, required occupancy certification, copies of travel authorization's, listing of times that you have been deputized by a state/local jurisdiction, list of certifications in Law Enforcement, Wildland & Structural Fire Control, copy of Authorization to Carry Personal Firearm is enclosed. Notation about Physical Fitness standards demanded for earning red card certification as a firefighter, notation about position being designated as a USDI TESTING DESIGNATED POSITION (TDP), and a Reference to your LE Commission Number.

**AFFIDAVIT OF (name) IN SUPPORT OF CLAIM FOR ENHANCED ANNUITY BENEFITS UNDER 5 USC SECTION 8336(C).**

### INTRODUCTION

- I am a present employee (law enforcement officer, Commission Number (\_\_\_\_) of the National Park Service (NPS), and make this statement in support of my claim for creditable Law Enforcement (and/or Firefighter) service for enhanced retirement annuity benefits pursuant to the provisions of 5 USC Section 8336(C) and 5 CFR Section 831.901 et seq.

- My Law Enforcement/Fire Control/Park Ranger career with the NPS has spanned nearly (\_\_\_\_) years. I have consistently served within the Law Enforcement/Fire Control Division of the NPS. Traditionally my assignments have been in the 026/025 Park Ranger Office of Personnel Management (OPM) series. My law enforcement/fire control duties and responsibilities have always included, and still include, enforcement of the Federal Criminal Laws of the United States of America (and structural and wildland (forest/range) fire suppression).

- Although I can find no legislative intent stating that a position can only be considered as either primarily a law enforcement or fire control position, statements, by the OPM, have been issued to this effect. I do not want to jeopardize being considered for enhanced annuity benefits because of a technicality, and therefore, stipulate that law enforcement duties were "more" primary than my fire control duties.



- As a Commissioned Federal Law Enforcement Officer, and because NPS-9 (Law Enforcement Guidelines of the National Park Service) requires it, I wear full defensive equipment, at all times, when at work. That is, on my duty belt, I wear a gun, extra ammunition, radio, and handcuffs at all times. In addition to these required items, I sometimes wear a chemical agent, a baton, flashlight, and utility knife. On the job, I present the appearance of, and am readily recognized as, a law enforcement officer. My defensive gear is only removed during fire control and search and rescue activities.

- In each and every position that I have held, my ever increasing law enforcement/fire control experience, knowledge, skills, and abilities were a major consideration for my being selected for advancement and/or reassignment. In turn, I performed the critical law enforcement/fire control duties of each assignment based upon my accumulated skills, training, experience and qualifications.

- After obtaining my law enforcement commission, wildland fire, and structural fire ratings, I have maintained their status every year since issuance. (It was for these reasons that I have been trained to serve, and do serve, as a supervisor in various law enforcement and fire control activities.) Copies of Certifications are enclosed.

- My LE Commission states the following, "...is charged with the duty of maintaining law and order and protecting persons and property within areas of the national Park System. In the performance of such duty, the designee is authorized to carry firearms, to make arrests, to execute warrants, and to conduct investigations as prescribed by law and policy."

- The letter transmitting my law enforcement commission to me stated, "Enforces all applicable Federal and state laws and regulations within scope of concurrent jurisdiction. Analyzes law enforcement situations and makes or coordinates felony misdemeanor arrests, issues citations, serves warrants, and issues written and verbal warnings. Appears before U.S. Magistrate or other courts for prosecution of cases, and/or filing affidavits for search and arrest warrants. Enforces all applicable laws concerning the possession, use, distribution, trafficking, cultivation and manufacturing of controlled substances on public lands."

- At the end of this statement I have included: A) Affidavits from current and previous supervisors, explaining the law enforcement/fire control duties and activities of the positions I have incumbered in the NPS. B) Copies of: Position Descriptions; Position Classification Evaluation Statements; Position Classification Guidelines (OPM) Performance Standards and Evaluations; Role and Function Statements; Organizational Charts; SF-50s; Copies or references to Licenses, Certificates and Ratings; Vacancy Announcements; Individual Development Plans (IDPs) and Employee Development Plans (EDPs); Required Occupancy Documents; Security (Background) Investigation Documents; Letters of Offers/Acceptance for positions held; Training Nominations; Drug Plans; and, Memorandums.

- By review of these documents, one will obtain an appreciation for the nature of the law enforcement and fire control training and experience attained throughout my NPS career.

- Some of the position descriptions are generic in nature and do not accurately reflect the specific duties which I actually performed in each assignment. Throughout my career it has been my experience that a broadly worded position description will be employed in any given assignment so as to allow for the employee and his/her supervisor to specifically tailor the nature of the actual duties to be performed by any given individual in any given assignment. It has always been my understanding that this was the practice of the NPS so as to both allow for management flexibility and employee career development. In fact, by virtue of this practice, I have been able to develop a professional career in the fields of law enforcement and fire control.

- I have enclosed copies of my performance appraisals, for each position, which list the duties I performed and was subsequently evaluated upon. Since these appraisals show my actual duties and responsibilities, they are more accurate than the enclosed position descriptions.

- For the purpose of analysis, my NPS law enforcement / fire control career can be generally broken down as follows: [Enter in your Dates of employment in each position, the location of the duty station, the title of the position - claiming time as a seasonal or at LE Training (SEASONAL Schools & FLETC) may or may not be advisable due to

regulations which make a person ineligible for 6(c) coverage if there is a break in service of more than three days)]

- As requested by the NPS, I contacted the supervisors of each position that I incumbered and obtained a affidavit (enclosed) which describes the major duties and responsibilities of each position.

