



# The Protection Ranger

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## On Leaving the NPS Has the NPS "Lost Its Heart"?

It took months, even years, to make the decision to finally leave the NPS. It wasn't the easiest thing to do, especially after 24 years. As I consider my choice, it has become clearer to me that I have made the right decision. I still maintain contact with many NPS employees, whose sentiments mirror mine. So what is happening to cause the exodus of talented, highly motivated employees from the NPS? Let me tell you.

I spent the last 16 years of my NPS career with an LE commission. I, like many others, waited 5 or more years for a determination on my 6C status. It didn't come. My Chief Ranger supported me, but my Superintendent did not. My job classification remained in limbo. I supervised a 6C position, but that was taken away from me (I believe to eliminate this as a consideration for 6C) and given to a co-worker to ensure that he maintained his commission. I applied for jobs that had already been classified under 6C, but found out that a lack of 6C determination sometimes left me off the Certificate of Eligibles. I'm not saying this is right, but this is what happened. I pursued this, only to find out from a representative of FLERT that it was inevitably up to the Superintendent, regardless of what my

paperwork said. The Superintendent had the final decision, not the Chief Ranger, or even a personnelist.

I watched as many good employees were pursued with unreasonable charges and discipline. I feel that is an epidemic in the NPS. I supervised for many years, and do know that there are problems that need to be dealt with...what I strongly object to, is the arbitrary and capricious pursuit of good employees. I know of an LE ranger that was followed on days that he took sick leave, only to be suspended for doing something other than going to the doctor on those days. What makes this offensive? He was followed for approximately 1 year from his park residence (the dates listed in the charges were three days scattered throughout the year). Doesn't this make you wonder? What did this cost, and what did it really achieve? With all of the crime in our parks, is this the best use of our time?

I recently watched a good friend go through hell because he was caught up in an "investigation." This involved putting out bait, in the form of a lost wallet or broken watch, and video taping employees at work to determine who would steal the items. He didn't steal the items, but turned them in to lost and found. Did the investigation stop there? No. He was put on administrative leave for 8 weeks and ordered to stay at home by the phone while his friends were harassed and threatened with arrest. Then he accepted a new job in a different series, yet, despite the lack of evidence, the investigation didn't end. It followed him to his new job, where he was in a new probationary period. He was due to be terminated. Why? Because the file sent to his new supervisor painted a picture of a thief, a conspirator, and a liar. Was there enough evidence to warrant termination? No. Did the investigators make sure that it

appeared to exist? Yes. What did this cost us? What did it achieve?

I once interviewed a candidate for a Ranger (LE) position. He sounded great. When I spoke to the last park he worked in, they told me he had been "investigated." Normally, this would deter someone from pursuing it further. Instead, I chose to check this out with the investigator. He informed me that, although he never knew the person, he was assigned to "find something on him," because he continually applied to work at his old park and they did not want to hire him back. The investigator checked his SF-171 in depth until he discovered that the ranger had not claimed a volunteer job that was unrelated to the job to which he had applied. Yes, my friends, he had lied on his application. (Please disregard the regulations that state that only related jobs must be listed.) This "investigation" kept this ranger from working for the NPS for some time, until he finally discovered the reason he was being avoided. Is this an isolated incident? No. It's not the first time I have run into this one - later on in my career, a similar tactic was used on me(!).

I could go on and on. There are so many examples I could write a book. Instead, I chose to leave the agency I dedicated my career to...one that I thought was the best in government, and most likely in the U.S., because I felt that there was nothing left there for me. I know the FOP has received at least one letter from a manager saying that we are negative, that we don't approach these issues with the right spirit (i.e., one of a team). I am here to tell you that I did try. The very last thing I would ever have thought I would do is leave, but it's hard to be part of the 'team', when you've been denied a promotion or career opportunity because of the results of your personality

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test (Meyers-Briggs or D.I.S.C.), been subjected to verbal abuse and experienced career suicide because you did not embrace "the 7 habits" with sufficient enthusiasm, or have been informed by your highest level manager that being on a team means agreeing with everything he says. I tried. But, it simply wasn't good enough.

I really began to lose faith when I repeatedly witnessed the abuse of discipline. The fact was that the same managers who were enforcing "rules" with extreme prejudice violated many of the same ones themselves. In the end, their hypocrisy was the final straw. What were the straws that weighed down the camel?

- ◆ failure to stand behind Ranger Careers issues, including 6C retirement processing.
- ◆ failure to fully implement Resources Careers.
- ◆ failure to fully implement Administrative Careers.
- ◆ failure to evenly and fairly implement LE physical standards.
- ◆ failure to discipline NPS managers that abuse employees and the system.
- ◆ failure to recognize and reward employees for what they bring to the organization, rather than accept only those opinions and ideas that match their own.
- ◆ supporting a culture that rewards managers for not making decisions and avoiding the slightest controversy at all cost.
- ◆ preselection, unfair performance evaluation, and unfair or unwarranted disciplinary action.

