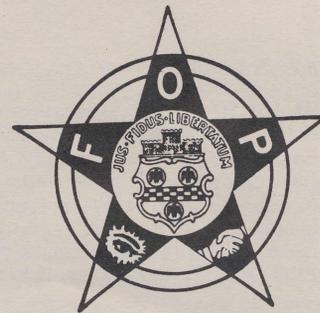


The Protection Ranger



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

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External Affairs Report

by Dan Kirschner, VP External Affairs

6(c)'s Positive Impact on Your Salary: The Lodge has received many questions about 6(c) coverage as it relates to law enforcement pay rates. Calculating pay is not simple because there are several laws affecting law enforcement officer pay. Understand, then, that we are not experts in pay determination and definitive answers are hard to find. Still, we hope the following will help you in determining if you are being paid correctly. If you have any doubts, talk with your administrative folks for an explanation of how your pay is being calculated.

The first complicating factor is that we are dealing with four procedures for calculating pay. They include: special salary rate (GS-3 through 10); locality-based comparability payment; interim geographic adjusted annual rate of pay; and special law enforcement adjusted rate of pay. Special salary rates are the only rates that can be combined with one of the remaining three rates to gain a higher salary. So, if you are over GS-10, you will be paid the highest salary from one of the remaining three systems.

The special salary rate (GS-3 through 10) can be combined with one of the other three rates to determine a salary. Example: A law enforcement GS-9 ranger at step one on the law enforcement pay scale also adds in the locality pay adjustment for the "rest of the USA" to obtain a base salary of \$29,602. If your base salary as a law enforcement GS-9 is under \$29,602, you are not being properly compensated (more examples below).

Another thing to remember is that special salary rates (GS-3 through 10), special law enforcement adjusted rates of pay and the locality rates of pay for law enforcement officers are considered basic pay, for retirement, life insurance, premium pay, severance pay and for advances in pay purposes. They are also used to compute workers compensation payments and lump-sum payments for accrued and accumulated annual leave.

See 6(C) p. 2

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SIG PROGRAM ONLINE!

by Tim W. Woosley

The personal purchase program for Sig weapons is now available to the following regions: Mid-Atlantic, Nat'l. Capital, North Atlantic, Mid-West, and Southeast. **Only permanent, NPS law enforcement officers are eligible to order.** If you are permanent but still have a level 2 commission you are eligible to order. Individuals who wish to purchase weapons **must** follow these directions: If you do not have the current price list send a self-addressed stamped envelope with .58 cents postage to the designated person listed below for your region. When you have determined what weapon you want to order send a certified check or money order (no personal checks), made out to FOP-SIG, to the following address: Route 3, Box 316, Elkton, VA. 22827.

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

We have set February 28th as the cut-off date for the first round of ordering. We will not accept any orders from the regions listed below postmarked after this date. The next round of ordering will be from the Western regions. Afterwards, if all is going well we will reopen the ordering back up with no locality restrictions.

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

I would like to thank the following people for their help in getting this off the ground: Paul Berkowitz, Dave Flanders, Ron DeAngelo, Glen Knight, Ed Clark, Charlie Louke, Greg Cravatas and Gary Pace. Since we are starting this program from the ground up, and because we are anticipating a heavy response, you will need to bear with us this first time around as we will be ironing out the system as we go along. If you need any other information please contact me at (703) 999-2021.

North Atlantic Region:

Ed Clark, 8B, Ironia Rd., Flanders, N.J. 07836

Mid-Atlantic and N.C.R.:

Tim W. Woosley, Rt. 3, Box 316, Elkton, VA 22827

Southeast Region:

Charlie Louke, POB 278, Kosciusko, MS 39090

Mid-West Region:

Greg Cravatas, 2854 Erhart Rd., Medina, OH 44256

MOVING?

Write or call OUR 800#

1-800-407-8295 with your new address.

6(c) from p. 1

PL 101-509 (the Treasury, Postal Service & General Government Appropriations Act, 1991) contained many sub-acts including the Federal Employees Pay Comparability Act (FEPCA) of 1990 and the Federal Law Enforcement Pay Reform Act (FLEPRA) of 1990. The law enforcement related pay items found in this legislation applied to 6(c) designated law enforcement employees. Thus, if you are now or were 6(c) covered, PL 101-509 applies to you. As noted elsewhere in this issue of PRORAN, this law will apply to any backpay claim(s) that you file.

Minimum Step: Section 403 of the FLEPRA contains minimum pay rates (special salary rates) prescribing minimum steps for qualifying law enforcement officers as defined in 5 USC 8331(20) or 8401(17) - CSRS and FERS 6(c) law enforcement officer definitions. On January 1, 1992, minimum step rates were set for General Schedule (GS) law enforcement covered employees. These minimum pay rates were: GS-3/4; GS-4/4; GS-5/4; GS-6/3; GS-7/3; GS-8/3; GS-9/2; and, GS-10/2. On January 1, 1993 rates were set at: GS-3/7; GS-4/7; GS-5/8; GS-6/6; GS-7/5; GS-8/3; GS-9/2; and, GS-10/2. Add in the minimum locality pay adjustment and you can see that if you are awarded past 6(c) coverage, you may need to file a backpay claim for the past few years. Some parts of Title 5 establish higher GS rates - see 5 USC 5305. Section 303 of the Act states, "Nothing in this Act or in any amendment made by this Act shall have the effect of diminishing the rate of basic pay payable to any individual employed by the United States on the date of the enactment of this Act to a rate below the rate payable to such individual on such date, so long as that individual continues in such position without a break in service."