- With respect to claimed coverage, in chronological order, the following is a review of my responsibilities and the duties I actually performed in each of the above described assignments. (List each of your assignments (Parks) along with summary of duties for each position held, laws enforced, and training received.) Here are some EXAMPLES that may be useful in preparing your affidavit: I perform front line law enforcement duties. Case and Criminal Incident reports verify that I personally investigate, apprehend, arrest, detain and transport persons suspected and/or convicted of violating federal criminal laws. I have investigated or am currently investigating and/or made arrests for violations of the following Federal Laws while at (PARK NAME). (This list is not complete)

TITLE	DESCRIPTION
16 USC 433	AMERICAN ANTIQUITIES ACT
18 USC 3	ACCESSORY AFTER THE FACT
18 USC 4	MISPRISION OF FELONY
18 USC 7/13	LAWS OF STATES ADOPTED FOR AREAS WITHIN

## The Protection Ranger

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### Application For Membership

I, the undersigned, a full-time regularly employed law enforcement officer, do hereby make application for active membership in the National 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): \_\_\_\_\_

Associate membership (non commissioned) ☐

Please enclose a check for one year membership - \$25.

Renewal (check here) ☐

Enclose a copy of your commission (new members only).

NPS Area: \_\_\_\_\_

Mail to:  
FOP Lodge  
P.O. Box 151  
Fancy Gap, VA 24328



## FEDERAL JURISDICTION

18 USC 41 HUNTING, FISHING, TRAPPING  
18 USC 81 ARSON  
18 USC 111 ASSAULTING, RESISTING OR IMPEDING OFFICERS/EMPLOYEES  
18 USC 113 ASSAULTS (INCLUDING RAPE)  
18 USC 287 FALSE, FICTITIOUS OR FRAUDULENT CLAIMS  
18 USC 511 ALTERING OR REMOVING MOTOR VEHICLE IDENTIFICATION NUMBERS  
18 USC 661 THEFT  
18 USC 662 RECEIVING STOLEN PROPERTY  
18 USC 751 PRISONERS ESCAPING FROM CUSTODY OF INSTITUTION OR OFFICER  
18 USC 912 IMPERSONATING OFFICER OR EMPLOYEES OF THE UNITED STATES  
18 USC 1112(b) INVOLUNTARY MANSLAUGHTER  
18 USC 1361 MALICIOUS MISCHIEF OF GOVERNMENT PROPERTY  
18 USC 1852 TIMBER REMOVED OR TRANSPORTED  
18 USC 1853 TREES CUT OR INJURED  
18 USC 1856 FIRES LEFT UNATTENDED AND UNEXTINGUISHED  
21 USC 841 ILLICIT NARCOTICS  
21 USC 844 SIMPLE POSSESSION OF CONTROLLED SUBSTANCE  
36 CFR 1-7 ALL SECTIONS (OR LIST)

Case reports verify that I regularly train in law enforcement including attending a 40-hour Law Enforcement refresher every year. I have maintained all law enforcement ratings and became a (list instructor ratings). Training was paid for by the NPS. Criminal Incident reports and court dockets verify that I regularly enforce federal criminal laws U.S. Codes (Title 16, 18, and 21) and applicable State Criminal Statutes as adopted under the U. S. Criminal Code. I declare that (Park Name) purchased a ballistic (bullet) resistant vest for me to use while on performing law enforcement duties. I drive a marked patrol car (cruiser) that is equipped with a passenger compartment mounted shotgun, warning lights (Blue/Red/Yellow flashers), a siren, prisoner transport cage, and two-way radio that has County and State Police, Bureau of Land Management, U. S. Forest Service, the National Interagency Incident Management System radio frequencies, and local police frequencies. I was required to take (#) random drug screen test(s). I have served arrest and search warrants, made and assisted with felony and misdemeanor arrests, issued violation notices (release on won recognizance arrests), and transported prisoners for violations of federal laws including drug offenses, assault, theft, etc. I have performed interrogations and interviews of suspects and witnesses. I have participated in and/or coordinated surveillance operations including the use of Technical Investigative Equipment.

I supervise law enforcement and fire control activities (verified by my signature as supervisor on a multitude of criminal and case incident reports).

Law Enforcement (Investigations, Arrest, and Transport) and Fire Control constitute the basis for the existence of my position(s). Law Enforcement and Fire Control duties were/are assigned on a regular and recurring basis. Law Enforcement and Fire Control duties occupy a substantial (more than 50%) portion of my work time. The attached copy Form 10-40 shows that the Superintendent has required me to occupy Government Quarters and to take a patrol vehicle home over-night so that I will be able to respond to after-hours law enforcement, fire, emergency medical, and search & rescue incidents. Note, the Superintendent identifies that (park name) is responsible for providing 24-hour public safety coverage. (Park Name) reports and statistics verify that I have personally removed knives and loaded guns from suspects during law enforcement contacts. The attached employee annual performance appraisal further verifies that the reason for the existence of my position is law enforcement and fire control. Critical elements (list numbers) all address the work areas of law enforcement and fire control. I declare that I received a cash National Park Service Incentive Award, in (year), for (criminal investigation, law enforcement action) work - citation enclosed.

Were you the sub/district evidence or fire apparatus (equipment and extinguisher) technician? Have you ever worked with someone who was granted 6(c) past coverage by OPM or through the appeals process? I had a routine motor vehicle accident (MVA) investigation turn into a felony arrest when we determined the vehicle, and much of its contents, were stolen. I routinely used informants and local law officers to gain intelligence, information and tips. I was assigned to the Protective Assignment that guarded (name of person), while s/he was visiting the

(Area Name). Make sure your personal 6(c) claim mentions your work association as either a co-worker, subordinate, or supervisor.