There are many more, but I won't list them here. I'm not bitter. Instead, I chose to go on with my life and my career - I chose to move on. I know many others who have done the same. I feel a sadness because the agency I really loved is not the one I once knew; it has changed in a way that I never anticipated. But I tried everything that I could to make the NPS a better place - for my co-workers, my subordinates, and, yes, those managers, all to no avail. I finally realized that it was time to go. I received a promotion into a two grade-level position and now serve as a technical specialist for

another agency. It may not be perfect, but my talents and skills are finally being appreciated. It may not be the answer for everyone, but it has been for me.

In speaking recently with a fellow LE ranger I worked with in my very first NPS job (over 24 years ago), he said something that really hit home...."the NPS has lost its heart." I couldn't agree with him more.

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### **What a Difference a Year Makes**

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The Great Smoky Mountains is the most visited of all units of the National Park System with the national park designation. It also has as much, or more, development along its boundaries as any park. The towns of Gatlinburg and Cherokee are tourist destinations in their own right and often a special event in one or both of those towns will spill over into the park.

One such predictable event is the Annual Hot Rod weekend held in Gatlinburg, TN. This event brings over a thousand hot rods and their owners, friends and fans to the area. For years, the ranger staff at the Smokys worked hand in hand with the officers from the county and town to plan for the event and keep things from getting out of hand.

Last year, in 2001, park superintendent Tolleson decided the staff at the national park had better things to do than to work with the localities. He also saw to it that no special events team was called, no rangers from other parts of the park would be assigned to the Tennessee side, and no overtime would be approved for the rangers who were forced to try and handle the spillover alone. Events overwhelmed the rangers on duty. There was a near riot in the tunnel; there was gridlock on the Rte 441; one ranger was forced to arrest and transport three people alone; normal tourists were outraged by the disorderly conduct and drunken behavior from some hot rodders; and, the rangers themselves, left with no supervisor on duty, coped as best they could. It was a disaster for park/local relations and it was the fault of superintendent Tolleson for allowing a major annual event to be understaffed and unfunded.

The rangers made their concerns known and the Ranger FOP Lodge wrote to the media and elected officials to protest this arrogant and unprofessional conduct from management. We got no formal answer but this year: There was planning as before; extra rangers were brought to the TN side; and, even supervisory rangers were in evidence.

And, also predictably, things went smoothly and all the visitors seemed to enjoy themselves. If there were line authority for law enforcement, a superintendent would not have been able to put the public and rangers at risk by cancelling federal/state/local cooperation just for a whim.

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### **Dear Secretary Norton**

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I am writing to you today to express my feelings about a subject that requires your immediate attention. I am a frequent visitor to our country's beautiful national parks - I am going to Grand Canyon National Park next week for a backpacking trip. So, I write this to you as an extremely concerned citizen.

The people who provide emergency services and public safety within these national parks - NPS Protection Park Rangers - need your help. The law enforcement ranger workforce has reached critical levels - about 60% of its effective level with NPS management still cutting an average of 50 positions a year. This is totally unacceptable particularly when more people than ever are visiting our nation's treasures.

Several studies conducted by respectable sources have identified an alarming problem with the NPS law enforcement program. All of this with a large portion of the ranger workforce projected to retire within the immediate and foreseeable future. Still, however, NPS upper management and superintendents continue to manipulate, raid and undermine the law enforcement ranger program.

This must stop. Now - before it is too late. In the 1990s, three protection rangers lost their lives in the line of duty. NPS rangers

are the most assaulted federal law enforcement group.

I strongly urge you to make two, simple steps to help right this sinking ship. First, establish line authority for the NPS law enforcement program and fill those positions within that command structure with committed, experienced law enforcement personnel. Second, create a separate law enforcement budget that is strictly for law enforcement purposes. None of these ideas are new, cutting-edge or revolutionary. They are, however, logical and necessary.

Again, Secretary Norton, I strongly urge you to take these steps to rectify a critical problem. Dedicated park rangers put their lives on the line everyday.

Thank you for your time and I look forward to your response.

Sincerely,  
John Pfaehler  
1280 Emily Drive  
Hemet, CA 92545  
pa2cak9@aol.com

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### Letter to the President

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The Honorable George W. Bush  
President of the United States  
The White House  
1600 Pennsylvania Avenue NW  
Washington, DC 20500

Dear President Bush:

I am a national park ranger currently assigned to Lake Mead National Recreation Area. I am writing in support of your recently announced proposal to unify those federal law enforcement agencies with homeland security and defense responsibilities under a single cabinet level department. In addition, I want to convey my opinion that many of the "cultural" problems found in the Federal Bureau of Investigation as currently being discussed before Congress, are in my experience, prevalent throughout federal law enforcement agencies. I must sadly conclude, that in the war against

terrorism, federal law enforcement is often its own worst enemy.

Secretary of the Interior Norton experienced this first hand in our Department, shortly after the events of September 11. The result was an investigation by Interior's Inspector General of our Department's law enforcement program, which in the words of Senator Grassley (R-Iowa), was "one of the most damning indictments of a federal law enforcement agency that I have ever read." (press release of May 7, 2002). This was not the first report critical of the Department or National Park Service (N.P.S.) law enforcement. However, as noted in the Inspector General's report, the managers in the Department and its agencies have been "incapable or unwilling" to implement any of the recommendations of these previous reports. In my experience, the latter is unfortunately most likely the case.

