



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240



Dennis Burnett, NPS Law Enforcement Program Administrator
National Park Service
1849 C. Street, NW, MS 2328
Washington, D.C. 20240

Dear Mr. Burnett,

Reference: Position Descriptions (PDs):
AAA, Park Ranger (AAA), GS-0025-05
AAA, Park Ranger (AAA), GS-0025-07
AA5, Park Ranger, GS-0025-05
AA7, Park Ranger, GS-0025-07

Based on the definitions in 5 C.F.R. §831.902 and 5 C.F.R. §842.802, and recent court decisions, we have reviewed the coverage of the above position descriptions. Position descriptions AAA were classified on February 13, 1998, and were approved for primary/rigorous coverage on February 25, 1998. Position descriptions AA5 and AA7 were originally classified on January 15, 1999, and were approved for primary/rigorous coverage on January 27, 1999.

Based on further review of these PDs and other official documentation, we find these position descriptions do not meet the definition of a primary/rigorous or secondary law enforcement officer position.

Primary duties are those duties of a position that—

- (1) (i) are paramount in influence or weight; that is, constitute the basic reasons for the existence of the position;
(ii) occupy a substantial portion of the individual's working time over a typical work cycle;
and
(iii) are assigned on a regular and recurring basis.
- (2) Duties that are of an emergency, incidental, or temporary nature cannot be considered "Primary" even if they meet the substantial portion of time criterion. In general, if an employee spends an average of at least 50 percent of his or her time performing a duty or group of duties, they are his or her primary duties. 5 U.S.C. § 8331(20) and 5 U.S.C. § 8401(14), and 5 C.F.R. § 831.902 and 5 C.F.R. § 842.802

A primary/rigorous position means a position whose primary duties are:

Investigation, apprehension, or detention of individuals suspected or convicted of offenses against the criminal laws of the United States.

The definition of a secondary law enforcement officer position is:

- a) A position that is clearly in the law enforcement field;
- b) In an organization having a law enforcement mission; and
- c) is either:
 - (1) A position whose primary duties are as a first level supervisor of law enforcement

officers; or

(2) A position for which experience in a rigorous law enforcement position, or equivalent experience outside the Federal Government, is a mandatory prerequisite.

The definition of law enforcement officer means an employee, the duties of whose position are primarily the investigation, apprehension, or detention of individuals suspected or convicted of offenses against the criminal laws of the United States, including an employee engaged in this activity who is transferred to a secondary position. The definition does not include an employee, whose primary duties involve maintaining law and order, protecting life and property, guarding against or inspecting for violations of law, or investigating persons other than persons who are suspected or convicted of offenses against the criminal laws of the United States. 5 U.S.C. § 8331(20) and 5 U.S.C. § 8401(14), and 5 C.F.R. § 831.902 and 5 C.F.R. § 842.802

The primary purpose of these positions is to serve as non-supervisory Park Rangers (Seasonal), performing a variety of tasks associated with the use and management of park resources. The positions supplement the permanent park ranger workforce by performing duties designed to (1) facilitate visitor understanding of park resources; (2) facilitate visitor enjoyment of the park and its resources; (3) facilitate and induce visitor behavior consistent with resource protection and to gain friendly compliance with the laws and rules for safe use of the park; and (4) encourage visitors to develop a sense of stewardship for park resources. The incumbents serve as NPS law enforcement commissioned park rangers, primarily responsible for performing duties including detection and investigation of violations of the Federal criminal laws, apprehension and detention of violators, the protection of life and property, and enforcement of all applicable laws, rules, and regulations protecting and insuring the safe use of National Park resources.

The Major Duties in the position descriptions state these positions: "perform law enforcement throughout the park to which assigned, e.g., road patrols, traffic enforcement, boundary integrity, hunting patrols, lake and waterway patrols, etc. Investigates motor vehicle accidents and issues citations. Gains compliance with laws and regulations by using a continuum of techniques extending from verbal or written warnings through citation and physical custody arrest. Enforces fish and game regulations, permit requirements and restrictions, and public use limitation/restrictions. Pursues and apprehends violators, subdues unruly, violent, or disruptive individuals. Independently recognizes, preserves, documents, and gathers evidence at minor crime and accident scenes. As assigned, assists at major crime or accident scenes. Monitors and inspects use of various resources. Informs visitors about the life habitats and behavior of park fauna, with emphasis on behavior that may be potentially dangerous to visitors. Typically, serves as a member of all-risk operations, e.g., search and rescue, wildland and structural fires, etc. and performs emergency medical services. As required, operates permit stations for backcountry or wilderness use and is responsible for educating visitors regarding the requirements for backcountry hiking and camping, the reasons for the regulations, etc."