## SAMPLE ENDING FOR YOUR INDIVIDUAL AFFIDAVIT

I declare under penalty of perjury that the foregoing statement is true and correct to the best of my knowledge and belief. Executed this (\_\_\_\_)Day of (\_\_\_\_)Month, (\_\_\_\_)Year, in (\_\_\_\_)Name County, in the State of (\_\_\_\_)Name State. (\_\_\_\_)Your signature and Witness signature.

## SAMPLE AFFIDAVIT IN SUPPORT OF 6(c)

The following affidavit would be completed by a co-worker, subordinate, supervisor who has direct knowledge of your law enforcement and / or fire control duties. The first page shows the overall duties and responsibilities of your NPS law enforcement and fire control position. Additional pages should contain very specific examples of incidents which the affiant has personal knowledge. That is: List some specific law enforcement and/or fire incidents; List training course completed; and, List certifications obtained and/or maintained. Get specific. Example: I personally worked with the claimant during the felony apprehension of twenty individuals. The claimant was either the contact or cover officer during these arrests. The claimant drew and/or used and/or fired his service revolver, shotgun, rifle during ten of these apprehensions. The claimant restrained (handcuffed, etc.) and transported suspects to jail on ten occasions. The claimant charged the suspects with offenses against the criminal laws of the United States of America. I worked on six surveillance operations with the claimant. On forty occasions, I observed the claimant secure, collect, label, and process evidence for use in U. S. Magistrate and District Court. On twenty occasions, I observed the claimant testify in U. S. Magistrate and District Court. I know the claimant was the lead investigator for fifteen ARPA violations.

## AFFIDAVIT OF (AFFIANT'S NAME)

## REFERENCE CLAIMANT (YOUR NAME)

CLAIMANT'S SSN: (\_\_\_\_) DOB: (\_\_\_\_)

CLAIM FOR ENHANCED ANNUITY & EARLY RETIREMENT BENEFITS (LAW ENFORCEMENT &/OR FIREFIGHTER) UNDER 5 USC 8336(c). THIS AFFIDAVIT CONTAINS (\_\_\_\_) PAGE(S).

As the claimant's (co-worker, subordinate, supervisor) during the claimant's tenure (reference claimant's position number (\_\_\_\_), from the date (\_\_\_\_) through the date (\_\_\_\_) at the National Park Service area known as (\_\_\_\_), I certify that, as shown herein, the claimant did: Perform the following primary duties and activities (responsibilities); Function under the jurisdiction(s); and, Maintain the requirements (qualifications) of the position.

## QUALIFICATIONS & TRAINING

- Maintained a Federal Law Enforcement Commission.
- Successfully passed mandated Background Investigation(s).
- Passed Physical Fitness Exam(s).
- Attended Yearly Mandated Law Enforcement Training to maintain Law Enforcement Commission.
- Completed other Law Enforcement training, as shown on accompanying page(s), in order to maintain and improve law enforcement knowledge, skills, and abilities.

## DUTIES & ACTIVITIES

In an area of (Exclusive, Concurrent, Proprietary) Jurisdiction and on a regular basis. The claimant did perform or was responsible for:

- Enforce, Investigate, apprehend, and transport individuals suspected or convicted of offenses (Felony, & Misdemeanor) against the criminal laws of the United States of America. Laws included: Titles, 16, 18, 21 of the U. S. Code; 36 Code of Federal Regulations; and State Laws that were assimilated as Federal Laws per 18USC7/13 (Assimilated Crimes Act).
- Obtain and execute Federal Arrest and Search Warrants.
- Using 'Probable Cause' and pursuit techniques to: Apprehend, arrest, and transport suspects to detention centers and jails.
- File criminal charges (violation notices, swear-out criminal complaints)
- Carry and use firearms, chemical sprays, and batons.
- Conduct criminal investigations involving violation of U. S. criminal laws including: Search and secure crime scenes; Collection and preservation of physical evidence; Interviewing witnesses and suspects; Search and seizure of (evidence and contraband) persons and places; Surveillance and stakeout operations; Preparation of legal documents (criminal complaints, probable cause statements, violation notices,



criminal case reports, affidavits); Consultation and coordination with Assistant U. S. Attorneys and designated prosecutors; Testify at hearings and trials; and maintenance of law enforcement equipment.

- Law Enforcement duties constitute the basic reason for the existence of the position the claimant occupied while at stationed at (Park Name). These law enforcement duties comprised more than 50% of the assigned duties and responsibilities of the position and occupied a substantial portion of the claimant's working time, and were assigned on a regular and recurring basis.

#### SAMPLE ENDING

I declare under penalty of perjury that the foregoing statement is true and correct to the best of my knowledge and belief. Executed this (\_\_\_\_) day of (\_\_\_\_), 1994, in the (\_\_\_\_) County, in the State of (\_\_\_\_). (Signature of author and witness)

#### REPRINT OF WHAT OPM WANTS IN AN INDIVIDUAL 6(c) PAST COVERAGE CLAIM

Here is the evidence OPM wants for reviewing 6(c) past coverage claims:

**FOR LAW ENFORCEMENT OFFICERS:** List of all investigation (s), apprehension(s), detention(s) and transportation(s) of individuals suspected or convicted of offenses against the criminal laws of the United States of America; Copies of criminal incident reports (OPM says you don't have to include all of your cases, just some representative cases. Our attorneys suggest that you include copies of all your cases. Our attorneys suggest that you request copies of all your reports from the agency. If the agency refuses to, or cannot, provide copies of all reports, ask the agency to provide a notice explaining why the agency refuses or can't provide the reports. Interestingly, when we first started this process we were told not to provide case reports, now we are asked to provide them. The reason OPM wants some reports is because OPM considers reports "primary evidence" as opposed to affidavits which are considered "secondary evidence."); List of all arrests made; Copy of Official Position Description (annotated to show the percentage of time spent performing the various duties); Functional statement for the organization (organizational chart showing two positions above and two positions below the subject position); Critical and Non-critical Performance Standards with Elements Listed; Evaluation Statement of the Position which explains the Classification of the position; Agency qualification and medical standards (for entry and retention or a statement that the standards are the same as the X-118 handbook standards); Current or Proposed maximum entry age (if any); and, List of the Federal Laws the incumbent is responsible for enforcing.