Yet, even after the "damning indictment" of the O.I.G. report, the challenge of improving the N.P.S. law enforcement program has been placed largely in the hands of a "task force" consisting of the same bureaucrats who were "unwilling" to make changes in the first place. Their first order of business was to gain assurance that they were not "committed" to any specific changes or recommendations. Advocacy groups critical of the current law enforcement program have not been invited to participate in the process. This task force lacks credibility and there is frankly little hope for meaningful improvement of the N.P.S. program through this process.

The resistant "culture" of government agencies has been developed by careerists, who promote or otherwise provide special opportunities to those of similar personality and outlook. The results are the same as those mentioned in the current "whistle-blower" testimony of F.B.I. Special Agent Coleen Rowley. An environment which discourages excellence, rewards over-cautiousness and mediocrity, punishes the critical, and stymies calls for positive changes. Agent Rowley for example, complained of the eight levels of supervision between her and F.B.I. headquarters. I face six levels of supervision, just within my own park! I fear that law enforcement within the

Department of the Interior would face similar embarrassment, should an area within our jurisdiction be the next target of terrorist attack. After an attack is simply too late for change.

At odds in the National Park Service are the delegated missions of public safety and natural, cultural and historical resource management. Currently management of the N.P.S. envision themselves as a land management agency first, with only incidental public safety functions. As a result, the budgets for visitor protection have routinely been raided to fund more favored priorities in science and resources management.

Perhaps this would be a simple disagreement over priorities. However, the problem is that the visiting public as well as neighboring public safety agencies still have the expectation that our agency will fulfill our public safety mission. Protection rangers have for years valiantly tried to maintain a high level of professional service in our public safety function, despite a shrinking staff, dwindling resources and inadequate equipment and training. But perhaps most demoralizing, protection rangers continue to face increasing criticism and lack of support for our public safety mission.

As some of the most visible terrorist targets are within the Department's jurisdiction to protect, I must conclude that any reorganization of the government to ensure the safety of our nation's citizens would be incomplete without significant changes within the law enforcement program of the Department of the Interior. I have two main recommendations:

- 1). Since current land management agencies lack commitment to the public safety function, I recommend the creation of a consolidated, independent United States Ranger Service which would be charged with resource and visitor protection within all public lands under the protection of the Department of the Interior. This would consolidate management of the law enforcement function within areas currently administered by the National Park Service,

Bureau of Land Management and the Fish and Wildlife Service, creating a "stovepipe" line of authority as has been recommended by each of the independent studies thus far completed. In addition, resources could be shared and jurisdictional questions resolved by this new agency. This new service could also consolidate resource and visitor protection functions within certain federal lands outside the Department, such as in National Forests and within recreation areas managed by the Army Corp of Engineers.

2). The role of the United States Park Police should be expanded in high profile national parks and monuments (as well as Bureau of Reclamation dams which have become tourist attractions as well as terrorist targets). Additionally, the Park Police should be transferred to the new Department of Homeland Security. Right now the Park Police have jurisdiction over the Statue of Liberty, the Washington D.C. monuments and parks, as well as areas neighboring the Golden Gate Bridge. Each of these areas are prime targets for terrorist attack. Park Police should expand into those national parks of highest visitation as well as areas of highest vulnerability to terrorist attack, and their efforts coordinated with other Homeland Security agencies.

At this time of major government re-organization, I feel strongly that we will miss a valuable opportunity to better protect the people of the United States, if we do not consolidate the Department of the Interior law enforcement function into an agency with clearly defined mission, and the support of management to ensure the safety of the public.

I would gladly comment further on any of the issues presented, with anyone you may designate.

Thank you for your time and attention to this matter of great importance. Good luck on your efforts to bring about positive and efficient change in the federal law enforcement community.

Sincerely,

Randy Neal, J.D.  
National Park Ranger

cc:

Secretary of the Interior  
Senator Grassley of Iowa  
Senator Thomas of Wyoming  
Senator Reid of Nevada  
Senator Ensign of Nevada  
Congressman Gibbons of Nevada  
Congresswoman Berkley of Nevada  
Senator Hatch of Utah  
Senator Bennett of Utah

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### **Boards of Inquiry: Facts and Fiction**

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*by Ranger Randy Neal, J.D.  
Lake Mead National Recreation Area*

So, they've called for a board of inquiry, and you're the guest of honor. Think it's a good idea to just walk in, tell the truth and trust that the board will treat you fairly? Wake up, Sparky! Yes, sadly, it probably is almost as bad as you think! Let's hope that you never have to face the horror that is the modern N.P.S. Board of Inquiry, but believe it or not, you can make some smart choices that may make the outcome somewhat less painful. Let's look at some common ideas about Boards of Inquiry and discuss whether (at least in my humble opinion) they're fact or fiction. Now, this is free advice, so take it for what it's worth. If I pass the bar, next time it'll cost you \$250/hour.

