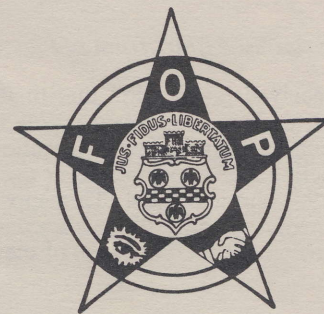


The Protection Ranger



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

Vol. VI • No. 1 • 1995

Labor Committee Report

Proposed Expansion of Park Police to Displace Rangers

On January 18, the NPS announced a plan to place the U.S. Park Police (USPP) in charge of the Statue of Liberty's law enforcement program. We have also learned that the NPS has proposed placing USPP ranking officers in the new cluster offices. Since these actions would be gravely detrimental to our resource protection/law enforcement programs and significantly curtail law enforcement career opportunities for Rangers, the Labor Committee was tasked with responding to both of these actions. We have advised WASO and DOI that not only should the USPP not be placed in the Statue or cluster offices, but the USPP Major (at WASO) and Captains (at regions) should now be removed and replaced with law enforcement Rangers.

We respect our colleagues in the U.S. Park Police, but Park Rangers should manage NPS law enforcement programs, not the Park Police. Our position is explained in our letter (reprinted on page 9 in this issue) to DOI and NPS.

One of the things our membership should keep in mind as they read this entry is that if we had been a recognized collective bargaining unit, the NPS would not have been able to place USPP officers into the Statue of Liberty without first consulting us! Federal law requires NPS to work with recognized labor units in matters that will have a significant impact on the workforce. Clearly, the loss of almost 40 law enforcement FTE's at the Statue and the loss of 16 to 32 senior level law enforcement manager positions would qualify as having a significant impact on the Ranger workforce.

Of significant interest is the fact that these actions were taken without consulting the WASO Ranger Activities Division. These actions were made when the Chief of Ranger Activities Division position was vacant.

See Labor Committee p. 2

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External Affairs Report

by Dan Kirschner, V.P. for External Affairs

6(c) & FERRIER: Important Victory for All Law Enforcement Rangers

On January 12, 1995 the MSPB **DENIED** OPM's petition to have the *Ferrier* decision reversed. OPM has 30 days to appeal the decision. If OPM fails to appeal, *Ferrier* stands! In their decision, the MSPB Board wrote:

... the Board agrees with the appellant that: All aspects of traditional or contemporary law enforcement services inherently include "duties involving the maintenance of law and order, and protection of life and property." These inherent duties encompass all jurisdictions and law enforcement specialties. In fact, this phrase encompasses the true core of law enforcement responsibilities.

It was work by Lodge officers and your contributions and dues that made this victory possible. Thanks to all who contributed time and money. Congratulations to Brother James Ferrier who, along with several of his fellow USF&W agents, have joined our Lodge.

Law Enforcement Pay for 6(c) Secondary Positions

We are receiving reports that several parks have yet to designate 6(c) secondary positions. Prior to contacting DOI and the NPS, we would like to know which parks have failed to designate 6(c) secondary positions. Please call the 800 number if your park has yet to complete this designation process.

DOI 6(c) Personnel Managers Meeting

The DOI 6(c) personnel managers meeting was held in mid-January. We had hoped to be able to publish the results of this meeting in this issue, but DOI is still in the process of preparing a report of the results of this meeting. DOI says they plan to disseminate the results of the meeting in early February.

CSRS 6(c) Past Coverage

DOI reports that OPM has returned all CSRS 6(c) past coverage claims to them. Several CSRS law enforcement officers have

See External Affairs p. 2

MOVING?

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

External Affairs from p. 1

received notification that their individual past coverage claims have been approved. We have also learned that several employees received notification for coverage up to 1991 and no action was shown on their 6(c) past coverage claim updates for 1991 through 1994. This appears to be an administrative glitch involving the NPS not forwarding all the updates to the DOI reviewers. DOI is aware of the problem and is working to correct it.

6(c) Law Enforcement Back Pay

Both the NPS and DOI have, so far, refused to combine the 6(c) law enforcement (FLEPPA) back pay issue with the collection of the extra one half percent retirement deduction. DOI and NPS are claiming these are separate issues. We are looking into collective legal action, but for now we are advising every person who has been granted 6(c) past coverage to immediately file a 6(c) back pay claim. We are also discussing this issue with legal counsel to find out if legal action will be required. We will try one more time (a letter to the NPS) to obtain an administrative solution. In the mean time, you might be able to secure an administrative remedy if you are covered by a collective bargaining agreement.

If your position is covered by a collective bargaining agreement, and the agreement covers back pay issues, contact your bargaining unit managers so that they can assist you with filing your claim. If you aren't sure whether your position is covered by a bargaining agreement, contact your servicing personnel office. If you ARE NOT covered by a bargaining unit contract that includes pay issues, contact your servicing regional OPM office for the back pay claim forms for filing an individual claim.

Labor Committee from p. 1

On page 9 is a copy of the letter we sent to Secretary Babbitt and Director Kennedy. It was sent as we were going to press, so we are unable to report on the response (if any) from DOI and the NPS. We hope to print a response in our next issue. ANPR has also sent a letter of protest. Already we've heard that one region has asked that the USPP not fill a vacant regional staff position pending a staffing policy review.

FLSA Capped Overtime - Back Pay Update

We are still collecting information on this topic and our attorney will soon be sending a letter to NPS requesting an administrative solution to this problem in the hope of avoiding prolonged legal proceedings. If legal action is necessary, we will probably handle the cases as we did the 6(c) cases: You may have to put in a sum of your own money (which you may get back pending a decision in your favor). If you think your O/T was improperly capped (i.e., you were doing production work, not administrative support work) and you want our attorney to represent you, please call the 800 number. We will contact you about any legal action. As you will recall, the NPS maintains that it never has capped overtime of any employees (FLSA Exempt or non-exempt) when they perform production work. Your calls to the Lodge indicate otherwise and it appears that many GS-9's and 11's were improperly subjected to the overtime cap during after-hours call outs for law enforcement, fire, SAR, and medical incidents. Please call the 800 number if you have any information or questions on this issue.