Here is the evidence OPM wants for reviewing 6(c) past coverage claims from

**FIREFIGHTERS:** Number of fires fought; Names of fires fought; Dates of fires; and, Position occupied while on firefighting duty. Several people have won 6(c) past coverage for maintaining firefighting equipment and related equipment (radio repeaters), thus we also suggest you list all of your duties that involve maintaining firefighting equipment and apparatus. Maintaining firefighting equipment is listed in the law that grants 6(c) coverage to firefighters.

## The Ranger Lodge: Where To and How Much?

by George Durkee, Editor

As most of you know, we have been trying to form an exclusive bargaining unit representing law enforcement rangers. In our last issue we announced discussions with the Police Association of the District of Columbia (U.S. Park Police) and the possibility of joining their organization for representation. Ralph Pfister, President of the PADC, called us and said the PADC Board (Ralph is a non-voting member) would not agree until we could act to reduce the proposed number of law enforcement rangers in the Presidio of San Francisco. We told him we had no influence or control over this issue and couldn't until we were recognized as a bargaining unit. Catch 22.

The Lodge organizing committee feels we should now form our own bargaining unit, autonomous of any existing one. In

addition, and **independent** of whether or not we form a union, it's time to decide where we, as an organization, want to go. As Randall, Dan and Chris note in their articles, the Ranger Lodge of the FOP has reached a crossroads. We began as an advocacy organization, working for better pay and conditions for law enforcement rangers. We have been extraordinarily successful in presenting our case to the press, WASO, OPM and Congress. We have also formed a separate entity, the Resource Protection Fund to better support our mission. As a direct result of our efforts, as well as those of ANPR, we have made a dramatic difference in the professionalization of rangers. A number of us will be seeing the concrete results of those efforts in the upgrades received with the implementation of Ranger Careers as well as those (we hope) getting covered under 6(c).

Since our formation five years ago, we have grown to over 1,000 members. Along the way, we have offered guidance as well as financial and legal assistance to individual rangers needing help in fighting adverse actions. We have also used your dues to get legal advice on such issues as standby duty, required occupancy, and other personnel rules, making the results available to our membership. Several of our members have been devoting increasing amounts of their own time helping fellow rangers with a variety of personnel problems. Among them: 6(c) cases against OPM or the MSPB; resolving required occupancy disputes; researching FLSA regulations on overtime and making sure those regulations are enforced; and monitoring shooting reviews to make sure they are done professionally and with the sensitivity required of a critical incident. As we go to press, we are investigating the firing of a Brother Ranger with 25 years in the Service. All of this has been done while keeping dues quite low.

Because the Ranger Lodge is the only ranger organization offering such help, requests for aid and advice are increasing to the point where it is becoming a significant use of our time and finances. In addition, with the break-up of OPM and responsibility for enforcing personnel laws and regulations being delegated to the agency and supervisors, we see a likely increase in personnel disputes. With our current budget and volunteer "staff," we can't stretch our resources any more. *It is time to consider what kind of an organization we want to be.* If we want to continue our original emphasis of advocating ranger issues to WASO and Congress, we can probably continue as we've been doing. If we want to be an organization that will represent individuals or groups of rangers in disputes with the park or regions and to continue to get competent legal help when necessary, then we have to consider both an increase in dues and a slight restructuring of our Lodge.

As such, we are asking you to vote on this question. The Lodge Board proposes raising dues and having those dues deducted automatically from our paychecks each pay period. In addition to our *Protection Ranger* budget (note that we are now mailing first class), one portion of the money raised will be budgeted for legal costs of rangers needing it in disputes with the park service. We hope to make available, to any member, sufficient financial and legal resources to ensure the member receives needed help in disputes with the Park Service.

If approved, we will form of a legal defense advisory board which would evaluate requests for assistance and to avoid frivolous use of your money. The legal defense board would be comprised of active members of the Lodge.

In addition, the Board will be able to ask more frequently for professional advice on personnel questions affecting significant numbers of rangers. Where necessary, we will pursue legal remedies to problems as an organization. We will also maintain a fund to assist individual rangers who might need financial help in a time of emergency such as natural disasters, family sickness or personal problems. We propose this plan independent of whether or not rangers ultimately vote for collective bargaining.



Finally, we will budget an initial amount to be used towards forming an independent bargaining unit of law enforcement rangers, the money to cover legal help and expenses of organizing. If a union is eventually voted for, the costs of contract negotiations will be paid by a slight increase in the dues only of those covered by the contract (non-supervisors).

We are also asking for an *advisory* vote on how much (if approved) you are willing to pay for these proposals. We are considering payroll deductions of between \$2.00/pp (\$52.00/year) to \$3.50/pp (\$91/yr). Although a vote on the amount is advisory, the Board will consider it closely when setting the dues. If the Board's proposal is passed, specifics of the amounts to be made available for legal assistance to members as well as how to have the payroll deductions made will be in the next newsletter.

The Ranger Lodge wants to continue to be an effective voice for the concerns of law enforcement rangers and to have the ability to offer tangible assistance to those in need. We want to give solid meaning to the concept of the Park Service Family! We hope you agree with us and vote for the Board's recommendation.

