

NPS@100:

Park Service leaders break rules but skate by

Corbin Hiar, E&E reporter
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Dave Uberuaga had a stormy tenure as head of Grand Canyon National Park. But he wasn't the National Park Service's only troubled superintendent. Photo by Grand Canyon National Park, courtesy of Flickr.

Just before becoming superintendent of Mount Rainier National Park, Dave Uberuaga sold his home to the head of a concession company operating in the park for three times its assessed price and then repeatedly failed to disclose the deal.

The Interior Department inspector general uncovered the wrongdoing by 2008. But instead of being demoted, Uberuaga was named superintendent of Grand Canyon National Park in 2011.

Since then, a scandal has exploded over a 15-year pattern of sexual harassment and workplace hostility at the Grand Canyon, which Uberuaga had done little to stamp out. And the park's aging water systems have continued to crumble while employees who attempted to fix them were forced out.

SPECIAL REPORT



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NPS Director Jonathan Jarvis last month decided a change in leadership at the park was necessary -- but offered Uberuaga a new position in Washington, D.C. He opted to retire instead.

Uberuaga's troubled tenure is just one example of the management failures that plague the 100-year-old National Park Service, critics say. The problems, they argue, stem from both flawed hiring practices and, more importantly, a lack of accountability that is pervasive throughout the agency -- up to and including Jarvis.

"There's a lot more tendency to let people skate by, to not take the appropriate action, look the other way. One only has to read about the sexual harassment scandal at Grand Canyon to understand that," said former Shenandoah National Park Superintendent Bill Wade. "People have known about it for years and haven't really held anyone accountable."

Jarvis himself apologized to the agency's nearly 23,000 permanent and temporary employees two weeks ago for an ethical lapse he committed last year that has come under congressional scrutiny. In an email, the director acknowledged making "an error in judgment" by failing to consult with the Interior Department's ethics office before publishing a book with a nonprofit group that operates nearly 140 stores in national parks.

"I am sorry that I let you down," Jarvis wrote.

The director is far from the only Park Service official to violate agency policies and keep his job. More than a dozen NPS employees singled out in publicly released IG reports or internal investigations of park mismanagement during Jarvis' time in office are still employed at the agency, according to the agency's online directory.

These include Paul DePrey, who was superintendent of the USS Arizona Memorial in Hawaii's Pearl Harbor when park officials allowed a resale market to develop for free tickets to the sunken battleship. Employees told an NPS official who investigated the illegal ticketing scheme in 2013 that DePrey was "never on site at the visitor center or even the park" and that he "makes all decisions without any input" ([Greenwire](#), Nov. 19, 2014).

Despite those findings, DePrey last year was named superintendent of the Salem Maritime and Saugus Iron Works national historic sites in Massachusetts ([Greenwire](#), April 22, 2015).

DePrey's move appears to be "what they call the lateral transfer, which means that a person can be transferred to another similar position at the same grade level," Wade said. Regional directors or other top officials "can do that non-competitively for the benefit of the service," he said.

But some critics of NPS management argue that the agency isn't well served by such a policy.

"Bad managers, they seem to stick around a long time. And then when they do mess up, they get transferred out to another park," said Adam Duncan, who works at the Independence National Historical Park in Philadelphia and serves as vice president of American Federation of Government Employees (AFGE) Local 2058. "They just keep making the same mistakes."

"We always say, management is our best recruiter," he added.

Over the last five years, NPS has fired 538 employees for disciplinary or performance

Fired NPS employees by pay grade

reasons, according to Office of Personnel Management data. Firings ranged from 68 workers in fiscal 2013 to 134 two years earlier.

The majority of firings occurred at lower levels. Only seven of those fired were at the government's General Schedule pay scale of GS-13 and above -- the levels superintendents tend to be -- including one GS-14 and no GS-15 employees.

Rank-and-file employees, who make up the majority of the agency's workforce, are also fired at much higher rates than their managers, a *Greenwire* analysis of OPM data found. Workers at the GS-12 level or below were between four and six times more likely to be terminated for discipline or performance issues than top NPS officials in each of the past five years except for 2012 -- when none of the 2,071 NPS employees in the top three pay grades were dismissed.

Though the vast majority of Interior employees take their responsibilities "very seriously," the department and its bureaus are doing too little to punish those who violate laws, rules and regulations, said Mary Kendall, who leads Interior's Office of Inspector General.

"We see too few examples of senior leaders making the difficult decision to impose meaningful corrective action and hold their employees accountable," she testified before Congress recently. "Often, management avoids discipline altogether and attempts to address misconduct by transferring the employee to other duties or to simply counsel the employee. The failure to take appropriate action is viewed by other employees as condoning misbehavior."