The important thing to watch for is whether you were placed at the proper Grade & Step as the result of the July 10, 1994 conversions. If you were a GS-7 and were promoted to GS-9, your minimum Grade and Step should be GS-9/Step 2 on the regular GS pay scale or GS-9/Step 1 on the law enforcement pay scale. If you were a GS-5 and were promoted to GS-7, your minimum Grade and Step should be GS-7/Step 5 on the regular GS pay scale and GS-7/1 on the law enforcement pay scale. Add in the correct locality pay adjustment to obtain your proper pay rate. Many parks had GS-5s go to GS-7s for three months before going to GS-9s. If you did not at least earn GS-7/Step 5 pay (regular GS pay scale) plus the minimum 3.09% locality pay adjustment, from July 10 through October 2, 1994, you were improperly compensated for your labors. Talk with your supervisor and your servicing personnel office to have this problem corrected.

With the normal system for promotions, you start at your current grade/step, in this example a GS-7/Step 7. With a promotion to GS-9, you compare the salary rate for a GS-7/Step 9 (two steps up) and if this salary rate is higher than a GS-9/Step 1 (it is) you then go to the step that is higher than GS-7/9 and it turns out to be GS-9/ Step 3, then add in the locality pay adjustment.

Law Enforcement Special Adjustment Areas: Law enforcement officers were also designated to receive a locality pay adjustment for employment in certain "Statistical" areas. The rates for this adjustment varied from 4% to 16% for selected areas. It is also our understanding that the number of statistical areas was recently expanded to 28. Some of the areas include the following: Boston-Lawrence-Salem, MA-NH Consolidated Metropolitan Statistical Area (CMSA) = 16%; Chicago-Gary-Lake County, IL-IN-WI CMSA = 4%; Los Angeles-Anaheim-Riverside, CA CMSA = 16%; New York-Northern new Jersey-Long Island, NY-NJ-CT CMSA = 16%; Philadelphia-Wilmington-Trenton, PA-NJ-DE-MD CMSA = 4%; San Francisco-Oakland-San Jose, CA CMSA = 16%; Sand Diego, CA MSA = 8%; Washington, DC-MD-VA MSA = 4%. These Pay Adjustments are to be administered in the same manner as locality-based comparability payments found in 5 USC 5304 as amended by this Act (section 101). In 1993 and 1994, if your 6(c) position was not covered by a law enforcement special adjustment area, then 6(c) employees received a 3.09% locality adjustment for being in a rest of the USA area.

Relocation Payments: Section 407 provides for relocation payments. If you are manager of an area that is having difficulty attracting 6(c) rangers to work at your park, you can make a relocation payment of up to \$15,000 to a law enforcement officer with a basic pay rate of less than \$60,000.

Foreign Language Incentive: Section 408 provides for Foreign Language Payments. Agencies may pay a cash award of up to 5% of basic pay to any law enforcement officer who possess and makes substantial

use of one or more foreign languages in the performance of official duties.

When you are granted 6(c) PAST COVERAGE, the government will be sure to retroactively collect the extra 1/2% that is taken out of your salary as part of the 6(c) retirement program. BUT, before the government collects the extra 1/2%, you need to make sure the government retroactively calculates your correct salary rate based on the above information (Minimum step levels in certain GS grades; Special Pay Rates; Locality Pay Rates, Foreign Language Pay, etc.).

6(c) Related Law Enforcement Backpay: If you were a GS-5 step 3 in 1992 and you are retroactively granted 6(c) past coverage, you are due backpay because you should have been a step 4. If you were a GS-5 step 5 in 1993 and you are retroactively granted 6(c) past coverage, you are due backpay because you should have been a step 8. Now, add in your Special Pay Rate or Locality Pay, and you can see how you might have a substantial backpay claim! When doing these calculations, you get the higher rate of locality or special pay, these can not be added together. We know of some folks who are in an 8% locality pay area which also happens to be a 16% special pay area--you will be paid at the 16% rate, not 24% (16 + 8).

WASO is working to resolve the backpay issue so that individual rangers won't have to file backpay claims, but if WASO is not successful on our behalf, we will have to file individual backpay claims. One disturbing part of this issue is that a May 1994 Comptroller General decision set a new limit on pending and future claims for backpay for overtime. The decision states that if your claim was not filed prior to June of 1994, employees may only file backpay claims going back two years! This decision is being examined. If it stands, we may have difficulty obtaining law enforcement backpay going back more than two years. A new backpay law (part of the 1995 Treasury, Postal Service and general government appropriation bill) was recently passed which requires the GAO to use the six year limit for claims filed before May 1994. We are trying to determine if the law also covers claims being filed after May 1994. IF YOU HAVE ALREADY BEEN GRANTED 6(c) PAST COVERAGE AND HAVE NOT RECEIVED PROPER LAW ENFORCEMENT RELATED BACKPAY, PLEASE CALL US WITH THE DETAILS OF YOUR CASE AND CONSIDER FILING A BACKPAY CLAIM. IF YOU BELONG TO A BARGAINING UNIT, THERE IS A GOOD CHANCE THE BARGAINING UNIT CONTRACT COVERS THIS PAY ISSUE.

6(c) General: Thanks to WASO-RAD and Interior-Personnel for all the tremendous work and progress in resolving the 6(c) issue. We hesitate to recognize folks individually because invariably we fail to mention someone who also deserves credit. We are deviating from this "policy" because we believe field rangers should know that we have some genuine champions of the ranger profession in both the DOI and the NPS. Thus, a heartfelt THANK YOU to Secretary of the Interior Brue Babbitt, Chief of Staff T. Collier, NPS Chief Ranger J. Brady and the WASO-RAD Team, and A. Meroney and all the folks at DOI and NPS personnel for supporting the resolution of the 6(c) issue and making Ranger Careers a reality. All of the DOI Bureau 6(c) program coordinators will be meeting in Washington D.C. this January. The 6(c) coordinators will be identifying all the issues related to administering the 6(c) program. So that we are properly communicating your 6(c) concerns, please write or call the lodge. We will send our consolidated comments in time for this meeting.