FLSA Coverage

The Lodge has learned that WASO is revisiting the FLSA coverage issue. WASO personnel is currently reviewing the blanket "Exempt" determination. The Lodge provided WASO

with an abundance of FLSA information and a recommendation that the NPS administratively correct the mistakes of the past. If the NPS fails to take prompt action, our attorneys will assist us in obtaining a legal resolution. We will report on actions taken in the next issue of the *Protection Ranger*.

Back Pay for Sunday Differential Reported

Jay Lippert at Fire Island reports that the Park has agreed to compute back pay for Sunday differential not paid when a ranger was on leave or sick for the last 6 years. This was a direct result of work by our Chapter there and a helpful personnel specialist (and a court ruling). This decision will affect about 12 rangers and maintenance employees.

Sig Program Expands to West

by Tim W. Woosley

The professional purchase program for Sig weapons is now available to all regions. If your region does not have an ordering representative listed below, you may order directly through me. Currently, **only permanent, NPS law enforcement officers are eligible to order**. Once the program becomes established, we hope to open this to seasonals as well, possibly by this spring. If you are permanent but still have a level 2 commission you are eligible to order. Individuals who wish to purchase weapons **must** follow these directions: If you do not have the current price list send a self-addressed stamped envelope with .58 cents postage to the designated person listed below for your region. When you have determined what weapon you want to order send a certified check or money order (no personal checks), made out to FOP-SIG, to the following address: Route 3, Box 316, Elkton, VA 22827.

The P-220, P-225, P-226, P-228, and P-229 in the DA/SA mode are authorized for duty carry. (I have been informed that the P-230 is authorized in the new draft for NPS-9, however, since it is still going through the review stages that weapon cannot be purchased right now). All weapons will come with 2 magazines and a plastic carrying case. FOP members include \$22.00 for shipping and handling for each weapon ordered, non-members must add \$27.00. In addition, all orders **must** include the following information in order to process it: Name, SSN, D.O.B., legible photocopy of your commission, Park (with complete mailing address), Region, weapon you are ordering (with appropriate codes from price list), and Lodge Member Number. I will be able to process your order more quickly (hint, hint) if you would put all the information on a 3x5 card in the above order.

Since Sig has drastically reduced the prices on these weapons we all need to exercise some discretion. Some gun dealers might think this program is cutting into their business and protest to Sig. We all need to be aware of these potential situations when discussing this program with others outside the Service.

If you need any other information please contact me at (703) 999-2021.

North Atlantic, Alaska and Pacific NW Regions:
Ed Clark, RD5, Box 93K, Malvern, PA 19355.

Southeast Region:
Charlie Louke, POB 278, Kosciusko, MS 39090.

Mid-Atlantic, N.C.R. and other regions not named:
Tim W. Woosley, Rt. 3, Box 316, Elkton, VA 22827.

Mid-West Region:
Greg Cravatas, 2854 Erhart Rd., Medina, OH 44256.

NPS Prepares Guidelines for Seasonals Under Ranger Careers

by George Durkee, Seasonal Representative

According to Bill Sanders at WASO, guidelines for how Ranger Careers will be implemented for seasonals will be out in mid-February for a broad review. WASO will spend the next couple of months tuning it up and expect to have the final version by spring.

As expected, the proposed 5/7/9 structure has been retained. The *proposed* criteria for a GS 9 seasonal will be based on three elements:

- 1) Law Enforcement.
- 2) Resource Education. This includes outreach programs, working with schools and other use groups, preventative law enforcement, and the gathering of intelligence from user groups. This is the core of the PD at the full performance 9 level.
- 3) Public Use Management. e.g. campground work and resource rehabilitation.

Doing all three of these duties will be the full performance criteria for the GS 9.

The 5/7 levels will be considered training positions and will be called Auxiliary Park Rangers under the 025 series. The 7 level will not have resource education as part of the PD. The 5 level will not have law enforcement or resource education (e.g. some campground ranger positions that don't fit under fee collection series). These are both considered training positions. Classification will be done based on the skills, training and education of the ranger and the requirements of the position.

When the guidelines come out, seasonal positions will be reviewed to determine if they fit into the 025 series. As with permanents, positions that do primarily fee collection, fire control & etc. will be placed in a more appropriate series such as cash clerks or fire. These latter positions can also be advertised and hired locally.

Unfortunately, Bill isn't confident that the proposed upgrades for seasonals can take place this summer. OPM is expected to argue that since these are new PDs, the seasonal ranger will have to compete for it. The Lodge will argue that the job is the same (i.e. no new duties), only the description is being changed. Also, permanent incumbents were upgraded non-competitively when Ranger Careers was implemented last summer.

I later talked to Mario Fraire at WASO Personnel who believes it might be possible to review and, if warranted, upgrade positions by this summer. Mario hopes that authority to classify can be delegated to the division chief level. He's also hoping to test out software soon that, by asking a number of questions about the position, will automatically grade and write the PD, greatly speeding up the process. Mario cautions, though, that there is a lot of uncertainty currently because of the loss of large numbers of people at both OPM and WASO. "Downsizing" has made it difficult to get accurate information and someone to take authority for a decision.

WASO also wants to increase (probably double) the level of seasonal LE training--making longer academy sessions and mirroring more closely FLETC's program. This will probably mean fewer seasonal academies because of the greater time commitment. This will cause the courses to be more expensive, both in time invested and money. One of our future tasks as a

Lodge will be to pressure the NPS to cover part or all of the costs for seasonals.

Finally, although these guidelines do not deal directly with a seasonal to permanent career path, the assumption is that if NPS gets hiring authority for within the agency, seasonals will, because of their experience and training, be strongly competitive. There is currently a package of bills before Congress that, among other things, would allow temporaries to apply directly for permanent jobs. We'll of course keep you updated.