These position descriptions do not meet the definition of primary/rigorous or secondary law enforcement officer for the following reasons. They do not identify the type of law enforcement commission required; the Physical Requirements Factor does not state that these positions have rigorous duties nor that the incumbent is required to meet the physical fitness/qualification requirements to maintain a law enforcement commission; and there are no criminal or criminal suspects or other law enforcement contacts identified in the Personal/Purpose of Contacts Factors.

Additionally, the National Park Service (NPS) Director's Order (DO) #9 dated March 21, 2004, paragraph 5.1 Law Enforcement Commission, **states**: Only employees commissioned under this authority will perform law enforcement duties. Law Enforcement Commissions are issued only to

employees who have successfully passed the background investigation, medical exam (including psychological screening), physical efficiency battery, drug testing and rigorous training requirements. Each chief park ranger is responsible for certifying to the park superintendent that commissioned employees meet training and qualifications standards set forth in Reference Manual (RM) 9. The two types of commissions are the **Type I** (full authority) law enforcement commission and the **Type II** (limited authority) law enforcement commission. The order continues, in paragraph 5.1.2, Type II Commissions: These commissions are issued to temporary employees and those permanent employees whose duties are not primarily law enforcement, and where park staffing and geographic considerations make it unfeasible to meet park law enforcement needs through any other redistribution of duties. Type II commissions are issued by park superintendents with the approval of the regional director or designee. Persons issued Type II commissions may: Carry and use firearms in the performance of duties; provide initial response to both misdemeanor and felony incidents (Initial response includes arrest, where appropriate.); independently conduct investigations into misdemeanor violations; assist with investigations into felony violations; and be deputized by other law enforcement organizations or entities where their Type II status is specifically acknowledged by the deputizing agency. Persons issued Type II commissions may not (unless accompanied by a person with a Type I commission): Execute felony warrants as part of pre-planned operations (raids); conduct felony investigations; investigate fatalities; be detailed to "high risk" assignments outside of their park area unless approved by the regional director or designee; and independently prosecute cases on behalf of the United States/NPS or serve as a park law enforcement specialist.

Based on our review of these position descriptions, the definition of a law enforcement officer in 5 C.F.R. § 831.902, 5 C.F.R. § 842.802 and NPS DO #9, these positions do not meet the definition of primary/rigorous or secondary law enforcement officer. Therefore, coverage of these positions ends effective upon the date of the Deputy Assistant Secretary's signature.

If you have questions regarding the position descriptions, please call Dory Milliken at (208) 334-1555.



Acting Deputy Assistant Secretary
Human Resources and Workforce Diversity

6/29/04
Date

cc: FF/LEO RF, Case File
PD Case Files: (AAA, AA5, & AA7)

POSITION DESCRIPTION (Please Read Instructions on the Back)

2. Reason for Submission <input type="checkbox"/> Reassignment <input type="checkbox"/> New <input type="checkbox"/> Reestablishment <input type="checkbox"/> Other		3. Service <input checked="" type="checkbox"/> Hdqtrs. <input type="checkbox"/> Field		4. Employing Office Location		5. Duty Station		6. OPM Certification No.	
7. Fair Labor Standards Act <input type="checkbox"/> Exempt <input checked="" type="checkbox"/> Nonexempt				8. Financial Statements Required <input type="checkbox"/> Executive Personnel Financial Disclosure <input type="checkbox"/> Employment and Financial Interests		9. Subject to IA Action <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
10. Position Status <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Excepted (Specify in Remarks) SES (Gen.) <input type="checkbox"/> SES (CR)				11. Position is: <input type="checkbox"/> Supervisory <input type="checkbox"/> Managerial <input checked="" type="checkbox"/> Neither		12. Sensitivity <input type="checkbox"/> 1-Non-Sensitive <input checked="" type="checkbox"/> 3-Critical Sensitive <input type="checkbox"/> 2-Noncritical Sensitive <input type="checkbox"/> 4-Special Sensitive		13. Competitive Level Code 378	
14. Agency Use				15. Classified/Graded by		Official Title of Position		Pay Plan	

For Seasonal Positions

13. Classified/Graded by		Official Title of Position		Pay Plan		Occupational Code		Grade		Initials		Date	
a. U.S. Office of Personnel Management				GS		025		05					
b. Department, Agency or Establishment													
c. Second Level Review													
d. First Level Review		Park Ranger (AAA)											
e. Recommended by Supervisor in Initiating Office													