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## Western Affairs Report

by Chris Cruz, President, Western Lodge

We are currently in the midst of the greatest changes our agency has ever seen. The Lodge has been asked for our opinions and passed on on our wisdom. We have been involved in what is now taking place. Change is a difficult thing, but our jobs are about change on a daily basis. Who goes through a day when your priorities do not change or the visiting public provides something for you to respond to? We have worked with changes and always met the challenge.

To get greater insight on where we're headed, I would recommend that everyone read "The Gore Report on Reinventing Government." This report, submitted by Vice-President Gore in September of 1993, is the result of the National Performance Review. I would like to share with you some thoughts on three of the issues in the report: 1) Putting customers first; 2) Empowering employees to get results; and 3) forming a labor-management partnership.

**Putting Customers First:** We have always looked at the park visitor as our customer and they have been loyal customers over the years. We must continue to serve them and solicit comments and suggestions on how we can improve their experiences. Next we must look at ourselves as customers. We have never done this before and it is an area that will make a big difference. Think about all the times you have heard the following lines: "Personnel has not processed our paperwork . . . Procurement has not processed our requisitions . . . Resources Management has not communicated park issues to the ranger staff . . . Rangers have not responded to calls soon enough at other staff members' request . . . Maintenance has not completed a work request in a timely fashion." We do not have to say these things if all park employees are treated with the same high standards our agency is known for with park visitors. Here is an excerpt from the Gore Report:

"American workers deserve a better deal. Nowhere on the government reinvention front is action more urgently needed or are potential rewards greater. We envision a new work force development system, focused on the needs of workers and employers." We can start now with improving this process on an individual basis. As we change, the agency will continue to get better.

**Empowering employees to get results:** The Gore Report explains that in the future the decision making responsibilities need to be placed with those people who have the best information to make the best decision. Decision making will be decentralized. This will come with a greater responsibility on our part to be accountable for our decisions. If we are held accountable for what we do and have the ability to make decisions, our results will be better. Managers in this system will be coaches to assist employees when they need help and provide the tools needed to complete the job. We must also address the quality of work for each employee and see to it that the workplace is a healthy environment, and that employee needs are addressed. A happy employee will provide better results. On this subject the report concludes:

"We need a leap of practice. We must move from control to collaboration, from headquarters to every quarter. We must allow the people who face the decisions to make decisions. We must do everything we can to make sure that when our federal workers exercise their judgment, they are prepared with the best information, the best analysis, and the best tools we have to offer. We must then trust that they will do their best and measure the results."

**Forming a labor-management partnership:** This is an area where more emphasis will be placed in the future by the President. The recommendations are to establish a National Partnership Council and establish statutory changes to make these partnerships possible. As George discusses in his article, we are at a crossroads in our organization's existence and we must now take action in order to prepare for the increased role that collective bargaining units will have in the operation of our government. The goal will be to transform the labor-management relationship from the traditional adversarial relationship to more active involvement in supporting employees and monitoring good government practices. We currently need people who are interested in helping us with the growth of our own organization to step forward and help us out.

In conclusion, I would like to say that although change is difficult, it is necessary and as an organization we stand to gain. We can already see the fruits of our labor from the past five years: Ranger Careers, the transition to new weapons, and 6(c) coverage. We must continue to support the current changes which are very positive. Things are happening in Washington that will forever change the agency. I would like to thank everyone in WASO Ranger Activities and all the other contributors. Especially, I would like to thank Jim Brady for his continued support and hard work on behalf of all rangers, and Paul Berkowitz for his perseverance in making the new weapons and transition a reality.

I will leave you with a final thought from General George S. Patton: "Never tell people how to do things. Tell them what you want to achieve, and they will surprise you with their ingenuity!" Have a good summer season!

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## The Resource Protection Ranger

by Bob Martin, Pres., Nat'l Park Ranger Resource Protection Fund

### A Word of Thanks

First off, I'd like to thank all those well wishers out there for your cards, letters, messages and phone calls during my injury in March. My "Ranger Luge" run off of Mary's Rock was a pretty frightening experience, but my recovery is almost complete. I still have trouble keeping my seat during those long-winded meetings at headquarters--but who doesn't! It was really reassuring to get your support, thoughts and phone calls and it really reminded me that the NPS is in fact an extended family.



## Our Strategic Plan

The following is a Draft Strategic Plan which we have developed for the Fund. While it is pretty much self explanatory, it is admittedly a pretty aggressive agenda. As you all can see we have a tremendous amount of work ahead, and I am **desperately** seeking some volunteers to work on committees and to head up these things. Hopefully everyone is getting over the "let's wait to see how this thing develops" mode and will begin to chip in. As you will read in the following sections the Fund is really starting to move! If anyone is interested in helping us move the Fund from theory into reality, please let me know. Additionally, please call me with any questions, comments, or suggestions for things we may have missed.

## Summary

The effectiveness of the National Park Rangers Resource Protection Fund as a non-profit, tax-exempt, conservation oriented organization will affect how well the National Park Service will protect the resources under its authority through the remainder of the decade.

The achievement of these short to medium-range goals will enable National Park Rangers to develop a proactive ability to meet increasing demands on the Agency's resources through education, training, improved equipment, enlightened management decisions, & etc. The following will serve as our organization's plan to improve the resource protection capabilities of the NPS. This plan should be updated at least annually--more often if sections become obsolete or otherwise invalid.

**The National Park Rangers Resource Protection Fund Strategic Plan** (The following are not necessarily listed in any type of priority order):

**Goal # 1** Maximize exposure of the resource protection crisis in our National Parks by communicating this matter to the private sector, Congress, environmental groups, etc.

**Goal # 2** Begin to implement the Fund's Vision and Mission Statement via messages used by our professional fundraiser, our 1-800 number, membership drives, seeking grants and corporate sponsors, and finalization of our Memorandum of Agreement with the NPS.