"A Board of Inquiry is an objective committee that seeks out the facts, to get all sides of the story out in the open, and provide a comprehensive report so that the "decision-maker" can determine the truth concerning an allegation of misconduct." I know that many who participate in a Board of Inquiry are sincere and take their responsibility seriously. However, not everyone has your best interest in mind. In one example, the same person who first suggested the suspension of a ranger's commission, was appointed the chairman of the ranger's Board. In theory the Board should be objective, but the decision-maker, usually the Regional Director, can stack the deck with as many members, who share his own "vision" of what a ranger should be, as

he wants. The accused ranger can pick only one member. One recent Board had two chief rangers, the regional law enforcement specialist, the obligatory personnel specialist, and one field ranger. Except for the field ranger, the rest of the Board traveled together, stayed at the same motel, ate meals together, etc. You can imagine the power balance during "deliberations." Often the accused ranger may be surprised by the way a member acts on the Board. In theory at least, deliberations are held in secret, so the members don't have to worry about what you will think of them later. On the other hand, each member of the Board may have to worry about what the other members think of him/her later. Group dynamics and peer pressure may end up influencing even the member that's supposed to be on your side. It is a principal of group dynamics for members to believe that authority figures generally are fair and that "victims" usually deserve what they get. This leads to an attitude that they wouldn't have called for a Board of Inquiry unless there was a reason for it, and that usually there's at least some truth to the allegations. Even sincere, impartial members have a general group pressure to find at least some wrongdoing on the part of the accused. "If I did something wrong, I should just admit it, and if I'm not confrontational and show remorse, the Board will go easy." Well, maybe. But the fact that they're calling for the Board in the first place is pretty confrontational on their part. Somebody is the impetus behind it, and the chances are they have power, and they don't like you. Many parks have "in-groups" and "out-groups." Rangers in the "in-group" seldom face Boards of Inquiry. If they were on your side, they probably would have settled the matter in some other way. As far as acting with attrition, think about the people you write tickets to. If someone just admits they were speeding, are you less likely to write a ticket? Has someone who is adamant that they weren't speeding made you question your radar's accuracy? Sometimes one works, and sometimes the other is a better choice. Obviously every situation is different, and you may know the personalities on the Board well enough to minimize the damage through a proper show of remorse. On the other hand, that

may just make it easier for them to hammer you. Most decision-makers know that their determination might be reviewed, and your confession will justify a harsh decision nicely. "Even the member selected by the accused ranger should keep an open mind."

American jurisprudence is based on the principal of adversarial advocacy. Milton claimed that when truth and falsehood struggle in an open forum, then truth will prevail. So during deliberation, who is the ranger's advocate? It is my belief that your member of the board must be a strong advocate, always making sure that your defenses and your side of the story are heard. If she is not on your side, who is? The Board of Inquiry differs from a court proceeding because there is no designated prosecutor. So how does the Board know what the allegations are all about? Obviously those who call for the Board are going to make sure that all of the negative information about you gets to the Board. Often the Chairman will communicate frequently with the managers of the park prior to the Board convening. In addition, some boards have had members appointed who have also discussed the case at some length with management and others. In court, these are considered ex parte communications, which are prohibited ethically. Such obligation may not apply to the Board. Deliberations have sometimes included information you did not get a chance to hear or respond to. Your only defense against these communications is your member of the Board.

If you retain an attorney, he will not be allowed to actively represent you. At the Chairman's discretion, they may allow her to make a statement, but otherwise she is to advise you quietly. She cannot examine or cross-examine witnesses, or object to improper evidence or questions. If you ever face a Board of Inquiry, I think there are powerful ways you can effectively utilize counsel - but I don't want to give away any strategy that may lead to management changing the rules of the game. So contact me privately at [Rneal@law.com](mailto:Rneal@law.com). Also, be aware of a recent case which states that you have the right to bring a co-worker of your choice with you anytime you reasonably believe

that a meeting may result in discipline. This basically equates to having a shop steward with you if you were a member of a union, but the National Labor Relations Board decision now extends the same right to employees who don't belong to a union. The co-worker does not have to belong to a union or be specially trained, but she must be available without unreasonable delay. This applies to any meeting, not just a Board. However, again, the co-worker's participation in the meeting may be limited by management. But at least you have a witness and a little moral support. If anyone is interested, I can send the specifics. "Because the Board of Inquiry is not a judicial proceeding, you do not have constitutionally protected rights."

Not true. But it can be tricky. The Constitution limits the Federal Government, and the N.P.S. is part of the federal government. This in fact makes federal officials, including the members of the Board and N.P.S. management, in most cases uniquely capable of violating the U.S. Constitution. There are two main areas worth considering. First, the right against self-incrimination, and second the right to due process. We'll consider self-incrimination first. Although you have the right against self-incrimination criminally, you do not have a right against self-incrimination civilly or administratively. In order to protect yourself - if there is any question at all concerning civil or criminal liability - immediately consult an attorney. Generally speaking, under the Garrity decision, you can be administratively compelled to respond to questions. However, be careful, because if you simply voluntarily respond to questions, then your answers might be admissible against you even criminally. In order to protect yourself, you may have to refuse to answer questions voluntarily (initially), but agree to answer questions if they otherwise would lead to administrative punishment. This compulsion will normally invoke Garrity protection and mean that your answers will be inadmissible in a criminal proceeding. But get it on the record that you're being compelled. This doesn't mean you're not required to answer the questions or that your answers won't be used against you to justify administrative discipline. If you refuse to answer questions