Ranger Leaves the Ranks

November 22, 1994

Dear Friends and Former Colleagues,

In January of this year, I resigned from the National Park Service after accumulating 12 years of service and achieving the position of Supervisory Park Ranger in a relatively large unit of the Service. My decision to leave came after many sleepless nights and more than one private tear. It was, however, in the best interest of my marriage. My wife Anne, also formerly of the National Park Service, is now a rising star in her chosen career. It is her turn to shine, having put her aspirations aside for so long so that I might work in the career I selected at age 13.

It may surprise those of you who know me, but I am now a Police Officer with the City of Austin, Texas. I spent my early months wondering if I had made the right decision. But I also came to realize that I was making a disadvantage for myself by pondering my choice. As has been the tradition of the National Park Ranger, I focused on turning the disadvantage into an advantage.

Recently I came to realize that I now have the voice of a constituent, the tax paying citizen. And although my Stetson now sits idle on my dresser, I still bear the meaning of the mission, and endeavor to further the advancements of the National Park Rangers I have left behind.

The Marines have a saying. There is no such thing as an "ex-Marine". It is a brotherhood much like ours. It endures. With this spirit, I solicit the FOP to seek out those who have left the profession, but maintain the pride and zeal for the law enforcement Ranger's mission. Retirees, and many of us who have left the ranks, possess a great deal of knowledge and the ability to act apart from the constraints of federal employment. For this reason, I solicit the FOP to coordinate a committee or office for alumni affairs. I further encourage you to seek these people out and solicit their help in achieving the goals of the National Park Rangers Lodge.

While the Lodge considers this proposal, I will be busy corresponding with legislators in an effort to have Law Enforcement Rangers included in the Texas Peace Officer Statute. I will keep you posted.

There is no such thing as an ex-National Park Ranger.

Fraternally yours,

Christian J. Malanka
Former National Park Ranger--Law Enforcement
POB 977
Dripping Springs, TX 78620

We wish Brother Malanka well in his new career and thank him for his efforts on our behalf. Anyone wanting to participate in or help organize a group of LE alumni, contact the Lodge.

Disturbing Incidents of Interference With LE Function Reported to Lodge

In the last issue of the *Protection Ranger*, the Lodge asked members to send in any examples of incidents where non-commissioned supervisors were directly or indirectly interfering with the law enforcement function. Since the printing of that article, we have received numerous phone calls, letters and reports of non-commissioned and commissioned supervisors interfering and tampering with various criminal investigations.

This is the same type of interference by non-law enforcement supervisors that was so commonplace with the U.S. Forest Service. This continuous tampering caused the Secretary of Agriculture to reorganize all law enforcement functions so they now form one simple chain of command to a top law enforcement chief in Washington, D.C. This move not only eliminated the majority of past corruption but also gave the U.S.F.S law enforcement branch more control with their budget and professional growth. Unfortunately our agency appears swamped with examples as well.

For example: a commissioned supervisor in the Western Region who is not one of the assigned evidence custodians for the park, yet has tampered with evidence and pressured officers to drop cases and void citations.

Another case of interference comes from the Southwest Region where a park superintendent is, and has been, routinely coercing and threatening members of the ranger division not to perform certain aspects of law enforcement and investigations so as not to anger the public.

In the east we learned of a commissioned supervisor who completely ignores continuous felony looting and relic-hunting by criminals with metal-detectors and shovels. The looters plunder the sacred battlefields, routinely leaving dozens to hundreds of scars and backfill piles. This Chief orders his staff only to fill in the holes and forget about conducting any investigation or night patrol for future deterrence or apprehension.

These are just a few of the numerous reports that we have received since the last *Protection Ranger*. These incidents have not been described in detail in order to protect the reporting rangers. However the reports we continue to receive are quite detailed and alarming. Our professional image and the respect of the American people is jeopardized if this continues.

When a superintendent or other supervisor illegally voids or pressures a ranger to withdraw a criminal charge, word usually spreads to the public that a call or complaint letter will cause the NPS to back down. This is unprofessional, violates NPS-9, and has the potential to generate additional complaints in the future, including disrespect for the NPS.

Supervisors have an obligation to treat both the ranger and the public fairly when investigating complaints. Supervisors should also keep in mind that they themselves could be held criminally liable through the United States Attorney's Office if they interfere or tamper with a law enforcement investigation.

Thank you for sending the Lodge your reports. We urge others to continue to do the same. Please send your incident to:

Ethics Committee
Fraternal Order of Police
National Park Rangers Lodge
P.O. Box 151
Fancy Gap, VA 24328

As more unsettling reports of this type come in, we will continue to keep the details on file. With your consent, we will print some summarized versions in future editions of the *Protection Ranger*. We will fully protect your identity. We will consider the number and type of incidents you report to formulate a Lodge policy to deal with this situation.

Does Your Park Have Semi-Autos Yet?

The Lodge has also received some reports that several parks have yet to transition to semi-auto's. We are compiling a list of parks that have yet to transition. Please call the 800 number if your park is still using revolvers. The Lodge will then send WASO the list and request action to rectify this inequity. We realize that Seasonals are being treated as second class citizens, again, and we have voiced our extreme dissatisfaction. We hope for resolution soon.

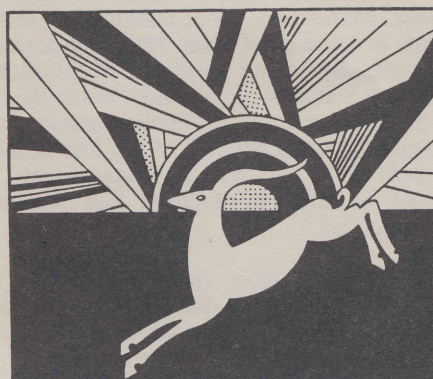
Election Results:

The ballots are in and the new Lodge officers are:

President Tim Woosley
Vice President for External Affairs Dan Kirschner
Vice President for Internal Affairs Ed Clark
Secretary Randall Kendrick
Treasurer Janet Bachmann
Guard George Durkee

Congratulations to incoming President Tim Woosley (who will also continue with his duties as VA Lodge Trustee) and to all Lodge Officers. A special thanks to outgoing officers: Western Lodge President Chris Cruz, who has worked tirelessly for the Lodge as President for two years. Chris is off to a well earned new position at Haleakala; Dave Ashe, who as Western Lodge Secretary maintained the membership list and tactfully reminded members to pay up when they were late; and Ruth Middlecamp, who for several years paid our bills and kept the books.