This PD is NOT COVERED under 5 U.S.C. 8336(c) or 8412(d), as determined by the Department of Interior Secretary's Designee on June 29, 2004 FF/LEO Retirement Team Specialist [Signature]

16. Organizational Title of Position (if different from official title) Law Enforcement		17. Name of Employee (if vacant, specify)	
18. Department, Agency, or Establishment DOI, National Park Service		c. Third Subdivision	
a. First Subdivision		d. Fourth Subdivision	
b. Second Subdivision		e. Fifth Subdivision	

19. Employee Review—This is an accurate description of the major duties and responsibilities of my position.

Signature of Employee (optional)

20. Supervisory Certification. I certify that this is an accurate statement of the major duties and responsibilities of this position and its organizational relationships, and that the position is necessary to carry out Government functions for which I am responsible. This certification is made with the knowledge that this information is to be used for statutory purposes relating to appointment and payment of public funds, and that false or misleading statements may constitute violations of such statutes or their implementing regulations.

a. Typed Name and Title of Immediate Supervisor		b. Typed Name and Title of Higher-Level Supervisor or Manager (optional)	
Signature	Date	Signature	Date

21. Classification/Job Grading Certification. I certify that this position has been classified/graded as required by Title 5, U.S. Code, in conformance with standards published by the U.S. Office of Personnel Management or, if no published standards apply directly, consistently with the most applicable published standards.

22. Position Classification Standards Used in Classifying/Grading Position

Typed Name and Title of Official Taking Action
Debra S. Bird, Acting Human Resources Program Manager

Information for Employees. The standards, and information on their application, are available in the personnel office. The classification of the position may be reviewed and corrected by the agency or the U.S. Office of Personnel Management. Information on classification/job grading appeals, and complaints on exemption from FLSA, is available from the personnel office or the U.S. Office of Personnel Management.

23. Position Review	Initials	Date	Initials	Date	Initials	Date	Initials	Date	Initials	Date
a. Employee (optional)										
b. Supervisor										
c. Classifier										

24. Remarks

Title must be entered into the payroll/personnel system exactly as shown.
Position description may be used until 12/31/98 only. Use of position description is not mandatory.

Position designated for special retirement coverage under 5 USC 8336(C) PRIMARY(LE).

25. Description of Major Duties and Responsibilities (See Attached)

2. Reason for Submission: Redescription, Reestablishment, New, Other

3. Service: Hdqtrs., Field

4. Employing Office Location

5. Duty Station

6. OPM Certification No.

7. Fair Labor Standards Act: Exempt, Nonexempt

8. Financial Statements Required: Executive Personnel Financial Disclosure, Employment and Financial Interest

9. Subject to IA Action: Yes, No

10. Position Status: Competitive, Excepted (Specify in Remarks), SES (Gen.), SES (CR)

11. Position is: Supervisory, Managerial, Neither

12. Sensitivity: 1-Non-Sensitive, 2-Critical Sensitive, 3-Noncritical Sensitive, 4-Special Sensitive

13. Competitive Level Code: 378

14. Agency Use

For Seasonal Positions

15. Classified/Graded by: Official Title of Position, Pay Plan, Occupational Code, Grade, Initials, Date

a. U.S. Office of Personnel Management

b. Department, Agency or Establishment

c. Second Level Review

d. First Level Review: Park Ranger (AAA), GS, 025, 07

e. Recommended by Supervisor or Initiating Office

This PD is NOT COVERED under 5 U.S.C. 8336(c) or 8412(d), as determined by the Department of Interior Secretary's Designee on June 29, 2004. FF/LEO Retirement Team Specialist [Signature]

16. Organizational Title of Position (if different from official title): Law Enforcement

17. Name of Employee (if vacant, specify)

18. Department, Agency, or Establishment: DOI, National Park Service

a. First Subdivision

b. Second Subdivision

c. Third Subdivision

d. Fourth Subdivision

e. Fifth Subdivision

19. Employee Review—This is an accurate description of the major duties and responsibilities of my position.

Signature of Employee (optional)

20. Supervisory Certification. I certify that this is an accurate statement of the major duties and responsibilities of this position and its organizational relationships, and that the position is necessary to carry out Government functions for which I am responsible. This certification is made with the knowledge that this information is to be used for statutory purposes relating to appointment and payment of public funds, and that false or misleading statements may constitute violations of such statutes or their implementing regulations.

a. Typed Name and Title of Immediate Supervisor

b. Typed Name and Title of Higher-Level Supervisor or Manager (optional)

Signature, Date

21. Classification/Job Grading Certification. I certify that this position has been classified/graded as required by Title 5, U.S. Code, in conformance with standards published by the U.S. Office of Personnel Management or, if no published standards apply directly, consistently with the most applicable published standards.