Poor checks, red tape

Even in a fully competitive hiring process, where vacancies are posted online and applications are submitted through the federal jobs website, NPS officials with spotty records have been promoted.

Take the case of Timothy Reid, the former chief ranger of Yellowstone National Park. The IG informed NPS in October 2014 that Reid had violated the agency's housing policy by allowing 19 family members and friends to stay in his government apartment for months at a time, including a French couple whom his wife met online.

Nevertheless, the following June he was promoted to superintendent of Devils Tower National Monument on the northeastern side of the Cowboy State (*E&ENews PM*, March 14).

Wade laid some of the blame for such a situation on the selecting official -- the manager who ultimately decides which candidate, out of the dozen or so people interviewed by a panel of NPS officials, should get the job. That official is responsible for checking the top candidates' references and verifying that they don't have any skeletons in their closets.

"Some managers don't do enough due diligence," said the 34-year NPS veteran, who still does management trainings at parks across the country. Personal connections can then "become the primary reason a person is picked for a job, rather than whether or not they happen to be the most qualified person who's on that final list," he said.

Kendall last month slammed Jarvis for his response to IG revelations about Reid.

"The appearance of rewarding bad behavior is not the desired outcome -- nor a proper deterrent," Kendall told a House Natural Resources subcommittee (*E&E Daily*, May 25).

During an April interview in his office near the National Mall, the NPS director said he couldn't comment on specific personnel decisions he has made during his tenure. Jarvis went on to claim, however, that he has tried to terminate some superintendents and been unable to kick them out of the Park Service due to bureaucratic restrictions.

"You know that federal employees have more protection than anybody in the private sector," he said. "So that can be very frustrating for a lot of folks that feel that somebody needs to be fired. This town is always looking for somebody to be thrown under the bus when something goes the way they don't like it."

In the Park Service, it now seems to take a gross act of incompetence for top officials to lose their jobs. Just five of 18 top officials identified in publicly released IG reports or internal investigations during Jarvis' time in office have left the agency, according to *Greenwire's* analysis.

Three of those five retired soon after probes were launched or made public. Only Phyllis Ewing, the former superintendent of Effigy Mounds National Monument in northwestern Iowa, and Tom Sinclair, who used to be the park's maintenance chief, were fired. For over a decade, they oversaw the construction of a \$3.4 million boardwalk atop the prehistoric American Indian burial sites, desecrating the features the monument was established to protect (*E&ENews PM*, Aug. 3, 2015).

Underscoring Jarvis' contention that it's difficult to get rid of bad managers, Ewing went on to file a wrongful termination lawsuit alleging that she was being "scapegoated" and discriminated against due to her age. The 73-year-old's case was dismissed last December, according to the Associated Press.

Grand Canyon

The management troubles seem particularly acute at the Grand Canyon, where the IG found female employees were propositioned for sex and their harassment complaints were not investigated or were seemingly retaliated against.

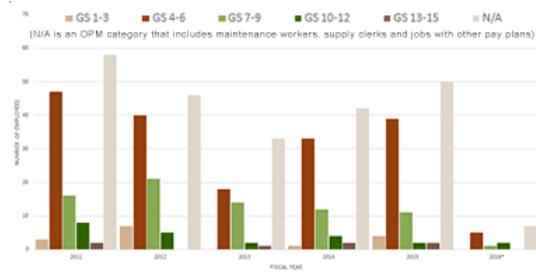
The IG investigation was prompted by a September 2014 letter to Interior Secretary Sally Jewell from 13 former and current NPS employees who had worked in the Grand Canyon's River District.

The watchdog interviewed over 80 potential victims, witnesses and suspects. It substantiated many of the complaints made to Jewell and identified another 22 people who said "they had experienced and/or witnessed harassment and other forms of misconduct," the IG report says (*Greenwire*, Jan. 12).

In August 2014, an IG report found the Grand Canyon water systems' electronic controls were vulnerable to physical attacks, relied on an obsolete operating system, used unsecured wireless connections and lacked a backup plan. And a whistleblower was wrongfully fired from the park (*Greenwire*, Nov. 19, 2015).

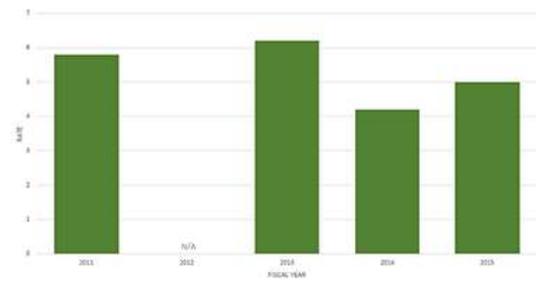
Many observers of the Park Service believe Uberuaga had benefited from his close ties to Jarvis, who was his predecessor as superintendent at Mount Rainier and then signed off on his promotions while Northwest regional director and later NPS director.