In the candidate's ballot last issue, we inadvertently left out Janet Bachmann who was nominated for Lodge Treasurer. Janet has done an excellent job as Eastern Lodge Treasurer for the last 5 years and will now continue in the same post for the entire Lodge.



Symbolic Victory Reported

Over the years, the *Protection Ranger* has reported on the Lodge's ongoing struggle to achieve rights to 6(c) retirement for rangers. We've given advice on how to put together a 6(c) package and how to file an appeal; we've supported and reported on court cases won by individual rangers, pressured for the return of 6(c) packages from OPM to DOI for decisions, worked for the inclusion of 6(c) as a basic component of the new PDs under Ranger Careers and, finally, we were instrumental in supporting *Ferrier's* precedent setting case. All Lodge members have been essential in bringing about this dramatic change in policy.

It is, then, with a certain pride that we report an individual victory: Randall Kendrick of Blue Ridge, founding member of the Lodge (and the Ranger Alliance before that); past President and, it must be noted, a moving force behind all that we do here at FOP Central, has recently been notified by Ann Meroney that his "service as a firefighter and law enforcement officer" since 1964 qualifies him "for retirement under the provisions of 5 U.S.C. 8336(c) in the primary category." Our hearty congratulations!

Housekeeping Note: Your kindly editor is looking for someone to write an article on how to "buy back" retirement for time spent as a seasonal. Call me or write: George Durkee, 23807 Quaker Ln., Twain Harte, CA 95383; 209-586-1652; or 72610.1135@compuserve.com via the Internet.

Passman and Kaplan Move Offices

The Lodge's super legal team have moved. Their new address:

Passman and Kaplan
1090 Vermont Ave, NW
Washington, DC 20005

Phone: 202-789-0100 / Fax: 202-789-0101

Law of the Land Released

Paul Berkowitz' long awaited book, *U.S. Rangers: The Law of the Land* (1995 edition, 450 pages), is now in print and for sale by the Lodge. This is the history of law enforcement by land management agencies of which *The Use of Deadly Force*, that many of us have, is a chapter.

Starting with the first ranger, Galen Clark of Yosemite, Paul traces the evolution of rangers and law enforcement in the Park Service. He dispels a number of myths, including the one that law enforcement is only a recent addition to our duties. The book also examines the history of the Authorities Bill of 1976 and looks at why we're in the situation we're in. In addition, Paul has discovered and included almost 50 first hand accounts of critical incidents involving rangers in the early 1900s.

As noted elsewhere in this issue, our place as law enforcement professionals is not secure. It is important we know our own history and the evolution of the ranger profession to better make the case that law enforcement rangers must control our own organizational structure. As such, Paul's book is a valuable and timely contribution to this effort and a 'must read' by all law enforcement rangers.

For the complete volume, send \$30 (includes postage) to the Lodge.



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): _____

☐ Permanent Rangers: \$52/year (or \$2/pay period using Form 1199 Payroll Deduction. See article on p. 6 with instructions).

☐ Seasonals: \$35/year.

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

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

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

NPS Area: _____

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

Lodge Secretary's Report

by Randall Kendrick

Members of the former Eastern Lodge: It is time to pay your 1995 dues. Your membership cards and active member decals are here and will be mailed to you as soon as your dues are received. Renewing members do not have to send in an application form.

Please consider paying your dues by payroll deduction (see article). This will not only ensure the Lodge a steady cash-flow, but save several hundred dollars in postage for reminder letters.

The Lodge wants to know when a member retires. We send out an FOP "retired" pin and a letter of congratulations. Active members who retire are able to remain full fledged voting members of the FOP; to date, most of our Brothers who have retired are still with us.

The Lodge also wants to learn of illness and bereavement so we can send the appropriate message and try to let friends within the Lodge know. Please use our 800 number.

Former Western Lodge Members: The CA State Lodge has not processed the second half per capita check and we don't know why. This has delayed the printing of your 1995 membership cards. If this situation is not corrected by the CA State Lodge, we may first have to transfer you to the combined Lodge and pay the per capita from here. This situation is beyond our control at present and so far CA State Lodge has not explained its action. We will get your membership cards to you as soon as possible and we very much regret the delay.

Lodge Dues Increase And E-Z Pay Plan

Last summer, the membership voted overwhelmingly to approve a dues increase to support our escalating need for funds for individual and national legal assistance and other financial help for members. The majority of members recommended dues be set between \$65 and \$78 per year. **The Lodge Board has voted to set dues at \$52/year** (just \$2/pay period using Direct Deposit). The increase is effective with this newsletter. If you've already renewed for the year, we'll send you a reminder and a Direct Deposit form at the 6 month anniversary of your renewal for the additional amount.

To make it easier for you to pay and the Lodge to collect, we hope you'll fill out a Form 1199: the **Direct Deposit Sign-Up Form**, available from your park's fiscal office.

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

Section 1:

Block C: Write in your Social Security number.

Block D: Check the **Checking** box.

Block E: 090220704401

Block F: Check **Other FOP Dues**

Block G: Type: New Amount: \$2.00

Section 2:

Agency Name USDI-National Park Service

Agency Address Your Park's Address or just NPS

Section 3:

Name and Address of Financial Institution:

Patrick Henry National Bank
POB 1776
Bassett, VA 24055

Routing Number:

0514-0395-7

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

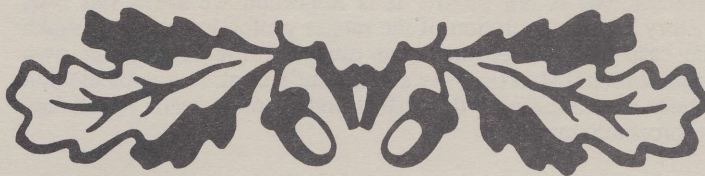
Seasonals: When you sign on for the season, please fill out the Form 1199 as outlined above. At the moment, you will only pay while you're working. If you pay at once, dues will be \$35.