22. Position Classification Standards Used in Classifying/Grading Position

Typed Name and Title of Official Taking Action: Debra S. Bird, Acting Human Resources Program Manager

Information for Employees. The standards, and information on their application, are available in the personnel office. The classification of the position may be reviewed and corrected by the agency or the U.S. Office of Personnel Management. Information on classification/job grading appeals, and complaints on exemption from FLEA, is available from the personnel office or the U.S. Office of Personnel Management.

Signature: Debra S. Bird, Date: 2/13/98

23. Position Review	Initials	Date	Initials	Date	Initials	Date	Initials	Date	Initials	Date
a. Employee (optional)										
b. Supervisor										
c. Classifier										

24. Remarks

Title must be entered into the payroll/personnel system exactly as shown.
 Position description may be used until 12/31/98 only. Use of position description is not mandatory.
 Position designated for special retirement coverage under 5 USC 8336(C) PRIMARY(LE).

25. Description of Major Duties and Responsibilities (See Attached)

POSITION DESCRIPTION (Please Read Instructions on the Back)

2. Reason for Submission <input type="checkbox"/> Redescription <input type="checkbox"/> New <input type="checkbox"/> Reestablishment <input type="checkbox"/> Other		3. Service <input type="checkbox"/> Hdqtrs. <input checked="" type="checkbox"/> Field	4. Employing Office Location	5. Duty Station	6. OPM Certification No.
7. Fair Labor Standards Act <input type="checkbox"/> Exempt <input checked="" type="checkbox"/> Nonexempt		8. Financial Statements Required <input type="checkbox"/> Executive Personnel Financial Disclosure <input type="checkbox"/> Employment and Financial Interests		9. Subject to IA Action <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
10. Position Status <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Excepted (Specify in Remarks) <input type="checkbox"/> SES (Gen.) <input type="checkbox"/> SES (CR)		11. Position Is: <input type="checkbox"/> Supervisory <input type="checkbox"/> Managerial <input checked="" type="checkbox"/> Neither	12. Sensitivity <input type="checkbox"/> 1-Non-Sensitive <input checked="" type="checkbox"/> 3-Critical Sensitive <input type="checkbox"/> 2-Noncritical Sensitive <input type="checkbox"/> 4-Special Sensitive	13. Competitive Level Code	
For Seasonal Positions		14. Agency Use AAS*			

15. Classified/Graded by	Official Title of Position	Pay Plan	Occupational Code	Grade	Initials	Date	
a. U.S. Office of Personnel Management	This PD is NOT COVERED under 5 U.S.C. 8336(c) or 8412(d), as determined by the Department of Interior Secretary's Designation on June 29, 2004 FF/LEO Retirement Team Specialist <i>[Signature]</i>						
b. Department, Agency or Establishment							
c. Second Level Review		Park Ranger	GS	025	05		
d. First Level Review							
e. Recommended by Supervisor or Initiating Office							

16. Organizational Title of Position (if different from official title) Law Enforcement	17. Name of Employee (if vacant, specify)
18. Department, Agency, or Establishment Department of the Interior	c. Third Subdivision
a. First Subdivision National Park Service	d. Fourth Subdivision
b. Second Subdivision	e. Fifth Subdivision

19. Employee Review—This is an accurate description of the major duties and responsibilities of my position.

20. Supervisory Certification. I certify that this is an accurate statement of the major duties and responsibilities of this position and its organizational relationships, and that the position is necessary to carry out Government functions for which I am responsible. This certification is made with the knowledge that this information is to be used for statutory purposes relating to appointment and payment of public funds, and that false or misleading statements may constitute violations of such statutes or their implementing regulations.

a. Typed Name and Title of Immediate Supervisor Signature _____ Date _____	b. Typed Name and Title of Higher-Level Supervisor or Manager (optional) Signature _____ Date _____
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21. Classification/Job Grading Certification. I certify that this position has been classified/graded as required by Title 5, U.S. Code, in conformance with standards published by the U.S. Office of Personnel Management or, if no published standards apply directly, consistently with the most applicable published standards. Typed Name and Title of Official Taking Action Paula Ehrenfeld, Acting Human Resources Program Manager Signature <i>Paula Ehrenfeld</i> Date 1/15/99	22. Position Classification Standards Used in Classifying/Grading Position Information for Employees. The standards, and information on their application, are available in the personnel office. The classification of the position may be reviewed and corrected by the agency or the U.S. Office of Personnel Management. Information on classification/job grading appeals, and complaints on exemption from FLSA, is available from the personnel office or the U.S. Office of Personnel Management.
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23. Position Review	Initials	Date	Initials	Date	Initials	Date	Initials	Date	Initials	Date
a. Employee (optional)										
b. Supervisor										
c. Classifier										

24. Remarks
 Position description may be used until 12/31/99 only. Use of position description is not mandatory. Position designated for special retirement coverage under 5 USC 8336(c) PRIMARY (LE).