at all, not only can you be disciplined for not answering, it can be presumed that the answer would have been against your own interest, and that can be a basis for disciplining you for the underlying accusation as well. It's similar to our prohibition against refusing to take a breath test in a D.U.I. case. Not only can you be punished for not taking the test, the fact that you refused can be used against you in court to help prove the underlying charge of D.U.I. Next, we'll consider your procedural, or "due process" rights. In order for due process rights to apply, you must have a "protectable" property or liberty interest. Property rights usually refer to any discipline involving loss of pay, termination, etc. Loss of a license (such as an E.M.S. license, or a law enforcement commission) alone is not considered a property right. Liberty interests apply generally to any "stigmatizing" accusations which would affect your reputation in the community in such a way that you would no longer be able to seek employment in your chosen profession. In short, not all accusations are "stigmatizing." This generally refers to accusations of dishonesty, immorality or illegality, and not simple misconduct. After you have first established that you have a right, there is still some question as to how much process you're due. Generally, you do not have the same due process rights as a criminal defendant, but you generally have a right of "fundamental fairness" which includes "notice" (knowing what the allegations are) and a chance to respond. Other procedural protections come from our policies, legislation, (such as the Administrative Procedures Act) and O.P.M. and M.S.P.B. regulations. DO/RM-9 and DO/RM-51 for example, allow you to "compel" employees of the N.P.S. to participate, and ask any witness questions. If you don't have a lawyer to advise you, by all means educate yourself. "Accused rangers do not have the right to 'discovery.'" Actually, although it may be arguable that "notice" requirements compel the N.P.S. to fully explain any allegations, and that may include the disclosure of underlying evidence, you probably won't be able to "subpoena" documents or require depositions prior to the Board's hearing. This doesn't mean you shouldn't request all

applicable documents, and to add some punch, you may want to request them under the Freedom of Information Act. There's nothing that prevents you from those activities that may help you prepare to defend yourself before the Board. If you are denied anything, make sure to make an objection on the record before the Board. This can help you if you appeal on procedural grounds.

You should also realize that the rules of evidence you learned about in F.L.E.T.C. do not apply to a Board of Inquiry. That means that hearsay is admissible, and that the Board can accept documents without any foundation. I have even seen members of the Board basically "testify" against the ranger. Again, your board member can make the difference. Make sure you get objections on the record against evidence for which you had no opportunity to prepare a defense. "If management can't meet the "burden of proof," then I win and they can't discipline me." Definitely not true. In criminal cases, the burden of proof is "beyond a reasonable doubt," a very high standard. The burden of proof in a civil case is preponderance of the evidence. But in an administrative case, courts defer to the "discretion" of the agency. A decision can only be reviewed for an "abuse of discretion," which is defined as a decision which is "arbitrary and capricious." This is a very low standard, which basically means that management need only have some "rational" basis for their decision. In some cases, the Administrative Procedures Act could arguably create a higher standard, if you can convince a court that it applies. That's why I think that in the majority of cases you must mount a vigorous defense in order to win. Otherwise, once you had your shot at the Board and the decision is made, it is very hard to overturn. "The decision is already made before the Board even meets." In some cases that may be true, but in many cases there are some very earnest members of Boards of Inquiry who take their responsibility very seriously. They will listen very closely to everyone who speaks, and deliberation might be gut-wrenching. Some Boards have been shams, where the management denied the accused ranger a level playing field and stacked the deck so much that nothing

could have changed the outcome. However, I have seen Board members overcome their initial impressions and change their mind to support the accused employee. I personally feel that this is best achieved by an aggressive defense, but not always. "Once I'm condemned by a Board's decision, there's no use appealing the decision."

As a general rule, always state an objection to any unfairness that you perceive (as long as you're not frivolous). Most reviews will not allow second-guessing of the "facts" found by the Board. Most decisions are reviewed based on a general fairness standard, and procedural unfairness is the most successful appeal. But in more general terms, management does not like to spend time defending their decisions, so the more concern they have about how a decision will look, the more likely they are to agree to something less. I recommend that the accused ranger keep two options in mind. A Board of Inquiry is not required by policy. It may be a wise strategy to meet with the decision-maker and attempt to "negotiate" a settlement to your situation. This can happen before the Board (and therefore make the Board unnecessary) or even after the hearing, since the Board only makes recommendations, and the final decision lies elsewhere. Secondly, you can grieve the final decision, and although the grievance process is often unsatisfactory, there has been a recent trend toward mediation to resolve employment disputes. I recently had a very positive experience with the CORE (CONflict RESolution) program over a pay dispute. This is an "in-house" mediation program utilizing trained N.P.S. employees. It's not perfect, but the advantage is that both parties can get a resolution which brings the matter to a rapid conclusion, which is probably desired by both management as well as the grievant. Of course, the idea of mediation is that there is some compromise on both sides, so you may not "win," but at least you can reduce the sting.

Finally, nothing can replace solid, specific legal advice. Do not make the mistake of under-estimating the impact of a Board of Inquiry on your career. If you are wondering whether or not you should consult an attorney, then the answer is that you probably should. It is expensive, but

hopefully you have a "rainy day" savings fund, and if you're facing a Board of Inquiry, the thunder and storm clouds are approaching on the horizon like a Spielberg movie.