The DOI has published a brochure entitled, *Information on Special Retirement For Firefighters and Law Enforcement Officers*. This brochure was developed by Marcia Scifres (BLM FF/LEO Retirement Specialist) and contains the following sentence: "A guide for making an individual claim for special retirement coverage is available from the personnel office." The guide is not yet available because it was originally written for BLM employees and DOI is amending the guide so it will be applicable to all Interior employees. As soon as the guide is distributed, we will ask for permission to reprint it in the newsletter. We don't expect any surprises from this guide and still recommend using the guidelines that we have published in previous newsletters.

WASO, Branch of Labor and Employee Relations (George Morris) issued a memo [P4015(247) dated 07/20/94] to all Regional Personnel Officers covering law enforcement benchmark position descriptions and obtaining 6(c) coverage. The memo gave exact directions on how to submit each of the benchmark position descriptions (by GS Grade) for 6(c) coverage. The memo explained the SF-50 submission process and explained that future vacancy announcements need to contain a 6(c)

coverage statement. This memo also contains the following sentence on page two, paragraph three, "If an employee assigned to a covered benchmark position description is performing the same duties as before the law enforcement reassignment, please include a memorandum to that effect along with the prior SF-50 and position description. We will work with the Department to have the old position covered." Our understanding of this last sentence is that the NPS is going to work to obtain past 6(c) coverage for all the positions that were converted to 6(c) coverage on July 10, 1994. This action would be greatly appreciated as it will alleviate a lot of work and waiting. We even know of some rangers who have been in their current position for the past 20 years.

6(c) Impact on Seasonals: One impact of 6(c) is the designation of minimum entry ages for 6(c) positions. Currently, the TRADITIONAL career track for obtaining a permanent position in the NPS has been to "do" seasonal time, take a clerk job for status, then go back to seasonal work and apply for permanent positions. The FOP supports the new recruitment program described in Ranger Careers which calls for an entry exam combined with FTO probationary program. We have advised the NPS and DOI that seasonals who were on the traditional career track should have their cases reviewed for possible exemption from the age restrictions. The basic problem is that these seasonals were playing by the rules and now we have SUDDENLY changed the rules without considering the efforts these folks were making. This issue is still being discussed and we don't expect a definitive answer until after the January meeting.

6(c) For BLM Law Enforcement Rangers: By 12/02/94, all 1801 BLM law enforcement rangers will be covered under the retirement provisions granting enhanced annuity and early retirement coverage for law enforcement officers. Congratulations to our fellow rangers!

FLSA & 6(c): One area of great concern stemming from the implementation of Ranger Careers is the issue of coverage under (non-exempt) or exemption from (exempt) the Fair Labor Standards Act (FLSA) for the purposes of pay. This issue has great immediacy for 6(c) designated law enforcement rangers because exemption from the FLSA leads to capping of overtime rate at the higher of either your regular hourly rate or the overtime rate of a GS-10/1. The main reason for concern is that with only 20 or 25 years to establish a base annuity level, it isn't financially affordable to have the overtime rate capped. FLSA covered (non-exempt) employees earn the full time and a half for all overtime worked.

Employees categorized as either "professional," "administrative," or "executive" are exempt from the FLSA's overtime provisions. Identifying employees by GS Grade does not matter in the analysis. In most cases, supervisory positions are exempted from the FLSA's overtime provisions. However, if a supervisory employee devotes more than 20 percent of his/her hours in a work-week to "nonexempt" work, then that employee will not be considered "exempt" for purposes of the FLSA. [29 C.F.R. § 541.112(a). *Nonexempt* work is defined as "production" work. Examples include making arrests, operating a chainsaw on the fireline, providing EMS care to a patient, searching for a lost person, rescuing a person, etc.. *Exempt* work includes making schedules, writing performance appraisals, submitting overtime forms, etc..

The FLSA regulations promulgated by OPM are issued pursuant to 29 USC § 204(f). In all exemption determinations, the agency shall observe the principles that: (a) Exemption criteria shall be narrowly construed to apply only to those employees who are clearly within the terms and spirit of the exemption; (b) The burden of proof rests with the agency that asserts the exemption; (c) All employees who clearly meet the criteria for exemption must be exempted. OPM's regulations have been supplemented by issuances in the FPM and Supervisory Grade-Evaluation Guide. There are also numerous MSPB and U. S. Court rulings addressing coverage under the FLSA. Based on the information (what rangers do) we provided our attorneys, they have advised us that GS-9 non-supervisory rangers should be classified as FLSA *nonexempt*.

The reason for designating non-supervisory rangers as exempt seems to stem from the claim that the GS-9 grades were justified because the 025 series is now being designated as a professional series. While it feels good to be called a professional, when you compare the journeyman grade of other professional series to the 025 series, you find that the other series have their journey grade set as GS-11, 12 or 13.

Until 025 rangers have their non-supervisory journey grade set at GS-12 or 13 (comparable to professional series grades), we firmly believe that 025 non-supervisory rangers and first level "working" supervisory rang-

ers should be designated as FLSA nonexempt. We have advised WASO of this position, but have been told that WASO will not be pursuing this issue in the near future. In fact, WASO recommended that non-supervisory journey-grade rangers be designated as exempt.

It appears that some regions made their 6(c) non-supervisory rangers exempt from the FLSA. Many members reported that their initial personnel actions showed their FLSA GS-025-09 status as nonexempt. Then, a second personnel action was issued in which the status was changed to exempt. We see this as an error which needs to be corrected because it leads to capped overtime. Working supervisors should also be nonexempt for purposes of the FLSA overtime provisions.