With the increased funds, the Lodge will establish a legal assistance fund available to all members. Members of the Lodge will automatically be entitled to initial and free legal advice from Passman and Kaplan for Service related problems. In addition, we will establish guidelines where the Lodge will cover additional legal services for a member. We will publish the specifics of these guidelines in the next issue. Finally, we will form a Board of Review to manage the Lodge legal defense fund.

A bigger Lodge treasury will also enable us to:

- 1) Aggressively oppose the loss of law enforcement ranger jobs to the U.S. Park Police.
- 2) Pursue 6(c) designation for other cases still in question.
- 3) Continue fighting the *Ferrier* case (if appealed by OPM).
- 4) Win the effort to make all GS-9 rangers non-exempt from the Fair Labor Standards Act and win back pay for rangers who were paid improperly.
- 5) Work to have all long-term LE seasonals non-competitively converted to STF status.
- 6) Work towards a national contract for LE rangers.
- 7) Help fellow rangers with emergency family needs.

Almost all rangers have benefitted financially from our work on 6(c), position upgrades, Sunday differential pay or Administratively Uncontrollable Overtime. Put some of that financial gain back to work by maintaining your membership in the Rangers Lodge of the Fraternal Order of Police.



Abuses of Power at Glen Canyon Highlight The Need for NPS-9 Reform

by Jack Gossett, Glen Canyon

When I transferred to Glen Canyon NRA in June of 1990 I was aware of the reputation the park had for failing to support its employees. I knew, too, that it was not unusual for rangers, both permanent and seasonal, to be fired from the park on a regular basis. The situation did not improve during my tenure at the park. Glen Canyon managers have fired seasonal employees for the offense of moving furniture and have evicted employees from park housing for sleeping with their spouses. A former permanent ranger was hauled before a board of review and subsequently fired for offenses stemming from an incident in which the ranger's commission was **not** revoked by the board. (The action was later reversed).

In the summer of 1994 the new chief ranger of Glen Canyon approved the firing of all the recently hired seasonal law enforcement rangers in the park so that their positions could be converted to permanent subject to furlough positions. Some of these seasonal rangers had just driven thousands of miles to take jobs at the park yet were summarily fired shortly after entering on duty. It was said that these firings were for the good of the ranger profession because the new permanent rangers would then be eligible for promotion as Ranger Careers was implemented.

As it turned out, not all of the seasonal positions were abolished. In a questionable example of patronage a spouse of one of the newly hired subject to furlough rangers was brought on duty as a seasonal law enforcement ranger shortly after other seasonal rangers were sent packing. I have no personal knowledge as to the qualifications or performance of this spouse, but mention the case only as an example of an abuse of hiring authority by management.

These abuses have not been limited to law enforcement rangers at Glen Canyon. In another Ranger Careers related action, an Interpretive ranger whose duties included the design and presentation of evening programs, and who was formerly in charge of the interpretive operation at Rainbow Bridge National Monument, found himself effectively demoted and restricted strictly to the visitor center desk so as to avoid promoting him to GS-9 under Ranger Careers.

Park housing and government vehicles have long been political plums at Glen Canyon, resulting in situations where paramedics have been excluded from park housing and forced to respond to life threatening emergencies from Page (5 miles away) in their personal vehicles.

In recent months NPS rangers have won promotions and enhanced retirement. However, those in law enforcement positions still serve at the whim of management under a vague NPS-9 guideline which allows managers to suspend and revoke commissions for unspecified offenses, such as a *single* failure to comply with *any* law enforcement policy, whether incorporated into an official SOP or regulation or not. Abuse of this section of NPS-9 can expose rangers to actions taken by politically motivated managers.

If such a scenario is unlikely in your park, imagine yourself working at Glen Canyon, where it has recently been possible for management to deny promotion to a ranger with time in grade who performed identical duties to GS-9 field staff, leaving this ranger as the only GS-5 enforcement ranger at the park. This ranger's two most recent performance evaluations reflect the fully successful performance standards for his position.

The board of review provisions of NPS-9 provide a maximum of discretion to management and virtually no protection to an accused ranger. This allows some managers to abuse the process. Boards of review may revoke law enforcement commissions without opportunity for appeal and **without any semblance of due process of law for the accused**. For the accused, such a hearing will seem like a trial but NPS-9 specifically excludes commission actions from the definition of an adverse action. When an adverse action is taken against an employee, that employee is automatically granted specific rights of due process under regulations of the Merit Systems Protection Board.

Rangers who wish to continue with a law enforcement career might well hope that an adverse action is brought against them so that the case may be reexamined. Unfortunately, there is risk that MSPB and the federal courts may decline jurisdiction, leaving a commission decision to the board.

A board of review for a commission hearing is supposed to be impartial, but the board can easily be stacked with political allies of the manager behind the suspension action. As such it becomes nothing more than a kangaroo court in which the accused has no right to call witnesses in defense or to question any statements made by the agency's witnesses. Although the accused ranger is allowed a representative on the board, this representative must be selected from within a five hundred mile distance of the duty station and has only one vote. Management always has at least a two to one majority of members on the board. In my personal experience with a board of review, I found my case railroaded through before lunch. Witnesses that the Agency had notified me in writing would be heard were never called.

I sincerely hope that your relationship with your supervisor and management is such that this could never happen to you, and that any mistakes you do make are appropriately corrected through supervisory counseling or progressive discipline, if necessary. I don't know how many Glen Canyons there are out there, but one is too many. The system cries out for reform, so that those who wish to play their power games are prevented from destroying a ranger's career. I feel that the FOP should push for minimum standards which protect permanent and seasonal employees from unethical managers. Revision of NPS-9 which prevents witch hunting and railroading of law enforcement employees under the guise of service efficiency would be an effective first step in this effort.

I wish that I could give more detail of my personal experience in fighting the action initiated at Glen Canyon NRA, but I am prohibited by a negotiated agreement with the NPS from revealing the terms of my settlement. I can say that I have resigned my position and retain eligibility to apply for NPS law enforcement positions in the future.