**Goal # 3** Develop an enhanced working relationship with local, state, national and international resource protection groups and explore possibilities of forming coalitions with them. These might include the National Anti-poaching Foundation, the North American Wildlife Enforcement Officers Association, the Association of Natural Resource Enforcement Trainers, the National Audubon Society, the National Wildlife Federation, the Conservation Law Enforcement Officers group and the Sierra Club.

**Goal # 4** Develop a fully functional Fund office in the President and Secretary's residence in order to professionally serve the Fund's members, handle requests for information from the public and media, perform planning, and distribution of products.

**Goal # 5** Keep overhead costs down while assuring proper compliance with various state and federal regulatory agencies which monitor fundraising, non-profits, state and federal taxes.

**Goal # 6** Communicate with the membership to assure they are kept informed of Fund activities, the state of the NPS' resource protection program through periodic updates, a semi-annual newsletter, and other means as necessary to fulfill the mission of the Fund.

## Objectives of Each Goal

**Goal # 1** Maximize exposure

## Objectives

1.1 Communicate the National Park Resource Protection "crisis" in our National Parks at every given opportunity by communicating with the press, media, Congress, the Administration, environmental and conservation groups.

1.2 Revise the "Position Statement on Resource Protection Issues in Your National Parks," get it reprinted, and distribute. Also revise associated Briefing Statements and Media packages.

1.3 Develop a brochure for the Fund

1.4 Handle all requests for information about the Fund, the resource protection problems & etc. in a timely manner (i.e. < three working days from receipt).

1.5 Join certain national conservation groups, with the Fund's President receiving any distribution, so as to stay abreast of issues and generally attain a better understanding of these organizations.

1.6 Consider the possibility of setting up informational booths and displays at environmental conferences and workshops.

## Goal # 2 Implement Vision and Mission Statement

2.1 Verify that the Vision and Mission Statements are still valid and attainable.

2.2 Develop and financially support a committee for each major section of the Mission Statement. A chairperson shall be sought for: training; 1-800# and rewards payment; awards and recognition of rangers and managers making differences in the field; technical investigation equipment procurement; outreach, public education and "Junior Rangers" program; research on and support for enhancing the resource protection capability; support for the plight of the NPS Ranger; the development of a legislative agenda and liaison capability; run our grants and corporate sponsorship program; and manage the Fund's grassroots and volunteer programs.

2.3 Manage membership and fundraising operations and assure all efforts are in compliance with contracts, local, state and federal codes and regulations; encourage the use of bulk mail campaigns to save money; and keep environmentally sound technology in mind in all processes of the fundraiser and the office operations. Be available to staff and members for periodic questions, need for guidance, contract interpretation, and meet with them not less than quarterly. Formal proposals should be sought and circulated among the Executive and Advisory Boards PRIOR to all new fundraising endeavors.

2.4 Seek a fair and equitable contract with B&B to handle Fund generated requests for information and staff the 1-800 number with trained employees during special media stories about the Fund.

2.5 Seek special funding via grants and corporate sponsors. Consider Fund formally endorsing products. Seek "PRO" deals and discounts for members.

2.6 Finalize Memorandum of Agreement with the NPS.

2.7 Establish an Advisory Board for the Fund with one representative from each major NPS Ranger profession (i.e. a field ranger from both interpretation and protection, a Chief Ranger, a Superintendent, a member of a Regional Directorate, a staffer from the Ranger Activities Division, as well as perhaps an Administrative Officer).

2.8 Hold an Executive Board meeting by year's end (1994) to



include members of the Advisory Board, the Executive, and committee chairpersons.

2.9 Work closely with FLETC in the development of a standard Resource Protection course by year's end.

2.10 Determine what level of freedom the Executive Director/President, or any officer for that matter, can speak and write opinions for the Fund. (i.e. carte blanche, peer review by at least one officer and one member of the directorate on sensitive or politically explosive topics, no action without approval of the Board, ?, etc.)

**Goal # 3 Enhance Relationships with other non-profit and employee groups.**

3.1 Identify target groups with whom we might affiliate, such as ANPR, Ranger FOP, NAWEOA, and PEER.

3.2 Attend conferences to get to know these groups and their Executive Board better and maintain a working and more personal relationship. Ask for time, where possible, to address their Board, their conference, or get an article into their newsletter, magazine, etc.

3.3 Request letters of support for our goals from those with whom we decide to affiliate.

3.4 Seek the formation of a possible coalition, joint Position Statements, joint legislative agendas for the improvement of, and commitment to, our nationwide and North American resource protection efforts.

3.5 Repay the FOP Ranger Lodges for the start-up and seed monies they generously provided during the formation phase of the Fund.

3.6 Develop a donation policy which will define how the Fund might support other non-profits work that might compliment NPS resource protection efforts.

**Goal # 4 Functional and Responsive Fund Office**

4.1 Develop a financial plan for the Fund's office. Currently a personal computer, most office furniture and a printer are being used to accomplish the Fund's work. Also electricity to power lights and a sizable array of office equipment including computer, printer, fax, copier, answering machine, etc. is being paid out of pocket by the Fund's President and Secretary/Treasurer.

4.2 Eventually acquire proper office furniture, a Fund computer (beyond the capability of a 286), and a laser printer.

4.3 Fully utilize discount suppliers for paper, toner, envelopes, and other misc. office supplies

4.4 Maximize the use of recycled paper and recycle used paper which the office generates.

4.5 Closely manage the Fund's primary fundraiser.

**Goal # 5 Assure Compliance with Law**

5.1 Pay Maloney, Yeatts and Barr as quickly as possible for Erie's excellent work. Explore some sort of retainer for 1995. Continue to utilize Erie's services as needed throughout 1994.