Although you can often continue to enjoy a career as a ranger, the Board's findings can come back later to haunt you. For example, it may limit you if you decide to apply to another agency that requires a background check. Also, there have recently been some interesting repercussions throughout the federal law enforcement community if the U.S. Attorney finds out about your discipline. This can occur when the defense requests that the prosecutor search your personnel file for "impeachment" material. Be very careful about any Board findings that reflect on your honesty. It may be worth appealing a Board decision to attempt to get such language changed, even if the discipline is relatively light. If the prosecutor finds accusations of dishonesty, he may decide that you are no longer a "credible" witness. If you cannot testify in court any more, management is in the predicament of deciding whether you can still perform law enforcement duties. Sometimes, the "lay" members of the Board may not understand the impact of their choice of "legal-sounding" words, which to a lawyer may have very different implications. Not every Board of Inquiry is unfair, or devastating to a ranger's career. But it is my experience that most rangers under-estimate the pitfalls that may be encountered through the process. Don't go it alone. Consult those rangers who have been there before. The importance of your choice for board member cannot be overemphasized. The FOP can help refer you to resources who can help. Even very careful rangers can find themselves facing a Board, and I hope no one is so intimidated by the prospects that they become so hesitant or reluctant in the field that they don't get the job done. Together we can help each other through what can be an otherwise very vulnerable, lonely ordeal. If I can ever help, please don't hesitate to contact me.

Be safe and be careful.

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## How to Follow the Money

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or

### *An Introduction to the Operations Formulation System:*

By Jake Eickenhorst, Supervisory Park Ranger, Golden Gate

The Lodge is herewith providing some of the information you need on how to access the tools necessary for you the members to become better educated about the processes that shape your professional lives. Money is a biggy! Start here.

One of the phenomena we are witnessing right now is the tendency of bureaucracy to resist change, and view with suspicion any challenge to the status quo, regardless the evidence that some change is both healthy and inevitable in the light of a change in environment. Many of our NLC members, Superintendents, and Chief Rangers, a fair number of District Rangers, and more than we would wish to acknowledge of our field Rangers still hold the traditional view of the "Generalist Ranger". It is a romantic and idealized image, but the job has changed. I sometimes get nostalgic, and wish it weren't so. Oh well. Philosophy aside, when you look at the 460 Law Enforcement related OFS requests totaling 260 million dollars, then look at them through the "stovepipe", you realize there's a lot of redundancy and duplication that could be eliminated. If and when the Lodge membership dinks around in the OFS database and sees what other requests for funding are already out there, most of them will realize that a consolidated approach to law enforcement as it relates to the NPS is the only rational and fiscally sound alternative. Right now, we're "inherently governmental" with respect to competitive sourcing. We cannot assume we will always be exempt, and the more efficient we are, the more competitive we are. How much more cost-effectively could we accomplish our law enforcement objectives if we looked at all 460 proposals from a consolidated, national perspective? Does Congress like to see cost-effectiveness?

One very significant component of the process by which the NPS increases its funding base is the Operations Formulation System (OFS). Part of an Enterprise Software System currently undergoing development, the OFS is how each budgetary unit of the National Park Service identifies and proposes increases to its base, or Operation of the National Park Service (ONPS), funding. Each funding request must follow certain standardized guidelines, and is given a priority number at each level of budget review — the park, the region, and WASO.

\*At the park level, the priorities are determined by the Superintendent, usually through her management team, and entered in the system by one or more staff with system log-in privileges to enter and edit requests for their budgetary unit. \*At the regional level, a management team of subject matter experts reviews park submissions and assigns priorities. The regional OFS administrator may then edit park proposals with input from the affected park. Regions may also propose their own funding packages. The Regional Director gives final approval. \*At the Washington level, the prioritizing process becomes very complicated. Not so much by the system, but by the very nature of business "inside the Beltway", such as the crisis du jour, the latest special emphasis out of Congress or the White House, or the media.

A good example of that is the Coral Reef Initiative — a couple of years ago, the President (Clinton) proclaimed that the coral reefs of the world, including of course those within the territorial and maritime jurisdiction of the United States, were in great peril. Subsequently, a query of the OFS database for "coral reef" was done, and all packages that identified protection, monitoring, research, or management of newly acquired waters that included coral reefs rose to the surface (so to speak) of the priority list, and were funded. More recently, the events of September 11 generated a query for "terrorism, counter-terrorism, national security" and related key words. It also prompted a flurry of new funding requests using those key words to justify heightened security and counter-terrorism proposals at all levels of the OFS process.

\*In April (April 4th this year) of every year, the national OFS administrator "locks" regionally approved submissions as well as the regions' approval function. This allows the WASO Budget Office the time to review proposals without new records showing up, or edits happening during the review process. The NPS FY 2004 proposals went to DOI in June, and will be forwarded to OMB in September. The system gets "unlocked" after the June submission to DOI. Although only a very limited number of NPS staff have log-in privileges with varying degrees of editing authority, every employee with access to the internet on a computer with a National Park Service IP address can browse the OFS and generate reports. This means we can all take a look at what our park and region, and most significantly WASO, has identified for funding, what the priorities are by park, region, or Washington, and see what packages have been funded, and for what Fiscal Year.

