

The Protection Ranger



The Newsletter of the U.S. Park Rangers Lodge, Fraternal Order of Police Vol. IX • No. 1 • 1998

President's Report

by Tim Woosley

Sig Program

I have received word from Sig Arms Inc. that all letterhead type programs like ours have been put on indefinite hold. The reason stems from wording contained in the 1997 Omnibus Crime Bill and how they are being interpreted by the Bureau of Alcohol, Tobacco, and Firearms. We are very disappointed in this ruling as is Sig. The program has been a big success. Sig has said that it is more than willing to resume the program if and when there is a change in the law. Thanks to everyone who sent in an order.

Response from WASO

The Lodge received a response from WASO in regard to the letter that I sent them on behalf of members in the Atlanta Parks area. Their concerns dealt with statements made to them by Superintendents telling them that they were being replaced. I am pleased that Associate Director of Operations Finnerty took the time to respond. We are dedicated to helping our members whenever we can through constructive dialog with WASO.

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Federal Officer's Weekend

The agenda has been finalized for the Grand Lodge FOP's Federal Officer's Weekend to be held in Albuquerque, NM on March 20-22. Guest speakers include Mr. John Mahoney of Passman and Kaplan, P.C. and Mr. Steve DiNigris, Attorney at Law. Mr. Mahoney will be speaking on 6(c) retirement and Federal Employee Rights. Mr. DiNigris will be speaking about Federal Sector Collective Bargaining. Attendees will also help with putting together information to be presented to the Commission on the Advancement of Federal Law Enforcement.

Sig Arms program on indefinite hold.

The registration form is still being developed but is nearly complete. We will be putting it on our web page and including it in the next issue. I have already received calls from folks asking about registration. We will send it to you as soon as it is finalized. The Grand Lodge has hosted three previous weekends and all have been major successes. Federal officers from all across the country and many different agencies have attended. Registration fees will be \$95 per person, but drops to \$75 per person for three or more attendees from the same Lodge.

U.S. Fish and Wildlife Officers

I recently had the privilege of speaking to several U.S. Fish and Wildlife Officers. I was none too surprised to find out that many of their concerns mirror ours. Gaining 6(c) retirement was foremost. The Northeast Region has developed a position description which is, in essence, a GS-025 Park Ranger/Refuge Officer. It is rated at

the 7/9 level. Refuge Officers in the Northeast Region are slated to be placed into this new PD in February. I will be speaking with WASO-RAD in order to determine any positive or negative effects this might have on us. A very small number, about 80, of the commissioned Refuge Officers perform full-time law enforcement. The rest, nearly 650, have law enforcement collateral duties only. It was my understanding that the new 025 PD had the required 6(c) language but I was unable to confirm it. The Lodge is open to Fish and Wildlife Officers but, so far, few have taken us up on the offer. We will continue to try. If you work with any commissioned Refuge Officers pass on the benefits of Lodge membership to them.

6(c) Determination Letters

There are approximately 600 determination letters that still have not been sent out by the NPS. They are claiming a lack of clerical help. This means that interest is continuing to accrue for back pay owed to Rangers. We have had questions regarding whether or not interest will be owed by rangers for their portion of the additional annuity payment. We are working on the answer. We will also be bringing this matter to the attention of the Director and asking that he appoint a reasonable number of individuals to complete this task once and for all.

FLSA

We have gotten a couple of reports from rangers who have received payments for interest on back pay that they should have received when they were mis-classified as exempt under FLSA. We are also checking on this matter and will print any information that we find in the next issue.

The Mojave Plastics Investigation

by Alan P. Foster
Criminal Investigator
National Park Service

Introduction

Friday afternoon before Memorial Day, 1995, began a long weekend of visiting with family and friends for 18 year old Gabriel LeFave. Leaving Las Vegas, Nevada for his parent's home in Santee, California, Gabe no doubt looked forward to seeing his girlfriend after a long drive across the Mojave Desert. Working in his grandfather's factory for the summer, Gabe was prepared to attend college in the fall, paid for in part by an athletic scholarship.

As he merged with the holiday traffic on Interstate 15, Gabe noticed that his grandfather's well used, brown 1989 Dodge pickup was a bit sluggish. Traveling southwest from the California-Nevada border the next 60 miles would carry him along the boundary of the newly formed Mojave National Preserve. Mojave N.P. was one of the newest and largest National Park Service units in the lower 48 states. For much of the trip, Gabe would pass through the stark and scenic desert adjoining the Preserve--land under the jurisdiction of the United States Bureau of Land Management (BLM).

Gabe was not worried about the pickup, knowing that the reason for the sluggish response was due to the load on the trailer he was towing behind. On the trailer were eight 55 gallon metal drums filled with solidified plastics and other residual chemicals produced in grandpa Gene LeFave's factory. Also employed by Fluid Polymers Incorporated (FPI) was Gabe's 17-year-old brother Benjamin and his uncles Louis and Jacques LeFave.

When Gabriel reached the Razor Road intersection, 11 miles southwest of Baker, California, night had already fallen. There he left the freeway and drove a short distance along the north frontage road, to the head of a dry arroyo on a small tract of private land.

Gabe stopped the pickup near the arroyo and opened the tail gate on the trailer. Getting back into the pickup, he threw it into reverse, backing several feet to the top of the arroyo before slamming on the brakes. The weight of the drums caused them to slide off the back of the trailer and roll into the arroyo, spilling some of their contents.

Over the next five weeks, Gabriel, Louis, Benjamin and Patrick Drake, a part time employee of FPI, made at least 15 more trips to California. There they dumped a total of 105 fifty-five-gallon drums of industrial waste in the Mojave Desert. Besides the drums, the boys dumped seventeen five-gallon plastic containers of waste motor oil, much of which leaked onto the ground.

They dumped a total of 105 fifty-five-gallon drums of industrial waste in the Mojave Desert.

Later analysis would show that nine of the drums either contained volatile liquids with low flash points, caustic materials or poisons. Many drums leaked liquid plastic resins onto the desert sand, trapping over one-hundred lizards, small birds and rodents, some on the endangered species list.

During this period, these agents of FPI also traveled to the Arizona strip, north of Las Vegas, dumping 12 more drums at two sites on BLM land. One drum, dumped in Arizona, contained a Mercury compound making it highly toxic.