The FLSA coverage determination is made at the servicing personnel office. We are asking that all cases of non-supervisory and first level (working) supervisory 025's being designated as FLSA exempt be reported to the Lodge. We ask that chapter presidents conduct a survey in your park and then call or write the lodge with the results. If your area does not have a chapter (start one!), call or write as an individual member. To determine your FLSA status, check the top right section of your Leave & Earnings Statement and look for an "E" ("N" is non-exempt) in the FLSA CLASS box which is located under the box containing the Pay Period End Date. The information we need is the name of your park and your name and a phone number (or address) where we can reach you.

If anyone out there is an "expert" on section 7(k) of the FLSA, please give us a call. We are currently exploring the various actions we can take to resolve this issue. Legal action is possible (always costly) and bargaining units can address these issues. In the interim, your local bargaining unit should be advised of the situation as they may be able to take action on your behalf.

CSRS 6(c) past Coverage Claims: First the good news: OPM remanded 50--of 80--NPS 6(c) past coverage cases back to DOI. These are cases where OPM has issued Initial Decisions, not final decisions. We were recently advised that OPM would also send the remaining 30 6(c) past coverage claims (final decisions were issued) still at OPM's Reconsiderations Branch. If you still have a past coverage claim at OPM, give us and/or WASO-RAD a call and we will ask DOI to try and get your claim returned to DOI. These actions will hopefully result in several things including: fewer rangers having to go through the MSPB appeals process; fewer dollars (tens of thousands, versus hundreds of thousands) being expended for legal defense; and, quicker processing of individual past coverage claims.

One of the more interesting cases that was returned to DOI involves a 6(c) claim where the employee did not respond to an OPM due date in what is generally thought to be the proper manner. This employee's claim had been approved for coverage by both the NPS and DOI and was then denied by OPM (Initial Decision). OPM then advised the employee that it would issue a final decision in a certain time frame and the employee had a certain number of days to send in any supplemental information. The employee wrote back to OPM and advised OPM that he did not currently have any supplemental information, but that he might be able to come up with something if they gave him more time. Then OPM seems to have misplaced and/or forgot about this case for awhile.

Meanwhile, the employee never supplemented the claim within the allotted time. Finally, the employee wrote to a Congressman and asked if he would intervene with OPM to find out if the case could be returned to DOI. The Congressman agreed and wrote a letter to OPM. The employee also hired Ed Passman (Passman & Kaplan) to represent him before OPM and the MSPB. We aren't exactly sure of what happened at OPM that caused them to return the claim, but in the end OPM agreed to return the case to DOI. Did OPM return the case because of the Congressman's letter, or because Passman was on the case, or both? We may never know.

Some more good news: DOI advises that if you initially filed a 6(c) past coverage claim back in 89/90, but failed to submit yearly updates, and you have never received word on the status of your packet, then you may send in your updates and supplemental materials now. So get to work on those claims!

Still more good news: Although it will probably take another two to three years for all the CSRS 6(c) past coverage claims to be reviewed, those nearing retirement can now call DOI 6(c) (Ann Meroney) and request your claim be reviewed as soon as possible. Call her at 202-208-

The very bad news is that it appears that we will have to go the legislative route to secure reconsideration of 6(c) past coverage claims that were denied by OPM, MSPB, or U. S. District Courts. Basically, DOI says there is no administrative action that can be taken to "re-visit" these adjudicated claims.

The recent election slowed down our progress on obtaining legislation but we hope to be back on track once the next legislative session begins. Since many legislators did not win re-election, we will have to establish new contacts.

FERS 6(c) Past Coverage Claims: Many FERS employees tried to file 6(c) past coverage claims back in 1989/90 only to have their claims returned with a statement that FERS past coverage claims were not being accepted. Some of these FERS employees recently tried to submit claims and were told they could only claim service going back one year! Obviously this is a problem since they were NOT EVEN ALLOWED to submit a claim when the CSRS folks were submitting their claims. We explained our concerns about this issue with WASO and DOI. We were advised that a decision will be made within the next six months. FERS employees will then be given instructions on how to file individual 6(c) past coverage claims. While we don't have the specifics on what will be required, now is the time to get started preparing your package. Several past issues of *Protection Ranger* have described the materials you will need to submit in your claim. Don't delay putting these claims together. The sooner you turn in your claim, the closer to the front of the line you will be!

Primary & Secondary (Supervisory or Administrative) 6(c) Designation: What is the correct 6(c) designation for a first line field supervisor 6(c) position, primary or secondary? This question is being debated as this edition goes to print. There are two reasons this is an issue: one is because FERS 6(c) employees can't qualify for 6(c) secondary coverage unless they have 3 initial years of primary 6(c) coverage; and, FLSA designation as exempt which results in capped overtime (FLSA entry). So if you have less than 3 years of primary 6(c) coverage and are currently in a secondary position you will not (personally) qualify for 6(c) coverage. However, if a first level field supervisors performed a lot of field work--at least 20 percent of his/her time--the position should be nonexempt. In most areas the first level supervisor responds to major incidents to take command and often performs front line work (patrol or "roving surveillance") on a routine basis. Thus, most NPS first level supervisors should have their positions designated as 6(c) primary coverage positions and probably qualify (nonexempt) for coverage under the FLSA overtime provisions.