I would like to thank those of you who provided advice and assistance with my case. The FOP provided my initial first hour of legal assistance and I was fortunately able to continue with my own resources. I would also like to state, in all fairness, that Glen Canyon's reputation was made and perpetuated under the tenure of a different superintendent and assistant superintendent. Perhaps change is occurring, I do not know.

Unfortunately, I can offer only scant encouragement to rangers who may find themselves facing a board of review in the future. There is presently little you can do during the hearing to manage your own case. Finding and researching other NPS cases involving similar situations can be very helpful if a negative verdict is returned. Were there any procedural errors made by the board in the process? Was the commission action recommended taken by your board consistent with actions recommended by other boards? Chances are it won't be, as each region has its own law enforcement specialist. I found through freedom of information act requests that there is no central NPS

file on boards of review in WASO or elsewhere. Again, it's a regional thing and the left hand probably does not know what the right hand is doing.

Spend the money early to retain a good labor relations attorney. It will cost thousands but you will get it all back if you win. *[under the new FOP dues structure, we will be able to provide significant legal assistance--ed.]* Don't volunteer any more information during administrative investigations than you are required to give. You may be inclined to offer an explanation of your actions or position, but if someone is out to slam you, the more you say the more potential ammunition that they will have to use against you. If criminal charges are being contemplated you will be read your Miranda rights. If not you will be required to answer the questions, but this does not mean that you must answer the same question over and over.

The situation will take several months to resolve. You may find yourself questioning your own actions. Just remember that you were there and they, with their 20-20 hindsight, were not. Your actions on the scene were probably the right ones. Don't allow them to destroy your self-confidence. Just accept the fact that you have unfortunately made some political enemies in the wrong places and that they now are being allowed by their managers to take free shots.

I would be glad to offer advice to anyone who might find themselves in this type of situation. I've had to learn conflict resolution the hard way during my four years as a supervisory park ranger at Glen Canyon NRA. I can be reached at P.O. Box 1642, Page, AZ 86040; phone: 602-645-9487.

The Shape of Things to Come?

by Bob Martin, President Resource Protection Fund

In a letter from Representative Don Young, he wrote "Your efforts [The Fund's] to date reflect the strong dedication that employees have to carry out the NPS mission, which is commendable." He went on to say that he is dead set against "park barrel politics" due to their adverse impacts on those existing parks which are unable to function. We agree! But he closed with a troubling note, stating "It may be time for the NPS to rethink some of its policies...The NPS must move into an era of active manipulation" [presumably of wildlife populations] citing the economic successes in Botswana over more regulation and law enforcement!

For anyone who follows the plight of wildlife in South Africa, you are well aware that poachers are rampant. As Lt. General Ian Khama, Commander of the Botswanan Defense Force, stated in a 1990 National Geographic "You know when those people (poachers) deplete the source elsewhere, they'll start looking towards Botswana...." There is a strong corollary between what he says about African wildlife and US National Park wildlife. Congressman Young also expressed disdain for law enforcement particularly in Alaska National Parks. Representative Young is now the Chairman of the House's National Parks, Forests, and Public Lands Subcommittee in Congress. It looks like we'll have our work cut out for us and you can bet the NPRRPF and its allies will press the cause of improving the NPS' Resource Protection operation.

Concerned Seasonal

Editor:

The Lodge wants to hear from the membership so here is my offering.

Enough is enough! Another issue of the more aptly named 'The PERMANENT Protection Ranger.' Thanks for the 2 total paragraphs devoted to Seasonal issues. They went a long way towards giving Seasonal a glimmer of hope for justice (i.e. conversion to permanent). The Lodge should represent ALL of its members!

Sig Program Online:

Only permanent Rangers are allowed to purchase the new Sigs... Seasonals are relegated to second-class... issued old, worn, outdated weapons and leather....

Ranger Careers Update

You are correct, not all parks have implemented the program fully or fairly. In my park, several Interps, some with less than 1 season here ... have been converted to term while NO Seasonal LE Rangers were considered by the superintendent. Fair?

Your (My?) Lodge At Work

Out of the 13 items listed, not one directly concerned Seasonal Issues! ... I believe you have forgotten a good number of members (Seasonals). I'm sure permanents are pleased with the improvements and I hope to benefit from them in the future--but when?

Tim Woosley stated that he "wants to expand the Lodge's membership." Hey, how about doing something for Seasonals and maybe more would join.

That's a brief list of my current concerns with the NPS and our Lodge. Someone needs to jump-start a REAL effort to improve the lot of the Seasonal LE Ranger.

Sincerely,

Danny Mello
Pt. Reyes

Danny's letter allows us to reemphasize a critical point about the Ranger Lodge: it's entirely member owned and operated. We can only do what we have time, money and, most importantly, warm bodies to carry out our goals. As successful as we've been, there are only 5 to 10 members who can be counted on to work on specific issues as needed. We encourage members to tell us what they want us to do, but we can't always follow through if we don't have someone to do it. As Seasonal Representative, I agree with Danny's sentiment and most of his concerns. When I explained to him our basic problem, he generously agreed to help with several seasonal issues, including the Sig professional discount.

We hope that other members who are concerned about Lodge policies or want something specific done will also volunteer to help. We will probably give Lodge support to any member willing to work on an issue of concern to all rangers. Call our 800 number or write us.

George Durkee, Editor/Seasonal Rep.



Dear Secretary Babbitt and Director Kennedy:

We have recently learned of serious administrative actions that are currently being undertaken or contemplated by the National Park Service (NPS) which we find extremely disturbing: specifically, the recently announced takeover by the U. S. Park Police (USPP) of law enforcement operations at the Statue of Liberty, and, *even more significantly*, the recently proposed expansion of USPP operations to include a ranking presence ("law enforcement specialist") in every proposed System Support Office throughout the country, to oversee *Ranger* law enforcement programs, *in addition to* the already existing USPP law enforcement specialist position in the *Washington* and each *regional office*.