The Investigation

On June 16, 1996, California Department of Fish and Game Warden Donna Davis responded to Razor Road. She was following up on a report, relayed by the San Bernardino California Sheriff's Department, of drums lying in the arroyo. Warden Davis was no stranger to environmental crimes, having investigated a string of cases resulting in the highest total asset forfeiture and fine collection of any officer in the state.

Inspecting the dump site, Warden Davis found a lid which had fallen off a drum as it rolled to the bottom of the wash. From the lid, Davis removed a label, showing that Desalinization Systems Incorporated in Escondido, California, shipped the drum to FPI in Las Vegas.

As 23 more drums at four more sites were found in and around Mojave N.P. over the next two weeks, Chief Park Ranger Bill Blake requested the aid of an NPS Criminal Investigator (CI). On the Fourth of July weekend Criminal Investigator Alan Foster arrived to meet with Chief Ranger Blake, District Ranger Thane Weigand and Warden Davis.

Warden Davis and CI Foster agreed to each take one lead. As Davis was a California State Peace Officer, she would take the San Diego company. After inspecting each of the six current dump sites with rangers from Mojave N.P., Foster would travel to Las Vegas to check on FPI.

The FPI factory consisted of a rented warehouse complex in an industrial park in the southwest corner of the city. Inside the chain link fence surrounding the building occupied by FPI were over one-thousand fifty-five gallon metal drums, stacked in disarray. Seven-hundred of the drums bore identical green color and painted lettering to some drums found in the desert. The drums were later confirmed to contain polybutadiene, a base material for polymer manufacture which reportedly becomes increasingly flammable and shock sensitive over time. Researchers have shown polybutadiene to be carcinogenic.

Over the next several weeks rangers, investigators, Special Agents and Hazardous Materials Specialists from the BLM, NPS, Environmental Protection Agency (EPA) and Federal Bureau of investigation worked on various stages of the investigation. After coordinating with the various agencies, CI Foster was designated Case Agent for the joint investigation. In later stages of the investigation, when expertise in corporate records tracking and sample analysis were the primary focus, control of the case was

handed on to S.A. Amy Sokolov of the USEPA. This cooperative effort between the various agents and agencies was the single most important issue contributing to the success of this case.

Agents conducted surveillance of the FPI factory for several weeks. Although agents gained a great deal of intelligence, they observed no further dumping. During this period, Gabriel and Benjamin LeFave were seen moving quantities of drums to a storage yard near the FPI plant.

Coordination with Clark County Fire Department Hazardous Materials Specialist Mike Cyphers produced bulk quantities of material safety data sheets for materials stored in the FPI building. Cyphers provided intelligence information on the company and the LeFaves, along with diagrams of the internal layout of the plant. Later interviews of the suspects revealed they did not dump in Clark County because they feared detection by Mike Cyphers.

On one attempt to dump within Clark County, the FPI boys drove to a remote location near a U.S. military reservation. That night test or training flights were being conducted in the area, prompting the boys to refrain from leaving their product on the ground for fear of detection by security personnel. They later related to agents that they joked about seeing Unidentified Flying Objects in the area and later painted "UFO Fuel" on a drum which ended up at one of their largest dump sites in Mojave N.P. The hand painted label on the drum gave rise to much speculation on the part of investigators during the course of the case.

While surveillance was continuing, agents continued to coordinate with the cleanup effort. This coordination included detailed documentation of each of the crime scene dump sites. This analysis and documentation involved hundreds of photographs, large quantities of videotape, plaster casting of shoe and tire prints and collection of labels and other indicia. EPA specialist Stuart Simpson took and preserved dozens of samples from drums for analysis by the EPA laboratory in Denver.

To find other dump sites in the desert, investigators employed an FBI Forward Looking Infrared equipped aircraft. A California Highway Patrol helicopter was also used in the detection effort. Ranger Mick Joplin of the BLM was intimately familiar with the area and flew as observer on all of the missions.

Ultimately, with the availability of agents and rangers dwindling, the decision was made to terminate surveillance and move forward with preparation of a search warrant as soon as possible to prevent further dumping. One key issue in this decision was that the long days, limited staff, high summer temperatures and tedious crime scene analysis were beginning to take a toll on the officers on the case.

Arrests

On the afternoon of August 15, CI Foster and BLM Special Agent Bert Tapia followed up a dead end lead with the Las Vegas Metropolitan Police Department. Later in the day, CI Foster was to return Northern California to testify in another case and S.A. Tapia was to take him to the airport.

As the FPI location was near McCarran Airport, Agents stopped by the factory as part of a briefing for Agent Tapia, who was new to the case. When they approached the facility, Agents saw the brown Dodge pickup parked unattended at the gate with a partially covered load of six drums in the back.

The agents set up surveillance on the truck and called other agents still in the desert finishing up documentation of the remaining dump sites. A short while later agents saw Louis LeFave drive out of the compound with Gabriel and Benjamin in the passenger seats. Louis LeFave drove the truck directly to I-15 and turned south toward California.

As no other officers were available to help with surveillance, agents followed the truck along I-15 trying to maintain a discreet distance.

Eventually NPS Criminal Investigator Eric Inman picked up the surveillance, following the truck about ten miles. Agents Tapia and Foster followed behind. By this time Criminal Investigators Mike Blanford and Malcolm Demunbrun from Lake Mead N.R.A. were also responding to aid in the surveillance.

CI Inman followed the LeFaves to the Mountain Pass Road exit, the scene of two other dump sites, where they left the freeway and drove into the desert. A short time later the truck returned to the freeway, this time without the drums on board.

During this period, CI Foster continued to maintain close contact via a cellular telephone with Assistant United States Attorney William Carter, keeping him abreast of the developments.

Once the truck returned to the freeway, Inman began following it north back toward Las Vegas. At this time, Foster called for the units to converge on Inman's location and stop the dumping suspects.

As the LeFaves drove into the desert to dump, they passed one of their previous dump sites. Gabe later said he noticed that the drums were now standing upright and had numbers spray painted on them. This had been done that day, by the hazmat cleanup contractor in preparation for removal. Gabe pointed out the drums to Louis, suggesting they not dump on this load. The 30-year-old Louis, who later described himself to investigators as a "toys-are-us kid" reassured Gabe, telling him they had nothing to fear.