POSITION DESCRIPTION (Please Read Instructions on the Back)

2. Reason for Submission <input type="checkbox"/> Redescription <input type="checkbox"/> Reestablishment		3. Service <input type="checkbox"/> Hdqtrs. <input checked="" type="checkbox"/> Field		4. Employing Office Location	5. Duty Station	6. OPM Certification No.
Explanation (Show any positions replaced)		7. Fair Labor Standards Act <input type="checkbox"/> Exempt <input checked="" type="checkbox"/> Nonexempt		8. Financial Statements Required <input type="checkbox"/> Executive Personnel Financial Disclosure <input type="checkbox"/> Employment and Financial Interests		9. Subject to IA Action <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
10. Position Status <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Excepted (Specify in Remarks) <input type="checkbox"/> SES (Gen.) <input type="checkbox"/> SES (CR)		11. Position is: <input type="checkbox"/> Supervisory <input type="checkbox"/> Managerial <input checked="" type="checkbox"/> Neither		12. Sensitivity <input type="checkbox"/> 1-Non-Sensitive <input checked="" type="checkbox"/> 3-Critical Sensitive <input type="checkbox"/> 2-Noncritical Sensitive <input type="checkbox"/> 4-Special Sensitive		13. Competitive Level Code
For Seasonal Positions						14. Agency Use AA7*

15. Classified/Graded by	Official Title of Position	Pay Plan	Occupational Code	Grade	Initials	Date	
a. U.S. Office of Personnel Management	This PD is NOT COVERED under 5 U.S.C. 8336(c) or 8412(d), as determined by the Department of Interior Secretary's Designation on June 29, 2004. FF/BO Retirement Team Specialist						
b. Department, Agency or Establishment		GS	025	07			
c. Second Level Review		Park Ranger					
d. First Level Review							
e. Recommended by Supervisor or Initiating Office							

16. Organizational Title of Position (if different from official title) Law Enforcement	17. Name of Employee (if vacant, specify)
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18. Department, Agency, or Establishment Department of the Interior	c. Third Subdivision
a. First Subdivision National Park Service	d. Fourth Subdivision
b. Second Subdivision	e. Fifth Subdivision

19. Employee Review—This is an accurate description of the major duties and responsibilities of my position.	Signature of Employee (optional)
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20. Supervisory Certification. I certify that this is an accurate statement of the major duties and responsibilities of this position and its organizational relationships, and that the position is necessary to carry out Government functions for which I am responsible. This certification is made with the knowledge that this information is to be used for statutory purposes relating to appointment and payment of public funds, and that false or misleading statements may constitute violations of such statutes or their implementing regulations.
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a. Typed Name and Title of Immediate Supervisor	b. Typed Name and Title of Higher-Level Supervisor or Manager (optional)
Signature _____ Date _____	Signature _____ Date _____

21. Classification/Job Grading Certification. I certify that this position has been classified/graded as required by Title 5, U.S. Code, in conformance with standards published by the U.S. Office of Personnel Management or, if no published standards apply directly, consistently with the most applicable published standards.	22. Position Classification Standards Used in Classifying/Grading Position
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Typed Name and Title of Official Taking Action Paula Ehrenfeld, Acting Human Resources Program Manager	Information for Employees. The standards, and information on their application, are available in the personnel office. The classification of the position may be reviewed and corrected by the agency or the U.S. Office of Personnel Management. Information on classification/job grading appeals, and complaints on exemption from FLSA, is available from the personnel office or the U.S. Office of Personnel Management.
Signature _____ Date _____ Paula Ehrenfeld 1/15/99	

23. Position Review	Initials	Date	Initials	Date	Initials	Date	Initials	Date	Initials	Date
a. Employee (optional)										
b. Supervisor										
c. Classifier										

24. Remarks Position description may be used until 12/31/99 only. Use of position description is not mandatory. Position designated for special retirement coverage under 5 USC 8336(c) PRIMARY (LE).
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*Agency Use code should be entered in FPPS as last three spaces of position allocation number.

25. Description of Major Duties and Responsibilities (See Attached)