### **How To Get On The Yellow Brick Road**

The OFS web site can be reached using either Internet Explorer 4.0 or Netscape Communicator 4.0 or higher. The OFS URL address is <http://www.ofs.gov>, or <http://165.83.217.134/of/>. OFS can also be reached by going to the NPS home page ParkNet. Go to InfoZone, then Budget, then Budget Systems, and finally to OFS. Or via Inside NPS by going through the "Reference Desk" to Budget to OFS. Once there, you can click only on "Search/Edit Requests" — most of us don't have log-in privileges. If you do, you're only reading this to see if I make a mistake! If you click on the "Search/Edit Requests" option again, you should get a help screen side bar. Learn as you go. If you like, follow these directions to get a "broad brush" view of the "big picture" for law enforcement:

- ◆ At the first screen — "BASIC SEARCH OPTIONS" — leave all the boxes as is except "Concise Description and Justification" — enter "law enforcement";
- ◆ Go down two full screens to the last box of "BASIC SEARCH OPTIONS" which is "Order Results By" and highlight "Regional Priority";
- ◆ Then in the "ADVANCED SEARCH OPTIONS" screen, highlight the "All"

choice in each of the boxes "Approval Status"; "Lock Status"; and "Funding Status";

◆ And finally "Yr of Funding", leave blank.  
\*Click the "Search Now" button.

◆ You should then get a report that shows: 460 Funding Requests \$260,897,000, a color-coded listing of those requests by Regional Priority, and a dollar icon if it has been funded. As you click on individual requests, you'll see that proposal. It's interesting reading. Check out the FLETC funding request. Refine your searches by modifying the search criteria in the BASIC and ADVANCED SEARCH OPTIONS. Use the help side bar for guidance. It is worth noting that packages at the park level are pretty much limited to a \$50,000 minimum (absolute), and \$500,000 maximum (not absolute).

And while reading the Concise Descriptions and Justifications, keep in mind the 1,250 character maximum length requirement. You will see a wide range of writing styles – from clearly stated and compelling, to good, to ... not so good. Remember that OFS is for increases to base, i.e. the need is forever, not short term. What to do with the information? I have always believed that the more informed the employee, the better the operation ... at all levels of the organization. Explore how your park (and other parks) uses OFS, who wrote the requests, what requests are being funded, and consider (and maybe offer constructive suggestions) how your own operation could better state its case. Maybe write your own requests and send 'em up the line. Remember your final audience — they're seldom (for now, anyway) field experienced — if you don't say it, they won't get it. "Pretend it could be a truly effective system, and think about your park's needs in the context of a program that maintains a national perspective, yet respects and balances local and regional needs. Who knows...with enough of us actively participating and contributing, we could "make it so." Keep in mind there are many future supervisors, and some future managers among our ranks." More detailed guidance and information will be posted on the Ranger FOP Website.

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## Retired Member Speaks Out

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by Joe Wegener

*Joe Wegener is a long time Lodge member who retired six plus years ago from the National Park Service. He had one of the most rich and varied careers as a park ranger, saw many things [good and bad], and has agreed to share his unique viewpoint. He now runs Striper Guide Service on Lake Mead.*

Well this is tough, relating the BS I put up with and the BS the LE rangers are still having to deal with - if they have pride - in the job of being a real ranger. The basic job has not changed: Plugging holes in people; immobilizing broken bones; running radar; working car wrecks, plane crashes, boat fires, accidents, drownings; pulling swimmers out of the surf; suffering from Man-O-War stings, sting ray wounds; searching for the lost under extreme conditions; having to console family members when a body is found, or not found; laying out at night on Civil War "Goody sites" or Indian burial mounds, waiting for armed grave robbers, who when not selling artifacts supplement their income by selling automatic weapons and whatever dope is in season. And: deterring poachers of animals, plants, fish, cacti, etc, with night vision equipment; dealing with informants and felons who want to lighten their load.

The job also entails being a competent structural firefighter and competent wildland firefighter and planning for week long encampments so that everyone has all the food, tools and equipment to safely and effectively suppress the fire. Also, you have to protect yourself so that you don't contract AIDS, Hepatitis B or C, while trying to control/cuff DWIs, dopers, drunks, psychotics, and others who will try and scratch, kick, punch, bite, stab and shoot you.

The parts of the normal ranger's job listed above I did routinely just like all the rangers and supervisory rangers were expected to do in the old days.

The key word in the above sentence is

"expected". In the good old days when rangers and field supervisors respected themselves, other rangers, and the jobs they were qualified to do "expected" was a viable word.

The visitors (now called customers) expect you, as a ranger, to do the things listed above and probably many others you might do but I was not called upon to do. I you are an honest, moral, hardworking ranger with self esteem and pride in yourself and your job, you will do your best to learn, practice and carry out your duties so that the visitor can expect a rescue[or whatever] if the need arises.

I am sorry to say but it seems to me that self esteem, morals, honesty, pride and caring about your fellow park service employee is a thing of the past in many NPS areas. Many NPS employees cannot do the job the visiting public is expecting them to do.

When you are a dedicated employee, who knows and believes in the mission of the National Park Service, you take a lot for granted especially if you have worked in several NPS areas where those with whom you served understood the mission of the agency and were dedicated to fulfilling them.