As the boys traveled north, they spotted Inman's unmarked vehicle and a sedan driven by a citizen traveling behind them. Thinking that both vehicles might be the police, Louis accelerated to over ninety m.p.h, trying either to elude or flush out the agents following him.

As the decision had already been made to arrest the suspects, Inman gave chase. Louis LeFave then turned across the freeway median, speeding back south along I-15. Inman followed the LeFaves

onto a secondary road, ultimately stopping them near the scene of a twenty-drum dump site. Immediately backed up by Agents Tapia and Foster, the LeFaves were taken into custody without incident.

At the scene of the arrest, Louis waived his rights and gave a full confession before asking to see a lawyer. Gabriel LeFave also waived his rights and provided a confession. Gabriel later drew a map and took EPA agents on a tour of each site. Gabriel LeFave later was to testify before a Federal Grand Jury in return for limited immunity from prosecution.

Agents, rangers and officers from the National Park Service, Bureau of Land Management, Environmental Protection Agency, Las Vegas Metro P.D. and Clark County Fire Department Hazardous Materials Response Team served a search warrant at the FPI site the following day. Agents found considerable evidence linking FPI, its President, Gene LeFave, and the employees to the dumping.

Indictment and Prosecution

A Federal Grand Jury in Los Angeles returned a 21-count indictment of Gene LeFave, Louis LeFave and Fluid Polymers Inc. The indictment alleged violations as follows:

- 18 U.S.C. 371 conspiracy (one count)
- 42 U.S.C. 6928(d)(1) Unlawful transportation of hazardous wastes to an unpermitted location "RCRA" (three counts).
- 42 U.S.C. 6928(6)(2)(a) Unlawful disposal of hazardous waste at an unpermitted location "RCRA" (three counts).
- 33 U.S.C. 1251 18 USC 1361 Clean Water Act (four counts).
- 18 USC 1361 Depredation of Federal Property (8 counts).

Gabriel LeFave was granted limited immunity in return for a promise to testify before the Federal Grand jury and later trial, should it become necessary.

Later, as plea negotiations were ongoing, Gene and Louis LeFave changed their pleas to guilty on four counts of violations of the Clean Water Act.

On September 5, 1996 a sentencing hearing was convened. Having entered open pleas of guilty to four Clean Water Act violations, Louis LeFave was sentenced to pay \$25,793 to the National Park Service and \$14,105 to the BLM. The \$39,898 (total) was ordered to be "joint and several" meaning other defendants could also be ordered to pay like amounts. Louis LeFave was also sentenced to 30 months in a Federal Penitentiary. He reported to the Federal Bureau of Prisons Facility at Boron, CA on Monday October 28, 1996. Louis also received one year supervised release, including drug and alcohol counseling and treatment, psychological counseling and random drug testing. Louis received a \$200 penalty assessment (\$850 on four felony counts) and a suspended fine.

The four defendants were ordered to pay a total of \$199,592 in restitution. The total cost to the taxpayers for the cleanup and investigations was in excess of \$200,000.

Louis LeFave testified concerning his involvement in the dumping activities as well as to the actions of Gene LeFave, Gabriel LeFave and the juvenile suspect apprehended by agents on August 16, 1995. At this time, Fluid Polymers Corporation of Las Vegas Nevada, having entered open pleas of guilty to four Clean Water Act violations, was sentenced to pay \$25,793 restitution to the National Park Service and \$14,105 to the BLM. The corporation was also sentenced to three years probation, including submission of quarterly financial documents to assure cleanup of the Las Vegas site and sales of the remaining 800-1000 Polybutadiene drums and other assets to cover financial obligations to NPS, BLM and IRS. A penalty assessment of \$200 and a fine of \$10,000 were also imposed.

Gene LeFave, then age 72 was sentenced to pay \$5,793 to the National Park Service and \$14,105 to the BLM. Gene was also sentenced to 46 months in jail. The Court agreed to recommend Boron facility

so that Gene LeFave could serve a portion of his sentence in the company of his son Louis.

The Court added enhancements for Gene LeFave, due to his use of a juvenile to commit the dumping and due to his involvement as a leader, organizer, etc.--being the president of the corporation and the "head" of the family. He was also given an enhancement due to the excessive costs of cleanup incurred by the Government and the hazardous nature of the contents of nine of the drums.

At the conclusion of the sentencing Assistant United States Attorney William Carter moved for dismissal on the remaining 17 counts listed in the Grand Jury indictment for Gene and Louis LeFave and Fluid Polymers incorporated.

Sentencing for Gabriel LeFave trailed the other defendants as he was granted limited immunity in return for cooperation with agents and for testifying before the Grand Jury as to the actions of the other defendants. Gabriel LeFave plead guilty to 10 misdemeanor counts, with a sentencing cap of 6 months and \$5,000. He was sentenced in February, 1997 and placed on probation and ordered to pay restitution in the amount of \$25,793 to the National Park Service and \$14,105 to the BLM.

The four defendants (Gene LeFave, Louis LeFave, Gabriel LeFave and Fluid Polymers Incorporated) were ordered to pay a total of \$199,592 in restitution. The total cost to the taxpayers for the cleanup and investigations ran well in excess of \$200,000. It is unlikely the defendants will ever have the resources to pay the restitution.

Late in 1996, the LeFaves and Fluid Polymers were charged in Arizona for having dumped the 12 drums, one laced with high concentration of mercury, on the Arizona Strip. As of this writing, this case is still pending.

Assistant U.S. Attorney Carter has described the case as containing all of the elements of a classic environmental crimes case. He uses it as an example for

training attorneys new to environmental crimes prosecution.

*This synopsis was written as part of an **Environmental Crimes Handbook** written for the National Park Service to aid in the management, mitigation, investigation and prosecution of environmental crimes committed in National Park service units nationwide. The synopsis was updated 2/2/97 after Gabriel LeFave was sentenced.*

Make a Difference Through Your Chapter

As we are awaiting a decision from the Federal Labor Relations Authority following the recent hearings and eagerly look forward to a vote on a national contract, it seems that things on other fronts may have slowed. This does not have to be the case. Lodge members through their chapters in local parks have improved working conditions for rangers nationwide by taking the initiative at home.