WASO has already sent out notices describing the procedures that field offices should follow in order to obtain 6(c) coverage for supervisors. Basically, you amend the position description to reflect the 6(c) duties performed and then forward the documents through channels to DOI (Personnel) Ann Meroney for review. As part of obtaining 6(c) coverage for your supervisory position, include the following statement in your position description (page one). "Retirement Provisions: This is a designated PRIMARY (or SECONDARY) COVERAGE Law Enforcement position as described in the applicable provisions (Title 5 USC) governing the Enhanced Annuity and Early Retirement program for federal law enforcement officers. The performance and supervision of law enforcement comprises approximately over 51 percent of the assigned duties of the incumbent. Prior to employment, the incumbent must successfully pass both a drug screen test and a Single Scope Background Investigation. During employment, the incumbent must participate in a mandatory physical fitness program as required by NPS physical fitness (and/or fire) guidelines. [If applicable, This is a required occupancy position.] This position is classified CRITICAL SENSITIVE."

Continued OPM Resistance: OPM continues to resist 6(c) for rangers as evidenced by two recent actions. In a September 12 article (Federal Times) about U. S. Customs Inspectors and Canine Enforcement Officers trying to gain 6(c) coverage, OPM Director J. King stated, "Extending law enforcement retirement to these Customs workers could open the door for others, such as 4,700 immigration inspectors; 6,600 police officers; 2,000 park rangers; and 800 Alcohol, Tobacco and Firearms inspectors....Covering all of these groups would triple costs." In the same article, NTEU President R. Tobias notes that Customs inspectors carry weapons and were responsible for 68% of the Customs Service arrests in FY92. Obviously, OPM continues to maintain their position that front line law enforcement duty doesn't meet 6(c) definitions.

Ferrier Update: The MSPB has yet to issue a decision on their reconsideration of Ferrier, thus Ferrier still stands as precedent and can be cited when claiming that patrol (roving surveillance) is a 6(c) qualifying duty. Unfortunately, OPM is continuing its attempt to have the Ferrier decision reversed. OPM recently cited the Ferrier decision in an action designed to reinforce OPM's position that most (remember, OPM approved GS-083 BIA Police Officers for 6(c) coverage) front line law enforcement officers should not be 6(c) covered. In "Retirement Counselor Letter" number 94-108 dated June 13, 1994, OPM directed Department Personnel Offices to disregard the Ferrier Full Board MSPB decision when reviewing 6(c) past coverage claims. OPM further counseled the personnel offices with the word, "We recommend, in the interest of economy, that you delay issuing appealable decisions in these cases until the Board (MSPB) acts on OPM's reconsideration request." OPM also stated, "... if you have any claim in this category that is currently at the MSPB appeal stage, please call your agency liaison in [OPM]. We need to monitor this activity until the issue is resolved."

Our attorneys have been notified about the OPM communication and we are passing along copies of the letter to MSPB and various legislative contacts. We are also in the process of requesting that all GS-083's donate money to the 6(c) Defense Fund because we expect OPM to appeal any judgement that upholds the "Ferrier Standard."

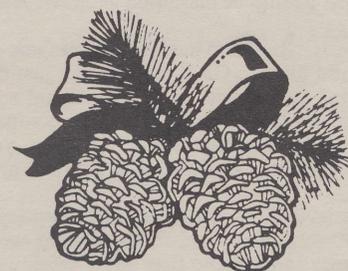
Lineback Update: OPM chose not to appeal this case and Lineback's attorney (C. James) filed a claim for legal fees. The case cost Lineback over \$11,000 and we assisted with a \$500 payment. Lineback's attorney was able to recover about \$8,000. Thus Lineback is out \$2,500 in legal fees alone. Lineback incurred other expenses (travel, phone, lodging, etc.). This case was adjudicated at the Administrative Judge level and the costs would have risen significantly if the case had gone to MSPB and/or U. S. District Court. Thus, you can see how expensive these cases are and the reason we need your help with building up the 6(c) Defense Fund. How can you help? Read on.

6(c) Defense Fund: We still need money to continue our legal battles. As I have written before, those who can't devote energy to working on this issue should send in money so we can hire someone (Passman, Kaplan, James, etc.) who can work on the issue. Legal action has proven to be an effective tool in winning 6(c) cases. If you haven't sent in \$100 dollars to the 6(c) Defense Fund, please do so as soon as possible.

Ranger Careers Update:

Item 1. We are receiving reports that several parks have failed to implement the Ranger Careers program as envisioned. This is very disturbing as Ranger Careers is supported by all levels of the Administration and Congress. Please notify us if your park is still not applying the Ranger Careers criteria.

Item 2. What is the proper journey-grade for the 025 series? This is an issue that has, and will continue to be, debated. Special Directive 94-3 (Dated June 14, 1994) is the Careers Policy for the 025 series and addresses the question of journey-grade and several others issues. All 025 rangers should read and become very familiar with this Special Directive because it will have a direct impact on your career. One of the more important parts of this document is found on page 5 where the Associate Director over Ranger Activities has been delegated the authority to manage the Ranger Careers System. This means that the Associate Director, not personnel, now has control over establishing the journey-grade for the 025 series. Page 4 of the Special Directive contains information about journey-grade for the 025 series. The Special Directive notes that non-supervisory "master ranger" positions can be established at grade 11 and higher. Also noted at the bottom of page 5, individual rangers are responsible for playing an active role in Ranger Careers. Bottom line: get a copy of this Directive, read it, use it and keep it for future reference.



The Ranger Resource Protection Fund Report

by Bob Martin, President
Route 1, Box 230, Shenandoah, VA 22849, 1(800) 223-1173

With the help of thousands of concerned citizens and rangers, the National Park Rangers Resource Protection Fund is off to a great start. We have had a year of national growth, and we now have nearly 5,000 members from across the country. The following synopsis recaps the first year of the organization.