In just the past few years, significant improvements have been achieved in the management of the NPS Ranger workforce. These advances include the long overdue recognition of our Rangers as law enforcement professionals, with commensurate elevation of the journeyman ranger grade, as well as designation of standardized law enforcement Ranger positions with federal law enforcement pay and retirement benefits. These actions were, and hopefully still are, called the *Ranger Futures Initiative* and subsequent (current) *Ranger Careers Initiative*.

Ranger Futures/Careers, and other actions, were realized with the expressed support of both the U. S. Department of the Interior (DOI) and the NPS. This same support was personally voiced by both President Clinton and Vice-President Gore.

These dramatic efforts to professionalize the NPS and its Ranger workforce offered great promise for the approximately 1,500 law enforcement commissioned Rangers of the NPS. Without proper recognition, and for a very long time, these Rangers have tirelessly devoted themselves to the mission of the NPS. Specifically, the *Ranger Careers Initiative* offered the potential for real career advancement for those Rangers whose chosen career path focused on resource protection through professional law enforcement efforts. NPS Rangers have more than a hundred year history of providing crucial resource protection/law enforcement services. For the first time, the *Ranger Careers Initiative* offered the promise of opportunities for career Rangers working in law enforcement (and its integral resource protection function) to take the lead in managing their own programs through advancement to senior level management positions that continued their focus on resource protection and law enforcement.

The notable progress achieved by Rangers in just these past few years serves to make the recently announced actions pertaining to the Park Police all that much more alarming and inappropriate.

How do the current NPS efforts to streamline and downsize factor into the expansion of USPP positions? The streamlining effort has included reductions in central office FTE's, and the relocation of these employees - including *Rangers* - closer to the field. The expansion of the Park Police into dozens of new positions outside of their traditional "turf" conflicts with the principles of streamlining. This expansion would translate into nearly a quadrupling of the USPP's ranking positions if USPP personnel are placed in the new cluster offices, to oversee *Ranger* operations! Is the NPS overlooking the streamlining and downsizing efforts when it comes to USPP expansion?

More than twenty years ago, the USPP made their first in-roads into the management of *Ranger* operations when they were allocated special funding and FTE's by the NPS to staff newly created "law enforcement specialist" positions in each of the regions. At that time the Rangers of the NPS were told that this action was being taken as a **temporary** measure to upgrade law

enforcement operations in the Ranger force, until NPS Rangers had developed sufficient expertise to manage their own programs. Significantly, and probably not by coincidence, this action served to double the promotional opportunities that existed for the USPP. Equally meaningful is the fact that this allocation of positions signaled the NPS's failure to recognize the law enforcement experience and expertise that existed within its force of Rangers.

Now, more than two decades after the arrival of the first USPP Major in the Washington Office and Captains in each of our regions, it is undeniably the case that Rangers (if given the chance) are fully capable of professionally managing their own law enforcement programs. Both the DOI and the NPS have at long last acknowledged the *real* law enforcement workload that our Rangers have historically performed through the granting of hundreds of claims for entitlement to law enforcement enhanced annuity retirement benefits. Further, virtually every commissioned Ranger (and criminal investigator) position in the NPS has now received designation from the DOI itself (upon recommendation from the NPS) for coverage under the same law enforcement retirement system as other recognized federal law enforcement officers. With the support of both the DOI and the NPS, the Ranger Force now has within its ranks an ever-expanding cadre of professional criminal investigators and special agents, who have already demonstrated their clear ability to lead complex law enforcement programs and resource protection efforts.

With all due respect to the members of USPP (many of whom we have worked with closely, and established strong friendships), the placement of their personnel in the WASO and regional law enforcement specialist positions and the further *expansion* of their role (through the placement of additional ranking officers in each of the clusters to oversee law enforcement Ranger programs and simultaneously *displace* and preclude Rangers from these same oversight functions) is nothing less than a blatant and continuing insult to the literally hundreds of professional law enforcement Rangers in the NPS. These Rangers have dedicated their lives and careers to the NPS. This affront is only compounded when these skilled, experienced, and fully qualified law enforcement professionals are denied the opportunity to even compete for these types of positions due to a lack of funding and FTE's that have otherwise been *exclusively* provided to the USPP.

Mr. Secretary and Mr. Director, you cannot espouse support for the Rangers of the NPS and the *Ranger Careers Initiative* on the one hand while simultaneously denying U.S. Park Rangers their rightful place in the management of their own NPS programs and simultaneously *replacing* them with members of the U.S. Park Police.

Compounding the irony of this predicament is that Rangers, recognized law enforcement/resource protection professionals in a *professional* series with a positive education requirement, will continue to find their own law enforcement programs managed by individuals from a technical job series lacking in even the most rudimentary of park experience! Are we abandoning *Ranger Careers* and the recognition of Rangers as professionals?!

Further aggravating the announced plan to replace NPS Rangers with USPP officers at the Statue of Liberty is the discouraging reports we have heard that members of our own Ranger Activities Division (RAD) in WASO were not even consulted or apprised of this new plan until *after* it was a "done deal". We note that the USPP advertised to fill the ranking Statue positions on January 18, 1995, before our Ranger Activities Division was even advised of a proposed change in command structure at the Statue of Liberty! We understand that now, under the new plan, existing Statue of Liberty Park Rangers will become subordinate

to the USPP command that is to assume control of law enforcement operations. Meanwhile, these Rangers are to be phased out of law enforcement operations altogether. Once again, are we forsaking *Ranger Careers*?!

At a time when we thought the tide was finally turning and that NPS and DOI were, at long last, recognizing the accomplishments and contributions of our Rangers and embracing the importance of Ranger-based law enforcement as an essential tool for resource protection, we now find ourselves staring in the face of an apparent reversal of management position. We also cannot help but wonder if it is not more than a mere coincidence that the noted management actions have occurred at a time when the Chief of Ranger Activities Division position is vacant, and when that office is being dramatically downsized.