In Yosemite, many years ago, the FOP Lodge, CA 23, first pushed for and won park-supplied body armor. We all have it today, but it was the courageous efforts of FOP members at Yosemite working together that first got rangers this vital piece of protective equipment.

Free immunizations against that killer of EMS and LE workers, Hepatitis B, first came about in the NPS through local actions by rangers at Blue Ridge. The three years rangers received Sunday Differential for Annual Leave and Sick Leave on scheduled Sundays started at Delaware Water Gap and Blue Ridge. And, ending management's favorite free ride, unpaid scheduled on-call duty was initially challenged and won by FOP rangers in Yosemite.

Semi-automatic weapons, better working conditions, and compelling management to adhere to the Federal Labor Relations Act are other examples of how local chapters and individual members worked

to make our profession better and to end management abuses. The Lodge now is in a better position to help chapters with legal advice and material assistance than we were in the past. Lodge Vice President Mike Farley is in touch with existing chapters and is eager to assist FOP members in starting a chapter in every park where we have at least four members. We can achieve progress now like we did in the past by developing accurate and complete information of all aspects of a problem and then approaching management in a non-confrontational manner--offering to work in a spirit of professional cooperation. *This has achieved results in the past and will work again.*

So, take an active part in your local chapter! If you don't have one, contact Mike Farley or the Lodge and we'll work with you to establish one. There is more than one way to improve working conditions and this method has been proven to work.

Assistance Committee in Place to Serve You Lodge Board

One of our priorities when we established the Eastern Rangers Lodge in 1990 was to find a law firm we could count on to provide us with the best possible advice so we could help members facing problems in their professional lives. We have established a solid working relationship with Passman & Kaplan and have been satisfied with the legal opinions we get from them.

What the Assistance Committee can do, and does, is to provide a member in need with the best legal advice available so that the member can make an informed decision on how best to defend him or herself. As many of you realize, management is often not forthcoming in providing information on grievance procedures, NPS policy and case law. Before the formation of the Ranger Lodge, rangers had been at the mercy of management and the personnel department in receiving critical information. A few years ago, one of our

Lodge members was even told by the personnel specialist in his park, "I'll get you the information, but you have to remember, I'm management"! The Lodge has changed that situation to the benefit of rangers.

Management is often not forthcoming in providing information on grievance procedures.

The Assistance Committee provides help to members but we don't take sides. Theoretically, two members could be in dispute with each other (a GS-9 ranger and a district ranger, for instance--both Lodge members) and the Assistance Committee would provide the best and most accurate information to both. We provide answers to your questions, as well as putting you in contact with members who have been through what you're going through, but we never represent you. It's a valuable service but it's one that has limits.

If you are facing a disciplinary action, can't get out of required occupancy, or are being given a forced change of assignment, you should contact the Lodge and see if the Assistance Committee can provide you with information you haven't been able to get elsewhere. The Committee keeps everything in strict confidence and strives to treat all members alike. Don't wait until deadlines are missed.

For full legal coverage we strongly urge you to sign up the for the legal defense plan offered through the Grand Lodge. Call the Lodge or see our web site for a full explanation of this policy.
<http://home.earthlink.net/~bikeranger/>

**Psst! Buy The Shirt!
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Available**

Thoughts On: On Being a Law Enforcement Ranger

Randall Kendrick
Lodge Secretary

Editor's note: the widely circulated memo On Being A Ranger has stirred many comments and some controversy. We didn't have room in this issue to reprint it. We have made it available on the Lodge web site: <http://home.earthlink.net/~bikeranger/> If you don't have access to the Internet, contact the Lodge and we'll mail you a copy.

By now we are sure most of you have seen or at least heard of the memo written by a district ranger that said rangers were endangered in losing their GS-9s and maybe even 6(c) retirement because we weren't doing enough interpretation and environmental education. It's obvious that district ranger's heart is in the right place, but I think this well-intentioned memo is wrong on at least one point.

Law enforcement is a profession like engineering and accounting and has standards that are recognized throughout the country, even if NPS managers are attempting to remain blind to that fact. The LE that we do is often more complex than urban LE, in that we must know the plants and animals, cultural artifacts, and geological features in our parks to protect them from the organized, profit-driven resource based criminals that traffic in them. To say that our work is merely patrolling discredits what rangers do and discredits LE nationwide.

Most state troopers make more money than we do and they spend most of their time patrolling which, as we know--and NPS management does not want to know --is a complex dangerous and highly involved skill. The criminals we face in part--the ones who traffic in rare reptiles, cacti, orchids, illegal trophy hunting, etc.--are not going to be swayed by rangers leaving the field and giving 'feel-good' nature talks to 8 year olds.

A criminal can sell a bog turtle for \$500, illegally gathered ginseng for \$200 a

pond, a Gila Monster for \$1,500, a Pre-Columbian pot for \$5,000 and a saguaro cactus for up to \$1000; only someone living in a dream world would think environmental education is going to make a dent on these for-profit crimes. The best education for resource-based criminals is an arrest followed by a lengthy jail term and heavy fine which the Service publicizes.

Rangers are facing a thoroughly confusing set of standards for medical and on-the-job fitness.

We have NPS managers forbidding rangers to work in the small hours of the morning so that they won't intercept illegal activity; we have managers loading down rangers with non-LE ancillary duties like campground work, visitor center relief, off-site interpretation and administrative chores instead of allowing them to perform the function for which they have been trained: law enforcement.

Rangers are facing a thoroughly confusing set of standards for medical and on-the-job fitness. Superintendents, who too often have no background in LE or fire (other than to say "I manage it") make up his or her rules as he or she goes along. Some parks are telling rangers they must pass an annual physical to retain their commissions; other parks ignore the whole matter; some parks require rangers to take and pass the PEB while giving no access to equipment and no paid time for PT; others give PT time and ignore the tests.

And now a park or two seem to be telling rangers you must pass the new Red Card test or be fired--basing their livelihood on retention of a Red Card when it's law enforcement that is the primary reason for the job's existence. How can a ranger know what awaits when transferring? We need national standards implemented and applied by WASO equally throughout the service. There can be no other way to manage the parks. We are insisting on this and a national contract will insure that rangers are treated the same nationwide.