Meetings with High Level NPS Leaders: At the end of July I met with NPS Director Kennedy. He was very supportive of our efforts and vowed to help our cause any way he possibly can. In a follow-up message from him, he stated: "It's a wonderful idea. Please send me a note as to where Mrs. Kennedy and I can make a contribution, as we promised...Thanks and congratulations. Please tell me what else I can do to demonstrate continued support. Bless you." Subsequently Mr. and Mrs. Kennedy joined the Fund. Also in a phone conversation, National Chief Park Ranger Jim Brady expressed his pleasure with the Fund efforts so far.

Fund Helps with Rewards for Park Poaching Problems: The Fund is supporting several parks which are experiencing considerable poaching pressure. Because this information is associated with ongoing investigations, I will not be able to go into any details, but hope to in a later newsletter.

Fund Sought by the Media: We are rapidly becoming known throughout the country as THE source of information regarding the resource protection problem in the National Park Service. For example, over the last year we have helped television shows such as Disney's *The Crusaders*, *Inside Edition*, and ABC's *Day One* with special programs on poaching in the Parks. Several magazines, including *Outside* and the National Park and Conservation Association's *National Parks* and several major newspapers also benefited from our expertise. Our cause received much needed nationwide exposure which will be critical as we move for support from the Administration and Congress. Major newspaper coverage included a five day, front page series in the *Denver Post* and the *Kansas City Star*; several stories in the *Billings Gazette*; and stories in the *San Diego Tribune Review*, and the *Washington Post*. Numerous other papers are currently working on stories. I have also participated in a live Public Broadcasting Talk Show in Chicago.

My philosophy is "More press, more pressure!" Through our continued efforts with the press, we will continue to publicize our concerns with the goal of getting the desperately needed attention to protect our National Park resources.

Input Sought on Legislation: Our views have also been sought by various groups supporting the Black Bear Protection Act, the California Desert Protection Act, the 1994 Crime Bill, and the National Park and Landmark Conservation Act.

Work Continues with Sponsoring a Full Two Week Resource Law Enforcement Course: Failure to comply with the contract has forced us to cancel our association with B&B Fundraisers. We are continuing to participate in the development of a two week Resource Law Enforcement Course which will hopefully be offered at FLETC sometime this winter. We are actively seeking funding from national conservation organizations and private foundations for this program.

Key Positions Being Filled in the Fund: Numerous field professionals are volunteering to help develop various programs of the Fund. They include: Rol Hesselbart, (Shenandoah) education, outreach, and Junior Ranger programs; Randall Kendrick (Blue Ridge), technical investigations equipment; Bobby Flem-

ing (Shenandoah), special assistant to the President and 1-800 coordinator; Bruce Bytnar (Blue Ridge), Resource Protection Training; Scot McElveen (Assateague), Ranger and Park Manager Recognition Program; and Eric Inman (Death Valley), Advisory Board formation. Additionally, numerous Rangers from field operations, regional office personnel and several highly placed management personnel have volunteered to serve on the Advisory Board of the Fund.

Directly Needed: If anyone out there has experience in developing a grants program, please get in touch with me. We have received initial support from several foundations, but we need expertise to attract contributors. The Fund's attorney, Steve Erie, has volunteered time to help us work out our MOA with the NPS.

Comments on NPS Strategic Planning and NPS Reorganization: The Fund has made numerous comments on the NPS' Strategic Plan and the Service's Reorganization. Our major concerns were that adequate pre-planning go into properly protecting the resources in the Parks while providing for their enjoyment. For nearly a year and a half we have been supporting the downsizing

The Protection Ranger

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Application For Membership

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

Name: _____

Signature: _____

Address: _____

City: _____

State: _____ ZIP: _____

DOB (required): _____

Associate membership (non commissioned)

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

Renewal (check here)

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

NPS Area: _____

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

of central offices, including those in Washington and the regional offices. Both the NPS Strategic Plan and the NPS Reorganization documents were woefully inadequate regarding the NPS' Resource Protection Program. We found this most disturbing as Rangers and the Fund have been pushing the issue for nearly three years.

Apparently our concerns were heard. A memo from Assistant Secretary George Frampton to NPS Director Kennedy dated July 19, 1994 reads: "The two highest priority goals in the new Strategic Plan are to establish a scientific/scholarly basis for resource management decisions and to strengthen protection of park resources. ...[The] key to success of any restructuring plan is that it positions the Park Service to realize these objectives in light of the new challenges we anticipate in the 21st century." The Fund will continue to serve as a "watchdog" on these processes.

President Attends Several National Conferences: Over the past months I attended several conferences on behalf of the Fund. In May I travelled to Colorado Springs, CO to attend the National Anti-Poaching Foundation's Conference. There, I joined fifty other leaders of U.S., State, and Canadian and Provincial Conservation organizations in discussions of the complex nature of developing counter-poacher strategies. It was most informative and a number of valuable relationships were forged with fellow conservation officers as well as representatives of other organizations dedicated to supporting counter-poaching operations (such as Operation Game Thief, Report-a-Poacher Hotlines).

I was interviewed by *The International Game Warden* magazine, as well as by the Director of Mutual of Omaha's Wildlife Heritage Trust. Both have done articles on Park Rangers and the resource protection crisis in the NPS. Also, I presented NAPF Director Len Dickson with a small monetary donation for their efforts in sending the NPS numerous poaching information tip calls, which they receive on their national report-a-poacher hotline 1-800-800-WARDEN. Terry Cloutier, who attended this conference on behalf of the Rocky Mountain Elk Foundation, wrote of the Ranger Resource Protection Fund: "I and the [Rocky Mountain Elk Foundation] are very proud to be associated with such a fine group of dedicated individuals that are so paramount to ensuring the future of North America's precious wildlife resources. Current and future generations can only benefit from your efforts today. Keep up the great work. It is appreciated."