The announced plan to replace U. S. Park Rangers with USPP Officers is counter-productive to effective management of both the NPS Ranger Resource Protection/Law Enforcement Programs and the NPS Rangers. What makes the plan so counter-productive is the way in which it contradicts all the recent advances and long overdue recognition and support from both the DOI and the NPS. This support and recognition came long after the time when the Rangers were told they would be provided with the opportunity to assume their rightful place in the management (i.e., as law enforcement specialists in the regions and clusters) of NPS law enforcement programs. It would now appear that the NPS *once again* seems prepared to abandon support for its Rangers, ignore their talents and capabilities, restrict *their* career opportunities, yet, once again, expand ranking opportunities for the U.S. Park Police.

We respect the USPP organization and their Officers. This letter and our expression of concerns should not be interpreted as an aggressive action against the Park Police. However, we will not stand idly by as Park Police careers and operations are expanded *at the expense of Ranger Careers*!

In summary, our reaction to the above described events can only be described as extreme disappointment! We must, in all good conscience, request that the following questions be answered.

- 1) What has happened to the support you claimed to offer for the *Ranger Careers Initiative*? Has a policy reversal quietly taken place behind the scenes?
- 2) Is the *Ranger Careers Initiative* being abandoned?
- 3) Has the Administration recanted on its pledge of support for the Rangers of the National Park Service and the *Ranger Careers Initiative*?
- 4) Is there a *hidden agenda* in the streamlining effort that calls for the removal of management level Rangers from WASO, regional, and cluster sites so that they can be *replaced* by members of the USPP?
- 5) As promised, when will Rangers be provided the opportunity to assume their *rightful place* in the WASO, regional and cluster law enforcement specialist positions?
- 6) Besides the Statue of Liberty, *do other plans exist to replace* Rangers with USPP officers, or to further *restrict career opportunities* for U.S. Park Rangers? Should we next anticipate that USPP will be taking over law enforcement operations at other NPS areas that have been traditionally staffed by U. S. Park Rangers, such as the St. Louis Arch, Presidio, Lake Mead, Sandy Hook portion of Gateway, Yosemite Valley, and the South Rim of the Grand Canyon?
- 7) Should we anticipate that our U.S. Park Rangers will be *systematically removed* from their *traditional law*

enforcement/resource protection role, and that the USPP will eventually assume complete control over all NPS law enforcement programs? If so, how do you reconcile such actions in the face of Congressional mandates (as articulated in the Congressional record for the Authorities Bill) that law enforcement in the National Park Service should be a function of the *National Park Service Rangers*?

- 8) Where is the USPP obtaining all the Funding and FTE's to take over Statue operations and any other contemplated replacement of Rangers with USPP officers? How is it that the USPP finds itself with an apparent surplus of funds and FTE's? Haven't we been told that there is no money or FTE's for expanding ranger operations? Has the USPP taken the position that they currently have a surplus of personnel they can permanently assign to the Cluster and Regional offices?
- 9) More importantly, why aren't the FTE's being used to support *Rangers* in these same types of positions, consistent with opportunities promised under the umbrella of *Ranger Careers*?
- 10) On the surface, the USPP's offer of "free" positions is very enticing to managers, but this free offer is taking place at the very same time when central office Ranger money and FTE's are being stripped or removed. This money, and these FTE's, are certainly coming from *somewhere* - and, certainly, *nothing* is free. We cannot help but suspect that it is the Rangers of the NPS who are actually being told (we have certainly not been asked) that *they* will pay the price, in the form of money, FTE, and **more importantly, career opportunities**. Where is the USPP finding money and FTE's to offer up "free" USPP ranking positions to staff the clusters?
- 11) Why wasn't the Ranger Activities Division consulted about these policy changes? Is the Ranger Activities Division being excluded from the policy making decision process - especially the *Ranger Careers Initiative*?
- 12) Is the Ranger Activities Division being systematically dismantled?
- 13) Will Rangers ever be given the chance to completely manage our own resource protection and law enforcement programs?

In closing, we sincerely hope that the impressions we have conveyed are in error and that, perhaps, the matters we have related merely reflect *unfounded rumors* or other forms of *mis-communication*. However, if this is not the case we would very much appreciate a complete explanation of exactly what is happening, and what actions we, the 1,000 U.S. Park Rangers who belong to this Lodge, need to undertake to ensure that the careers, rights, and interests of our membership continue to be recognized and respected.

We await your earliest response.

Sincerely,

Randall Kendrick & Chris Cruz
Presidents of the U.S. Park Rangers Lodge of the Fraternal Order of Police

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President's Report

Tim Woosley

I would like to offer my most sincere thanks to all who voted for me. I am eager to get started. I will be attending the Federal Law Enforcement Officers Weekend sponsored by the FOP National Legislative Committee from Feb. 16-19. Some topics that will be discussed include: Collective Bargaining in the Federal Law Enforcement Arena, Federal Law Enforcement Retirement and Federal Pay/Benefits Standards. The Ranger Lodge has been asked to give a presentation on how we formed, the various programs we offer our members and our accomplishments. We are a well respected and recognized Lodge as evidenced by the article written by Brother Don Cahill in the current *Virginia Police Journal*. We can all take credit.

So, where do we go from here? As you look through this issue of the *Protection Ranger* it is evident that there is still much to be done. Ranger Careers has given us a much needed financial and

morale boost. However, we still receive calls and letters almost every day from Brothers and Sisters in need of advice and assistance. We can and will continue to assist everyone as best we can.

To ensure this continued support, we ask you to authorize the Lodge to deduct \$2 per pay period from your paycheck to pay your Lodge dues (now \$52/year for permanents and \$35/yr. for seasonals). A majority of you indicated your support for this program in the last vote and in the Eastern Lodge survey. Therefore, I expect to see a 100% return when it comes time for you to send in your dues. If your dues are now payable for 1995, please send a check or Form 1199 A.S.A.P. Chapter Presidents should be staying on top of this and ensuring that all members have sent in their money. Everyone should take the extra time to mention this to anyone who may not be in a Chapter.

As I wrote in my campaign statement, my major focus will be on making collective bargaining a reality this year. Together we can make it happen. I look forward to talking and meeting with as many of you as I can in the coming year. Feel free to contact me at any time. Keep on keepin' on!



National Park Rangers Lodge
Fraternal Order Of Police
P.O. Box 151
Fancy Gap, VA 24328

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