Chief Rangers Conference

by Bob Martin, Redwood NP

The following is a recap of the PWR Chief Rangers Conference November 16-21, 1997 held in Seattle, WA. The conference was well attended by over 70 supervisory rangers and managers.

General Actions

The National Ranger's Advisory Committee has formed and met recently. It consists of the Associate Director Ops., Chief USPP, Chief and Deputy Chief Ranger WASO, and two representatives from each region. Their priorities this FY are ranger careers, improvement of ranger communications systems, special agent and criminal investigator programs, diversity, ARM/SET, USPP/Ranger relations, 6(c). Their next meeting is in Phoenix in January.

Each region has their own chief ranger advisory group which consists of a representative from each sub-cluster. These groups meet semi-annually and make recommendations to the regional directors staff and WASO RAD on ranger-related matters including policy and budgets. At a break I interviewed Dale Antonich, Chief Ranger at LAME and Chairperson of the Pacific Great Basin Ranger Advisory Council. Here's what he had to say:

"We need to get the *Ranger* back into ranger and become more focused on the overall mission and direction of the National Park Service. We are the generation that will make the future protection of our natural and cultural resources (the reasons we are here) a secure one. Let us not lose sight of these values and let's strive to become the best land management agency there is. Being a "cop" is only a very small part of our job even though law enforcement seems to take a high profile. Don't ever forget who we are and why we are doing this job. If you never knew or forgot, then find out and carry forward the preservation and protection of our National Park lands."

We learned that training money is drying up. FLETC has been cut from \$500,000 to \$107,000, but there are movements on several fronts to rectify this problem. PWRO has taken all training moneys and developed a priority list of multi-disciplinary training that will be offered this year. No \$ for LE Seasonal 40-hours as of the time of the conference.

WASO RAD will begin sending out a quarterly update to all rangers to keep us abreast of issues they are working on. Proper management of the Ranger Careers as spelled out in the benchmark PD's is a high priority which I will mention later in this message.

\$123 million in fees was collected this year, up from \$76 million last FY and they will be contracting a public survey as to how the public is perceiving the new fee rates.

PWRO and RMRO may be creating a New Chief Ranger Course and a Managing the Protection Function Course.

On the fire scene, NPS 18 has been converted into Director Orders format and is out for comment. NPS is looking into suspending red cards for leaders, bosses and overhead team members who put their firefighters in avoidable risky situations on a fire line. RAD encouraged protection rangers to remain active in fire as this is a way to assure rangers participate in resource management and resource protection portions of their PD.

PDs, 6(c) and Fitness

Bill Sanders shed some light on what we can and can't do with journeyman level ranger. GS-9 rangers can serve in leadership positions which occupy less than 25% of their time. These duties may include mentoring and day-to-day supervision of seasonals but they should NOT conduct the evaluations of the employee. They can also serve as senior partners and provide input to the supervisor as an FTO certifying how an employee is working out.

It was highly recommended by Bill Sanders, Chris Andrus and PWR Director Reynolds that all journeyman rangers

review their benchmark PD's and become reacquainted with what is in there. Word is that OPM will be conducting audits and should they find a rangers just doing "patrol" and not able to articulate and perform their resource protector, resource educator and resource manager roles, we may lose what we all fought so hard to get. Patrol is at best a GS-7 083 police officer classification. Many managers across the service are wanting what they are paying for and there is a major move afoot to manage the ranger series according to the intentions of the Ranger Careers concepts. *[The Lodge rises in dissent and strongly suggests that it's not LE Rangers shirking their duties. Perhaps managers ought to start assigning us do resource LE again. See articles by Kendrick and Farley--ed.]*

Protection Rangers medical standards have been developed and we will be contracting with USPHS to be our medical controls as this program is implemented. There will be a "grandfathering" in of our current employees, but once implemented, new employees will need to undergo a pre-hire medical and possibly psychological evaluation and a BI will need to be completed prior to beginning work. Physicals will be needed annually for over 40; every two years for 30-40; and every three years for 20-30.

The PEB is the "measuring tool" for protection rangers health and fitness. Park health and fitness coordinators will run tests, write prescriptions for those who did not test well and 3 hours of exercise time/week is required. Rigorous hiking while on-duty is approved as fitness time.

On the 6(c) scene, there are over 900 back claims pending. A new unit totally dedicated to DOI 6(c) system has been created in Boise and they will begin to work on the backlog. Marilee Pospahala is the NPS rep. It was confirmed that existing rangers will be given waivers to the maximum age limitations so they can receive their 20 years of coverage. Maximum age is 60 however.

Seasonal firefighter and law enforcement position descriptions need to be designated as covered for 6(c) so as to avoid a bunch of back claims once these seasonals become

permanent. No park accounts should be charged for 6(c) back claims. Once approved, the back-claims should be paid out of the WASO 6(c) account. Once permanent, seasonal employees have six months to file a back claim for 6(c) past coverage.

We had an hour of training on Interpretive competencies for the protection ranger. All new ranger employees (protection and interpretation) will need to meet the interpretation competencies which include effective informal interpretation, effective interpretive talks and visitor needs and characteristics. Likewise new interpretive rangers need to know about certain resource and visitor protection operations. There are various proposals on certification of rangers in the resource protection and resource management competencies as well. More on this later.

The Resource Management Advisory Group spoke to us about their \$132 million/yr "Vital Signs" initiative toward assuring baseline natural resource inventory of all park units in the system. We also heard about the RM Careers Initiative and a Cultural Resource Protection Initiative. Some of these initiatives include funding for Resource Protection/LE efforts!

There were also a variety of sessions on legal issues, labor relations, tort claims, environmental crimes, Native American issues and media relations.