More recently, I attended the North American Wildlife Enforcement Officer Association's Conference in Halifax, Nova Scotia. I attended training sessions regarding a myriad of resource enforcement topics with nearly 350 officers from all across the United States and Canada. Again, bonds were formed, intelligence information was shared, and contacts were made which will be utilized as the Fund and the NPS continue to expand their resource protection program. (Note: All members of the Ranger FOP Lodges were given a 1994 membership in the North American Wildlife Officers Association by the Fund. We are the largest group in NAWEOA!)

Closing: Clearly the Fund has been very busy in our attempts to make a difference in our National Parks. I hope we can count on your continued support in the coming years--we have a long way to go in our quest. The Federal government will be going through some challenging times. With your support we can hold them accountable, as well as help meet the mandate given to the National Park Service in 1916: caring for the resources in the parks for the enjoyment of present and future generations.

CARPE DIEM!!!

President's Message

Randall Kendrick, Eastern Lodge

It has been my privilege to serve as president of the Eastern Lodge for the past 4 1/2 years. I am proud of the fact that the Eastern Lodge grew from 24 members to 570 during this period, and have exerted a positive influence within the National Park Service during this time. Elsewhere in this issue are some of the accomplishments we have achieved by working together and staying focused on our goals.

I have chosen not to run for president again because I feel the Lodge needs a non-supervisor to lead it at this time. The issue of gaining a national contract can only be led by a ranger with no supervisory duties.

Other issues that I feel must be dealt with are: Having law enforcement supervised directly from WASO; Non-competitively integrating long term LE seasonals into the permanent workforce; Working towards having a degree requirement for new hires with a GS-11 base grade; Securing a law enforcement only radio system; and, Hiring enough new rangers to adequately staff our parks.

Within the FOP, we need to have a long term program of working with Congress; securing advertising for the Protection Ranger, finding a dedicated source of funding to assist members in need, and having referenda to set priorities.

I think we should be pleased with the progress we've made during the past few years and with the fact that we have the organization in place to resolve other issues in our favor. There is no substitute for working together pursuing clearly defined goals.

Your Lodge at Work

At year's end, it seems worthwhile to do a brief review of important accomplishments since our beginnings in Yosemite, 7 years ago:

- 1) We led the way to aggressively pursue 6(c) retirement benefits for all law enforcement and fire fighter rangers.
- 2) Our efforts stopped NPS-57 from being adverse, forcing the NPS to develop a positive, non-career threatening program.
- 3) Today, ALL LE rangers are issued body armor. This was our very first issue and success as a Lodge.
- 4) We've been effective in addressing problems at the local level by forming FOP Chapters in individual parks.
- 5) Our efforts got management to give free Hepatitis B shots 2 years before it was required by OSHA.
- 6) All members are provided with free counseling and, often, financial aid when faced with adverse management actions. We also provide an 800 number to contact us with problems and concerns.
- 7) Through the *Protection Ranger*, we've promoted much needed communication and a feeling of community among LE rangers.
- 8) Lodge pressure and research helped establish GS-9 as the Journeyman grade for a field ranger.
- 9) Our research and support helped establish Administratively Uncontrollable Overtime, for the first time in the Service, as a

premium rate for rangers who must decide extra duty hours on their own.

10) We've assisted and given financial support to members with their 6(c) appeals.

11) Your dues make it possible for us to consult attorneys with expertise on questions of policy and civil service law of vital concern to our members.

12) Working with WASO, we've developed a program for rangers to buy Sigs at discounted rates.

13) Because we keep track of important court and administrative decisions that could affect us, we immediately ensured that NPS paid rangers their Sunday premium rate, as a recent court decision required, when the ranger was on leave or vacation. Until we brought it to their attention, the administration was not aware of this decision.

All of this is possible as a direct result of the hard work of Lodge Officers and members, your dues, and the generous contributions of individuals. We depend not only on your time and money but, as important, on your suggestions of what's needed in the field to better accomplish our mission. Thank you for being members and continuing your support of our work. Membership now stands at over 1,000 law enforcement rangers. Please encourage your friends and colleagues to join our efforts.

Required Occupants and Phone Reimbursements

Special Directive 91-2 Revised (June 7, 1993) contains guidelines on obtaining approval for installation/service of official telephone service in Government employee housing within park boundaries, which shall be paid for by the NPS when it has been determined to be in the best interest of the government.

The Directive states:

There has been established a need for telephone services in private residences for a core group of employees who are designated required occupants of employee housing involved in law enforcement, search and rescue, maintenance emergencies or other duties... Requests for approval for initial installation/service of Government telephones in employee housing or similar requests for authorization of payment for existing private telephone service in Government housing should be directed to the Washington Office (WASO), Associate Director, Operations, Attention: Housing Office. Each response will be coordinated with the Information and Data Systems Division, Branch of Technical Services, WASO. Requests must meet the criteria set forth in attachment 3. However, if claims are filed against the Government for retroactive payment of telephone service there is a statutory limitation of 6 years from the date of the claim... All claims must have the actual records of telephone bills and payments made by the employee... Payment must be made from the benefitting account... Questions on this issue should be directed to WASO Housing....

It is our understanding that not all parks are complying with this Special Directive and that a number of parks are not paying the installation and monthly service charge of required occupants. Remember the statute of limitations and need for submitting actual records. Read attachment 3 to see if you meet the listed criteria. Every park unit maintains a file of Special Directives, usually kept in the Superintendent's office.

President's Report

Chris Cruz, Western Lodge

I would like to begin by telling you I am not going to run for reelection of the National Park Rangers Lodge. It has been my pleasure to serve you currently as President, and previously as Vice-President and Treasurer. My involvement in this organization since 1989 has been marked by seeing many hard-fought battles succeed. I am proud of the commitment displayed by my predecessors and our current officers.