5.2 Seek a bookkeeper or CPA to help set up books, perform audits of our accounts, help us track compliance requirements with various regulatory entities and filing reports & registrations, and conduct periodic audits of B&B's operation.

5.3 Seek mentoring opportunity or training for Fund's Secretary and President on management of a growing non-profit organization.

5.4 Consider a salary structure for Fund's Secretary and/or President/Executive Director and propose to the Executive Board sometime in the future (if the Fund seems to be in good shape financially.)

**Goal # 6 Communicate with the Membership**

6.1 Explore methods in which we can keep the membership apprised of Fund's efforts and activities in our attempt to resolve the resource protection crisis in the NPS, while also being able to periodically alert them to key legislation or other issues.

6.2 Develop a proposal for holding our first conference in 1995.

6.3 Continue with the 1-800-223-1173 at the President's residence.

6.4 Develop a semi-annual newsletter. Seek advertising opportunities to help defray the cost of publication and first class mailing. Also develop a method of alerting members to crucial legislation, Administration decisions, needs for them to solicit Congress.

**Fundraising and Membership Drive**

B&B delivered their first guaranteed quarterly payment of \$15,000 in mid-April. They have assured us that they are totally committed to our project. As evidence of this, B&B is in the process hiring two professionals to work on our project. One will serve as a manager for the overall Fund project. They are also hiring a mailout specialist to work on obtaining mailing lists from major conservation and environmental sources which provide considerable revenue for the cost.

The Crusader show did a special on the resource protection crisis in the NPS and put our 1-800 number at the end of the show. We received over 400 calls--needless to say we were kept busy doing mailouts for this huge outpouring of concern.

Jack Byron, President of B&B is currently on a 6-week sojourn into the Southwest and Central Rockies. He's visiting parks and will try to meet with rangers and managers to get first hand their thoughts, ideas and a feel for our resource protection issues. He's dragging a pop-up trailer around and staying in campgrounds along the way.

B&B are also in the throes of setting up a western operation in the Denver or Boulder area. Gary Lakins, who headed up their West Virginia Office, is also dragging a fifth-wheel trailer and apparently will be renting a phone room and hiring telemarketers for this effort. B&B felt they would be able to capitalize on the fact that the Denver Post did a major front page story last fall on poaching in the Parks. They feel they will be able to get a pretty good return for their efforts from the 600,000+ population in that area. They will also probably work the western states from that location. I plan on doing a letter to all the parks in CO as well as to the Regional Directors in SW, WR, RMR, PNW, and AK.

**Status of the Memorandum of Agreement Between Fund and NPS**

The MOA which we submitted to the NPS last Fall is receiving some attention. Jim Brady has assigned Bob Marriott to the task and we have already sent several revisions back and forth. Brady said in a recent conversation that he'd like to get the MOA finalized and inferred that the signing will probably occur in the presence of, and with the support of, Director Kennedy.



### Our First Two Week Resource Protection Course

Preplanning has begun with Chip Davis, SERO Special Agent, who has been given liaison responsibilities for FLETC with the Fund. Our hopes are to begin the coordination of a two-week Resource Protection Course to be offered next FY, probably mid-winter. Bruce Bytnar, Training Chairman, and I are reviewing a draft proposal which Davis prepared of possible topics which will be covered. We will be traveling to FLETC sometime this summer to begin planning and preparing for the course. We have set aside a considerable amount of money for this course.

### Free Memberships

Since we have received our first quarterly payment from B&B, we have decided to issue a free 1994 membership to all FOP Rangers. We hope to mail out your membership cards, decals, and our Briefing Statement soon. Additionally, we have identified money in the 1994 budget to obtain a free membership for all our members in the North American Wildlife Enforcement Officers Association.

Busy, Busy!

## Seasonal Update

by George Durkee, Seasonal Representative

*"There, then, he sat, holding up that imbecile candle in the heart of that almighty forlornness. There, then, he sat, the sign and symbol of a man without faith, hopelessly holding up hope in the midst of despair."* Herman Melville, *Moby Dick*

Since the excepted appointment authority to hire seasonals expires next September, WASO is looking at the entire hiring process for seasonals and revising it. The good news is that the seasonal application is on the way out: no more bubbles to fill in! According to Mary Martin at WASO Personnel, they are revising both the seasonal and permanent application and plan to come out with just one form for both. The new form will be designed to be text readable by computer. You will be able to fax it in and allowed to use your Park's fax machine to do it. The register will become year 'round, with the supervisor faxing in criteria needed for a position and the qualifying names returned, theoretically, within 24 hours. Seasonals will also be able to apply to as many as 30 parks. Under this proposed system, supervisors will also be able to make name requests for an employee. The hope is that this system will be in place by next fall so it can be tested out during the winter and up to speed by next summer.

The bad news is that the legislative package proposed by OPM asking for more flexible hiring authority and making it easier to convert seasonals to subject to furlough appointments, has been put off by Congress until November. However plans are still in the works to convert a number of seasonals to "term" appointments. Unfortunately conversion to term is only a quick fix. Although such an appointment comes with benefits, it's meant to be short term (maximum of four calendar years, cumulatively) for a specific task. Term appointments also have no competitive hiring rights with them and are not considered permanent. They are good only in the park and position for which hired. WASO Personnel sees some sort of subject to furlough appointment as the ultimate solution and will continue to work towards that as a goal. OPM has proposed a 1040 hour (6 months) limit on seasonal appointments in one park. At the moment it appears as if seasonals will be able to work another appointment in another park in the same year.