FLETC is now requiring a completed favorable Background Investigation prior to attending the Center. Individual and supervisory justifications on training nominations often make the difference as to who gets into training. Make sure you clearly articulate why you need a course when filling in the nomination forms. FLETC now has a bulletin board on the web: www.treas.gov/fletc/

Regional Director John Reynolds closed the conference. John highly recommended that all rangers read a recently released book by Dick Sellers entitled *Preserving Nature in the NPS*. John challenged each ranger to create the talk of the future and

walk it. He wants us to bring our "intellectual capital back into the game" and help steer the future of the agency. He encouraged us to manage our field rangers according to their Careers PD and for us all to do more than just law enforcement. He felt the NPS needs to: 1) Hold true to the fee demo program mandate that moneys go into fixing the identified backlog. 2) Develop a Servicewide resource inventory and monitoring program. 3) Create a sense of value, through education in all voting blocks in the country that makes our citizenry feel that our national parks are the most important part of their heritage. 4) Improve our training programs covering basic competencies and refresher training. He felt \$10 million would do it. That's the cost it takes to train TWO fighter pilots!!!! He asked that our field rangers spend 50% of their time out of their cars interacting with visitors, concessionaires etc. in non-law enforcement situations.

Getting Real With PDs

By Mike Farley, Lodge VP

This past Thanksgiving I was hit by a snowball. It was in the form of a cc:Mail message that had been forwarded, resent and passed along and was titled "On Being a Ranger." (For those of you who haven't seen it, this memo is available on the Lodge web site at: <http://home.earthlink.net/~bikeranger/>).

By the response the Lodge received, I feel that a good number of us saw it. This message implied that there was a rumor of a park where a OPM desk audit was conducted on a protection ranger and resulted in the investigator returning a report that all ranger jobs should be downgraded because they didn't do anything but law enforcement. It encouraged us to flower up any desk audits with resource protection language.

I backtracked the message and learned the author was a District Ranger at Grand Canyon National Park and the message

was presented to the staff there. It took off like wildfire through the electronic Park Service. I've talked to a ranger in the park where this audit allegedly took place and, you guessed it: No Desk Audit.

No one I have talked to had heard the rumor before the message and I can't find the park where the desk audit may have taken place.

But let's get real! Why not get supervisors to let us do real resource protection rather than just say we do it??

The Lodge absolutely agrees that, yes, more needs to be done in resource protection and I applaud the author for bringing the subject up in such a powerful manner. It certainly got needed attention. But let's get real! Why not get supervisors to let us **do** real resource protection rather than just say we do it??

I will be quick to point out that the nature of our law enforcement, EMS, and SAR duties gained the grade levels that the Lodge fought so hard for. Maybe even higher grades in many cases!

You can help out the Lodge by letting us know if you had heard anything of this desk audit before the electronic message was sent out, or better yet let us know where the audit took place. My bet is that I would be safe in offering a very large reward for the information.

Mike Farley: mike.fop@juno.com

Emergency Survival Kit Part III

From the Lodge Legal
Assistance Committee

Editor's note: this article continues suggestions from the last two newsletters outlining points members need to keep in mind when facing an adverse action.

A member asked the Assistance Committee recently if he were covered by Workman's Compensation in the event of an accident while responding from his residence outside the park to an emergency call-out. It seemed to be a gray area but we felt more comfortable that the same employee would be on safer ground if they were responding in a government vehicle which the park authorized be taken home for such a call-outs.

During a recent conversation with Ed Passman (of *Passman & Kaplan* law firm) we were told he believed that no ranger should feel completely covered by Workman's Compensation when responding to a call-out regardless of the ownership of the vehicle. Passman concedes that responding in a government vehicle would slightly improve one's chances of reaching a satisfactory resolution to an OWCP claim, but it by no means is a guarantee. Passman believes that each case will be decided on its individual circumstances.

The example he pointed to involves a US Park Police Officer who witnessed a crime while off duty within his/her jurisdiction. During the ensuing incident the officer was injured. The officer filed a claim which was denied though it is under appeal at this time. The lesson here is: Please be extra careful responding to any incident and remember that you do not want to be injured in an off-duty status. Secondly, remember that workman's compensation claims are not decided by your Park or even the Park Service, its decided by OWCP.

Did you ever notice that if you do not file your travel paperwork on time the Government charges you extra? Ever notice that if you owe your employer money, they charge interest? Well one ranger asked the question that since the Government paid rangers LE back pay, are we due interest on that money? The ranger checked with the Denver service office. Their answer went like this: The back pay we received under the Armitage Decision was premium pay, so we were paid interest. Likewise the back pay we received when our positions were changed to FLSA.

Non-exempt was premium pay, so we were also paid interest. However, the LE back pay we received was base pay, so we weren't entitled to interest. Now wait a minute! Interest is paid on premium back pay but not back pay for base pay? We made a quick call to Passman and Kaplan to clear this up. Mr. Passman stated that in his opinion, rangers are due interest but that without a bargaining unit, it might prove difficult to gain interest for ALL rangers nationwide. After some thought, however, he said there might be a way to gain interest for all rangers.

We all hope Denver will reconsider their position on their own. We hope to hear something soon. Passman referenced Title 5 USC (we hope to have a link to the entire cite from the Lodge web page soon. Check it out.).

Another issue that has once again come up is the conversion of temporary employees to permanent status. There is no way to convert these employees. Unfortunately, these employees are further frustrated by the current OPM hiring procedure. This procedure is important to us all because it is the way we as an agency hire our co-workers, the rangers who will back us up in the future. The procedure calls for OPM to rank the applicants based on a 159 question self-evaluation. The real problem comes when you read the questions. They include some of the following: "92) Have you written a play, script, or novel that was sold, published, or produced?; 96) Have you received a grade of B or above in school courses, taken since high school, that focused on skills required for teaching?; 138) Have you owned and successfully managed your own profit-making business?"

The only known way to counteract OPM's procedure is for Parks to either generate their own questions or place a weighting system on OPM's questions. Without Park action, the applicant pool generated by these registers have proven to be unsuitable and too often impossible for seasonal and term rangers to rate highly on. During a recent OPM vacancy announcement a Park is reported to have received from OPM applicants over the 37 year age limit. If they can't get the age

limit right how can we expect them to get other aspects of the job right?

But let's stop complaining about OPM and start dealing with reality. The Lodge needs information and if you can shed light on this subject, please call us. We also need your thoughts on this subject, both pro and con. Should the Lodge become active in the area of improving the applicant pool of future LE Rangers? The Lodge does not need to be in an adversarial role with the Park Service on this issue. It benefits us all if we work together to improve the ranger applicant pool.

So Remember:

Point #8 Be extra careful responding to any incident and remember that you do not want to be injured in an off-duty status.