I want to thank all of our past officers for paving the way and our current officers for continuing the fight. I would like to thank the following individuals for their dedication during my time as an officer. All the Yosemite Board members through the years, Ruth Middlecamp, Dave Ashe, Dave Brennan, Billie Bandy, Greg Jackson, J.R. Tomasovic, Janet Bachman, Tim Woosley, Bruce Bynar, Steve Clark, and Mike LaLone. In addition, all the chapter presidents and other officers--you have all been instrumental in the success of the Ranger Lodges.

There are a few more people I need to mention who are truly the heart and soul of this organization: Randall Kendrick, Bob Martin, George Durkee, and Dan Kirschner. You will not find four individuals more dedicated to improving the Ranger Profession. If you ever have the chance to say thank you to these four individuals it will be well deserved. I cannot forget also the support of our families and our spouses: Iara, Gayle, Paige, Zara, and my wife JoAnne. They have consistently supported us. Our work could not have been done without them.

It's been an honor working with you. Thank you! I will always continue to support this organization and assist when possible.

We must not get complacent now that we have achieved some of our goals. There is still much work that needs to be done. We have to continue to fight for those things we believe in and focus on our people resources as well as the park resources. Our Lodge has made a difference in the future of the National Park Service and we can all take pride in that. The concerns of field rangers is what drives this organization. Keep us aware of your concerns so we can better serve you. Now is a significant time of change both with Congress and the leadership of the National Park Service. We must continue to monitor these changes and maintain an active voice. The goal of WASO Ranger Activities is to make the National Park Service the "Premier Resource Protection Agency."

Annual Report 1993-1994 National Park Ranger Lodge

This has been a busy year for the lodge and the National Park Service. Here are some of the highlights of the last year:

** Servicewide conversion to the Sig-Sauer family of Semi-Automatics. This conversion is almost complete for permanents.

** National Park Ranger Lodge transition to one organization for the purpose of securing collective bargaining.

** Lodge has started a Legal Defense Fund making funds available to members. The first successes were the defense of several 6(c) cases which turned the tide this year for obtaining enhanced retirement.

** Started a non-profit corporation completely independent of the Lodge. The National Park Ranger Resource Protection Fund is set up to provide funding for the protection of our cultural and

natural resources through education, training and providing equipment for resource investigation.

** The most important of achievement this year is the most sweeping change in the National Park Service since it's beginning in 1916: the Ranger Careers/Future Initiative. The key elements of this initiative include:

1. Official designation of current coverage for 6(c). We are still trying to get all past coverage cases approved and DOI has committed itself to resolving these cases.

2. Ranger Careers pay enhancements upgrading the journeymen level from a GS-5/7 to a GS-9 with a target grade of GS-11. First-line supervisors will now be able go to the GS-11. This is still in transition. We look forward to a better system of entry into the National Park Service; a more developed career ladder; and creation of a means for our current temporary employees to get on permanent.

This initiative is in it's beginning stages. It was enacted on July 10, 1994 and was the culmination of several years work by management and field rangers. The FOP Lodge was an integral part in the development of this initiative.

3. Designation of 6(c) coverage also brought us the corresponding Law Enforcement Pay Enhancements over and above the Ranger Careers pay enhancements.

4. Very soon we should be issued new credentials to more clearly identify us as law enforcement officers.

5. Bench mark PDs are being created for seasonal positions that will go from GS-5 to 7 to 9. The end result could be the application of law enforcement pay and 6(c) enhanced retirement benefits once these PDs are completed and approved.

These are just the highlights of the year. The issues that started our Lodge back in 1988 have finally been addressed. We currently enjoy the best working relationship with our Washington Office that we've ever had. It has truly become a partnership with management.

Current Issues

- ** Secure a collective bargaining agreement.
- ** Review and update NPS-9 law enforcement guidelines.
- ** Continue to expand our organization and chapter structure.

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

PLEASE RENEW **BEFORE** THE EXPIRATION DATE SHOWN:

EASTERN MEMBERS: PLESAE RENEW JANUARY 1!

We have 20+ chapters nationwide and over 1,000 members.

** As long as 6(c) cases remain undecided, we must continue to pursue this subject until every last case has been resolved.

** Continue to fight for the individual rights of rangers.

** Continue to support the National Park Ranger Resource Protection Fund and the resources we are charged with protecting.

** Develop the future leadership of the Lodge. We should always be managed by field rangers. We started in the field and we should remain that way.

** Ensure that a professional FTO program is developed for the NPS.

** We need to pursue an effective way of putting into action the Dual Career Assistance Policy that was signed in March of 1994. Special Directive 94-2.

** Continue to support and encourage the Ranger Careers Program until it is completed.

** Clear up the discrepancies about whether we are FLSA exempt vs. non-exempt.

Ranger Careers for Seasonals

by George Durkee

WASO-RAD is currently working on Volume II (Career Entry) of the Ranger Careers Initiative. According to Bill Sanders at WASO, the document should be out in early January and will deal with how Ranger Careers applies to seasonals. As was done with permanents, all seasonal positions will probably be examined to determine what series they belong in. Positions that do mostly firefighting, fee collection & etc. will likely be put in a new series. Although Bill said nothing definitive can be predicted right now, it appears that GS-9 will still be the full performance grade for the seasonal position. Questions remain, though, in differences in training between permanent and seasonal and how that will be dealt with by the new PDs. This document is unlikely to affect seasonals working this winter, but the goal is to have it in place before next summer. We will obtain a copy of the he proposal as soon as it comes out and solicit comments from our members.