It is possible, though, to get your personnel office or Chief Ranger to request a delegated appointment authority from the local OPM office to hire and announce a subject to furlough

position locally. There is, apparently, some money available this year to do that.

Ranger Careers is the implementation phase of Ranger Futures and is currently underway for permanents. All permanent rangers are to be converted to the new PD's and appropriate grade by the first of July. At the moment, alas, no one is thinking about seasonals. However, it is reasonably certain that the position will determine the grade, not whether you're seasonal or permanent. After Ranger Careers is put in place for permanents, seasonal LE positions will be evaluated by WASO and the Ranger Activities Division. Assuming you're doing 'full performance' work, you should be plugged into the 5/7/9 progression of the law enforcement PD. If you've got 1 cumulative year as a GS 5, you should qualify for a GS 7 then, after 1 cumulative year as a GS 7, go to a GS 9. This doesn't appear to be likely to happen before this fall.

We will, of course, keep you updated on events. Mary Martin at WASO said she hopes to put together a memo to seasonals informing them of the latest changes and proposals.

## President's Report

by Randall Kendrick, Eastern Lodge

The Lodge has received a research report on the subject of overtime which is capped at the GS-10/1 rate from our attorney Ed Passman. We are in the process of making this available to those who indicated interest in pursuing this issue. The Lodge also received a letter on this subject from the Acting Chief Personnel Officer of the NPS. The agency is using a blanket exemption of all GS-9 rangers from the Fair Labor Standards Act to cap us at the GS-10/1 level even when we are doing production-type work such as criminal investigations, searches and the like. To be exempt from the FLSA, the NPS has certified that at least 80% of work time for these employees is spent in administrative duties. We will be attempting to balance legal expenses against the likelihood of victory and anticipated return on past underpayment of overtime to determine our course of action. Please contact the Lodge with your comments and suggestions.

We are now receiving Sunday Differential on those Sundays which we are scheduled to work and we do not because of sick or annual leave. The FOP became aware of a court decision on this matter and immediately pressed the agency to extend this to rangers. We initially thought that we could recoup holiday pay which was not worked when on annual leave. It now seems that this is not possible to do. We have gotten the court decision and have shared it with officers and that seems to be the consensus.

Membership cards and 1994 decals were mailed to members at the first of the year in **anticipation** of receipt of dues. If you have your membership card, it does not mean you have paid your dues. Please check your records and if you have not paid your '94 dues please do so without written reminder. It saves the Lodge money if reminders do not have to be mailed. 1994 dues are \$25.

Your Lodge has been actively engaged in aiding members who are having problems of various kinds with management. Most of these cases involve a consultation with our attorney which costs around \$150/hour. Civil Service law is quite complex and an experienced attorney is well worth the cost. However, costs to the Lodge are mounting and are stretching our budget. We've already cancelled our quarterly newsletter and our annual executive committee meeting to stay solvent. Most members support a fund to assist members in distress and in this issue you are asked to fund this. Please let the Lodge know how much we



should charge ourselves for this service. We don't want to have to turn down a member who finds him/herself up against the wall, but if we don't have financial reserves, we will be forced to.

With all our emphasis on 6(c) retirement, Ranger Careers, increased safety on the job, better housing, increased staffing, and the Resource Protection initiative, we often forget about the fraternal aspect of our Order. We should take a little time and remind ourselves what it means to be a member — along with nearly 250,000 law enforcement officers — of the Fraternal Order of Police. It means that if you are experiencing problems, you can go to a brother or sister member for help and advice. It means that if you notice a member whose work is suffering because of personal problems, you should offer confidential assistance through the FOP. If you are on the road, and break down near a national park, you should be able to contact a member at that park and get assistance. If you're travelling, or on assignment, or attending a training course, feel confident in contacting a local member and getting a friendly reception. A law enforcement career often can isolate an officer and the FOP provides both a professional and social organization where members can communicate with those who share this special calling.

## TO ALL THE MEMBERS OF NPS-FOP:

This letter is intended to address the friends, employees, and families of the National Park Service, members of the Fraternal Order of Police and all other agencies and individuals who have assisted me through my recent illness. I would like to thank all of you for your spiritual support and monetary contributions during my trial with Hodgkins Disease.

I am glad to announce that my cancer is gone and the likelihood of recurrence is practically nil. I am working again and will be

able to handle the few medical bills that will be incurred during checkups over the next several years. I will no longer need the generous contributions that you have been sending to the funds that have been established for me through Jill Hawk and Everglades National Park and Dan Pontbriand and Olympic National Park. The remainders of the funds at the South Florida Chapter-FOP will be forwarded to the Brittany Krose Fund. Brittany was recently diagnosed with leukemia and her parents, Ranger Krose and his wife Lisa at Delaware Gap NRA, need our assistance in seeing their child through this difficult illness. The remainder of the fund at Olympic will be forwarded to the Quinault Cancer Fund, which was established in the memory of "Woody" Rambo (a ranger in the Quinault sub-district of Olympic.)

I cannot begin to thank those of you I know and those I have never met for what you have done for me, but let me say it has been a very humbling experience!

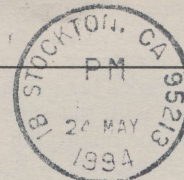
Further, I encourage all temporary/seasonal employees to find the means to secure at least a catastrophic illness insurance policy for their own protection. If anyone who is reached through this letter faces a situation similar to mine, I would be glad to share with them what I have learned through this illness in order to alleviate some anxieties.

When I joined the National Park Service and the Fraternal Order of Police I did not realize that I was being inducted into an "extended family." But this agency and organization respectively are just like the "extended family" that grew out of several of my family's close relations during my childhood and that continue today. Thank you again.

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PLEASE RENEW BEFORE THE EXPIRATION DATE SHOWN:



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