Point #9 Workman's compensation claims are not decided by your Park or even the Park Service, they are decided by OWCP.

Point #10 Term and seasonal employees can not currently be converted to permanent employment

Training Towards 2000

Norm Simons, GGNRA

Dinosaurs: According to Webster's dictionary, "any of various extinct, often gigantic reptiles, of the orders *Saurischia* and *Ornithischia*, existing during the Mesozoic era." Extinct is defined as "no longer existing, or no longer in use." We in the NPS sometimes use the two words to describe those of us who, like the dinosaurs, "died" or are "no longer in use," i.e. nonproductive or less than useful. This may hold true for any division, field or management staff.

How does this pertain to training, you may ask? About 2,500 years ago, Sun Tzu, the famous Chinese General/Philosopher wrote as one of his strategies in *The Art of War*, "If you know the enemy and know yourself, you need not fear the result of a hundred battles. If you know yourself but not the enemy, for every victory gained you will suffer defeat. If you know neither the

enemy or yourself, you will succumb in every battle."

What this means, and can be applied to all professions, is that if you are like the dinosaur--in that you don't adapt and change, you don't know your audience (i.e. interpreters) or your politics (management), or you are unskilled or lack knowledge about unlawful activities (law enforcement)--you will become unproductive, unreliable, ineffective, and possibly extinct. By recognizing weaknesses we can seek assistance (training) to develop strength.

Hence the need for training. While many find training unpleasant, even a punishment, training is what you make of it. For the positive minded it can rejuvenate you by presenting new ideas, or even re-educating you with a modification of an old idea. For instance, an old law with a new minor change may have serious consequences if not properly applied in a court case. Hence the need for review (i.e. training in its most simple form). Training should challenge us, make us reach beyond our comfort zone--where so many of us like to hide.

Training may be a new concept that isn't necessarily accepted by management but may be valid. I recently attended resource training that included firearms Instruction involving cover shooting while moving with a partner, using handgun, shotgun, and rifle. While not approved under NPS-9, there is no question that the training had real world validity. It was practical, it challenged me to learn new ideas and concepts, and I was able to transfer many of the techniques to our program here at GGNRA.

For training to be beneficial, it must be applied. I don't believe training should be used merely to build your 171 or resume. Knowledge learned but not applied builds no bridges. Applied knowledge leads to skill development, heightened morale, officer safety and enhanced communication skills. It can build confidence that may enhance your career opportunities.

Some constraints often used to preclude training include egos, staff shortages, and budget. Egos interfere with training if a manager feels that the subordinate will threaten her/his job, or feels s/he needs to know more than the employee. In reality, no one person can possess all the skills. An effective manager utilizes employee skills and provides support and direction to employees in a manner benefitting staff, park, and resource.

The excuse of staff shortages doesn't hold water. No matter what projects need doing, there will always be more to get done. Taking the time to properly train an employee may result in saving time, money and energy over the long run.

Given current budgetary constraints, we need to use ingenuity and be more aggressive in developing low cost alternatives to costly training. It can and is being done everywhere. Interagency sharing is one example.

Given changing times, laws, policies, budgets, and demographics, we need a better trained, more professional workforce if we are to meet the demands of our time, and the future. Management support of training is a requirement if we are to survive as a conservation agency into the 21st century. Support of training by management will enhance the ability of the field staff to achieve mission goals, thus enhancing public perception of the park and management and providing resource protection capabilities.

Ranger Lodge Operations

Mike Farley, Lodge VP

Insurance

The premium for the Legal Defense insurance is now **down** to \$132 per year. Those of us who will be receiving renewal notices will have this rate reflected on the bill. If you pay by payroll deduction *be sure to notify the Lodge when your bill arrives!* Everyone else send the annual payment in themselves. Those of you who are not yet on this plan: this is the time to

act! We know we beat this one to death, but you really do need insurance. Detailed information on this policy is posted on the Lodge web site, or call us.

Assistance to Member

We have been getting feedback that some members are unhappy with the Lodge donation of money to aid Brother Joe Hayes' legal defense of his suspension. Members express concern that Hayes was getting preferred treatment due to his status on the Board. Not so, and let me explain: Joe had sent his check for the insurance to the Lodge way before the incident and due to a billing error between the Lodge Insurance Committee and the insurance provider, was not covered at the time of the incident. Measures are now in place to prevent this and it will never happen again. But that didn't help Joe. The Lodge accepts responsibility for our mistake and a decision was made to grant Joe assistance in his defense. The VA State Lodge graciously matched our funds after Tim called and explained our plight. A Labor organization has also contributed.

When President Woosley made the announcement it was to not only to encourage the membership to take advantage of the insurance and membership assistance committee, but to keep members abreast of the Board's actions. I have not talked dollars and cents with Brother Hayes, but expect that this contribution has not come close to covering his expenses. I will encourage you to buy the insurance and continue to call the 800# with any unfair treatment you have suffered.

Remember to call before an incident is full blown. Perhaps there are alternatives that you have not thought of that folks removed from the "heat of the battle" can offer to make your struggle easier. All calls are, of course, in confidence.

Membership Poll

The next issue of the *Protection Ranger* will have a membership poll of issues we need to address. This poll will be vital in guiding the Board in the direction that the membership feels we should be headed. It has been some time since the last poll, and many of those previous issues you wanted

addressed have been completed. If you have suggestions for the poll questions, please call or write the Lodge.

Membership Drive

The 6(c) fight and other large issues are successfully behind us. Each day brings us closer to having a bargaining unit. It's easy, then, to throw up our hands and say "Don't worry, be happy." But the singer I borrow that line from was never a ranger. Had he been, he would surely realize the bargaining unit is still a good distance away from becoming effective at the local areas and there are still many struggles to be faced.

In the grim reality of the here and now, we are seeing rangers lose their commissions because of the arbitrary enforcement of physical fitness standards and physical exams. Years still tick by where our seasonal and term rangers are not getting credit for their knowledge, skills, and abilities when it comes to competing for a permanent job. What happens when you're injured on the job and can't finish out your 20 years in a 6(c) covered position? Who knows what the new NPS-57 will hold in store?