For me, I had to factor in fifty to sixty hour workweeks; hold down a GS-9 patrol shift each day; and, as a GS-11, supervise GS-9s, 7s, 5s in three separate locations [one I had to fly to], plus try to manage the GS-12 Fire Management Officer position. I did this from 1983 to 1994 at Lake Mead.

And: Why would you, on top of everything else, question people in HQ when their job is to look out for your best interest [pay, travel, living conditions, schedule, health, welfare, etc...right?]. So, you focus on your job, protecting the park from the visitors and the visitors from the park.

How, where, when and why does a person start or begin to relate to those who still believe in and care about the national parks that things have changed?

I have tried not to write about or put

anything in print with my name on it for the past six years since I retired.

I decided that too much of my life and my family's lives were spent protecting our national parks and the people who visit them to just walk away. During our twenty-five years, my four wives, three daughters and two beagles lived in six NPS areas. These were Padre Island, Phoenix SOAR Office, Natchez Trace, Shiloh, Lave Beds and Lake Mead. As I look at the page with these locations listed, memories of the times I could have been killed, and could have killed, are hard for me to believe and, I was there!

The fact that I am not one of the dead had more to do with luck than with the training and should have received [but didn't] during the first five years of my career. Those were the days when the superintendent and chief ranger did not have to worry about your shooting the drug runners or smugglers at Padre Island or other parks: Yes, those were the good old days when what defensive equipment and firearms there was, were locked up in the park safe. If you were dumb, or had screwed up or were unlucky, you radioed for someone to bring you a gun [if the radio worked]. Or, you drove to the office and asked to have a gun for awhile.

I was able to decide my fate and the fate of others because of the training and skills given to me by a small ten person Police Dept on the Texas/Mexico border. Texas A&M trained their recruits. Without this training, I would not be here to write this.

Sad to say, but that little town and very small police department care more about my/life and fate, along with those of the townspeople, than many of the sad little people running the big old National Park Service.

I will attempt to spell this out so that all those who don't permanently have their heads in the sand will understand:

To those of you who have called Malcolm DeMunbrun's suicide a murder, I must agree; but, this is your park service at its worst. The "destruction" of this fine park

ranger and good man is not the first and may not be the last.

Also, judging from my past 42 years in law enforcement, there is no way for those who destroyed this decent human being [even if they are one level below grave robbers, the lowest scum on earth] to consume enough alcohol or drugs to remove him from the foot of their bed every night for the rest of their lives.

Now, before we get into the facts of the protection of our national parks as I have observed them for the past thirty years, as a law enforcement ranger, subdistrict ranger, firefighter, fire management officer, safety officer, EMT, federal firearms instructor, acting district ranger and acting superintendent, we must establish some guidelines, rules and regulations, Right? Wrong!

Please, you crybabies on both sides of the issues, get the facts straight and work with them, doing something you "truly understand" and can live with, or get out! If you don't, you can end up like Malcolm or me.

No, let's do this the way most NPS areas operate and make up the rules as we go along!

When I entered the NPS there was a different working environment. We were there to protect the park resources and visitors [that's unchanged]. We gave walks and talks when the interpreters were not available and we always helped visitors when we could. We even picked up after them when a maintenance person was elsewhere. And, the process worked both ways...I received plenty of help from other divisions in emergency situations.

That was then and this is now.

Then you thought the people in the Head Shed cared about the park, its visitors and you.

*This is the end of part 1. Part 2 will be in the next issue of the Protection Ranger.*

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## Corps of Engineers Update

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ENGINEER UPDATE an in-house publication of the US Army Corps of Engineers, detailed the proliferation of methamphetamine labs on project lands in its March, 2002, issue. A total of thirty seven drug incidents were reported in the Tulsa District alone in 2001 which is an increase from the twenty six in the year 2000. The Lodge salutes Mary Beth Hudson for reporting on this issue and for the Tulsa District Chief of Security and Law Enforcement Practices for calling for better training for the rangers and equipping them with body armor and pepper spray.

The Ranger Lodge is very concerned that our members in the Corps of Engineer are being sent into law enforcement situations without the proper equipment, status and management backing. Corps Rangers are being required to staff security checkpoints and make patrols without defensive equipment. This, coupled with the documented organized crime on Corps administered lands, is putting rangers at high risk. The FOP is trying to work with Corps rangers and their management to come to a solution that will protect their safety.

Get The e-ProRanger! The Lodge provides electronic updates between issues of the Protection Ranger. To Subscribe: email the Lodge at: **randallfop@ls.net** and ask to be entered unto the rolls.

Visit the Lodge website at: **http://www.rangerfop.com**. Brother Duane Buck maintains the web page for the benefit of the membership and updates it very often. Contact the Lodge via email to get the password for the members-only section.

**Lodge Website**

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

**Application for Membership**

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

Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_ Zip: \_\_\_\_\_

DOB: \_\_\_\_\_

Permanent Rangers: \$52/year  
Seasonals and Retired Active Members: \$35/year  
Associate (non-Commissioned) Membership (Newsletter only): \$35/year

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

Agency and Work Unit: \_\_\_\_\_

**Mail to: FOP Lodge, POB 151, Fancy Gap, VA 24328**  
**Phone: 1-800-407-8295 10am-10pm Eastern Time or email [randallfop@ls.net](mailto:randallfop@ls.net)**



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Fraternal Order of Police  
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