Since those reading my ramblings today are members in good standing, I realize I'm preaching to the choir, so I thank you for your support of the Lodge. Do you have an area of expertise that you could share with us? Get involved! I encourage you to respond to the call for strengthening the chapter structure, and as always encourage you to recruit members. It is through the members that we gain our strength to continue to bring issues such as 6(c) retirement, body armor, and Heptavax to successful results

USRA Update

by Tim Woosley

FLRA Hearings Conclude

The hearings to determine the appropriateness of the USRA concluded on February 5th. Nearly one full year elapsed from start to finish. We had nearly 20 witnesses testify as to the

community of interest shared by commissioned Rangers, Criminal Investigators, and Corrections Officers. In addition, we placed into the record nearly 70 exhibits that showed such things as what commissioned rangers do, specific safety concerns unique to rangers, and our unique personnel-related concerns.

All seasonals will be included in the unit from the time they come on board for their first appointment. However, anyone in the combination positions description (P/I) will not be included. We feel that while these individuals share safety concerns with us during the infrequent times they are performing law enforcement type duties, it is not their primary duty. These combination positions are a throwback to the old days of the 025 series and should, in our opinion, be abolished altogether.

I want to thank everyone who testified and provided us with exhibits and personal input. We could not, and cannot, do it without you. A big thank you goes out to John Mahoney of Passman and Kaplan, P.C. who represented the USRA throughout the hearings. His professionalism and knowledge of the law and legal procedure was impressive. The daunting task of writing the brief now falls on his shoulders. He will, basically, take all the testimony and exhibits and weave together our argument based on the law and existing FLRA decisions. The entire case then goes to the Regional Director for the FLRA, Mr. Michael Doheny, who will render a decision. Either party in the case (USRA or NPS) can then appeal the decision of the Regional Director to the full Authority. We still anticipate a one to two year time frame from the initial decision to the final decision from the Authority. Between now and then we will be keeping everyone updated on our progress.

Shop Stewards

I have gotten a few calls from folks who are interested in becoming shop stewards. **We need more.** I will be developing an informational paper outlining the various duties and responsibilities of shop stewards to send to anyone interested in becoming one.

New Appointment Filled

I have appointed John Kinde of Shenandoah National Park as the USRA's first National Organizer. Among other things, his job will be to work with the President on getting information out to potential members about the USRA, implementing the shop steward recruitment program, and coordinating any elections. We are also recruiting for the positions of Treasurer. The incumbent would be responsible for taking care of the day to day financial interests of the organization, filing all required reports, etc. If you are interested contact me at: 540/843-0939.

Criminal Investigators

The NPS dropped its original challenge to the inclusions of 1811's in the USRA based on their duties in defending "National Security." They agreed that it would be appropriate to include them "on a case by case basis" considering the circumstances.



Lodge T-Shirts Are Here

They are light gray with the Lodge logo on the front center-left in black. The lettering around the logo, the same as appears on the Masthead of the *Protection Ranger*, is in forest green. On the back, also in forest green, are the words *U.S. Ranger Lodge*. There are two sizes: L and XL. 100% cotton Hanes t-shirt. Price per shirt is \$14 postpaid. Send your orders to: National Park Ranger Lodge, PO BOX 151, Fancy Gap, VA 24328. Checks or money orders only, please.

There are numerous unions in the NPS that include investigators with other employees. It has always been our position that all 1811's should be included across the board. We stand by our position.

Letter To The Editor

Dear Tim,

I would like to express my deep gratitude to you, the Board of Directors, and all Lodge members for the Lodge's generous \$1,000 dollar donation to help me with my legal expenses. Also, thanks for submitting my case to the VA State Lodge and the Grand Lodge. The VA State Lodge generously donated \$1,000 dollars, and I am starting to receive donations from other lodges. In addition, AFGE Local 3062, representing Lake Mead maintenance employees, donated \$500 dollars in a real show of support and solidarity!

I appreciate your faith and trust in me and will continue to work very hard to promote fair treatment and due process for all NPS employees. Rangers, like all citizens, should be considered innocent until proven guilty, and are constitutionally entitled to fair and impartial investigations and hearings. It is my hope that a favorable outcome in this case will lead to significant improvements in the way NPS management treats rangers suspected or accused of wrongdoing.

My appeal before the U.S. Merit System Protection Board is going very well. I have an excellent FOP Legal Plan attorney and, hopefully, this matter will be resolved by spring. If I am awarded attorney's fees, I will return all donations so that they can be used again to help other brothers and sisters in need.

Thanks again for your kind support!

Sincerely,

Joseph T. Hayes
Lodge Trustee

Lodge Dues and E-Z Pay Plan

Lodge dues are \$52/year (just \$2/pay period using Direct Deposit). 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 two 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 HQ Address

Section 3:

Name and address of Financial Institution:

Patrick Henry National Bank

POB 1776

Bassett, VA 24055

Routing Number

0514-0547-6

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.

Your dues cover a legal assistance fund available to all members. Members of the Lodge will automatically be entitled to an initial consult and free legal advice from Passman and Kaplan for service-related problems. The Lodge may cover additional legal services for a member. Your dues are used extensively to cover legal expenses involved in questions or challenges to LE retirement cases of national importance, LE Backpay claims, FLSA coverage and overtime disputes, as well as individual assistance to members in need. Thank you for maintaining your membership in the US Park Rangers Lodge.

Application for Membership

I, the undersigned, a full-time regularly employed law enforcement officer, do hereby make application for active membership in the U.S. Park Rangers Lodge, FOP. If my membership should be revoked or discontinued for any cause other than retirement while in good standing, I do hereby agree to return to the Lodge my membership card and other material bearing the FOP emblem.

Name: _____

Signature: _____

Address: _____

City: _____

State: _____ Zip: _____

DOB (required): _____

☐ Permanent Rangers: \$52/year (or \$2/pay period using Form 1199 Payroll Deduction).

☐ Seasonals and Retired Active Members: \$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.

Renewals: You do not need to send in this form to renew.

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

NPS Area: _____

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



or, use our e-mail address:
RandallFOP@tcia.net

Lodge Phone: 800-407-8295
10 am to 10 pm Eastern time

LODGE MEMBERS: Please check the Renewal Date on your address sticker and renew if necessary. Get Form 1199 Direct Deposit, from your Fiscal Office, and pay your dues in easy installments of only \$2/pay period! Thank You!

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