"He was the one who appointed him and knew about the real estate deal at Mount Rainier and evidently thought it was insignificant enough to merit another chance," said Rick Smith, former superintendent of Carlsbad Caverns and Guadalupe Mountains national parks.



[+] Data courtesy of the Office of Personnel Management.

Workers fired at higher rates than bosses



[+] Chart shows the annual rates by which employees at GS-12 and below are more likely to be fired than employees in the top three pay grades. Data courtesy of the Office of Personnel Management.



Asked about the failure to disclose that the head of a concessionaire had bought his home, Grand Canyon Superintendent Dave Uberuaga told *Greenwire* last November that "I will stand by my career." Photo by Grand Canyon National Park, courtesy of Flickr.

Jarvis told House lawmakers in a letter last month that Grand Canyon leaders had addressed the sexual harassment problems in part by dissolving the River District unit in which the misconduct occurred and reassigning the employees who worked there to other jobs within the park.

The Intermountain regional director also visited Grand Canyon to listen to rank-and-file workers' concerns and "reinforce with park employees that the culture that allowed sexual harassment and a hostile work environment must change," he wrote.

But Uberuaga wasn't fired. His decision last month to retire came after a meeting with Jarvis about the ongoing problems.

"We discussed the current situation and the Director told me he has decided a change in leadership is needed in order for the Park to move forward," Uberuaga wrote in an [email](#) to Grand Canyon staff. "He offered me a position in Washington, DC but I have decided instead to retire effective June 1, 2016."

Seeming slowness to act has been an issue in other cases, as well.

Union officials complain about an inability to quickly resolve disciplinary issues for their members. It typically takes three to four months, and sometimes up to six, to go through the grievance process for even minor conflicts, according to Duncan of AFGE, which is the largest union in the Park Service with about 2,000 members.

"Everybody wants to defer to the attorneys, everybody wants to talk to the solicitor," he said of managers. "Nobody wants to make a decision."

Duncan added, "That's not fair to an employee who has to deal with discipline hanging over their head."

Meanwhile, at Canaveral National Seashore in central Florida, three separate IG reports in the past four years have raised concerns about the actions of top park officials. An investigation in 2012 and another released last week found three instances of Canaveral employees improperly splitting the cost of credit card purchases to apparently avoid going through fair and open contracting procedures.

Chief Ranger Edwin Correa, who the IG found used a series of card charges to improperly outfit a law enforcement patrol vehicle, also may have violated NPS ethics policy by trolling a Canaveral

whistleblower who raised concerns about the split purchases in the comment section of a local newspaper, according to a report released earlier this year ([Greenwire](#), Jan. 28).

Yet both Correa and his boss, Superintendent Myrna Palfrey-Perez, are still in charge of the park.

Top down?

The appearance that top managers are virtually untouchable has led to a general lack of accountability within the Park Service, according to some observers.

"We view the Park Service as an agency that's rotting from the head," said Jeff Ruch, the executive director of Public Employees for Environmental Responsibility (PEER), a watchdog group that frequently clashes with NPS and its director.

The IG found late last year that Jarvis intentionally avoided seeking approval from Interior's ethics office before writing "Guidebook to American Values and Our National Parks." The \$7.95 book was intended to raise awareness about NPS's 2016 centennial and bring in money for the National Park Foundation, a nonprofit that raises funds for NPS.



During an April 28 interview, NPS Director Jonathan Jarvis said that "in some cases," he has tried to fire bad managers but been unable to force them out of the Park Service. Photo by Corbin Hiar.

Jewell first learned of the book when Jarvis put a copy into her mailbox last July.

Shortly before the report was publicly released, Jarvis was stripped of his responsibility to oversee the agency's ethics program. He also received a written reprimand for having violated federal employee ethics standards and was required to attend monthly ethics trainings for the rest of his tenure.

Jarvis initially had told IG investigators that he felt writing the book was fine as long as it was on his own time, and that the ethics office is slow to the point of not able to approve "very, very simple things." But Jarvis also had told the IG, "I've gotten my ass in trouble many, many, many times in the Park Service by ... not necessarily getting permission."

Citing that comment, Ruch said, "If that's his management philosophy, then no wonder they're having so many problems. When it is convenient, he said, "Jarvis is willing to set aside rules."

Kendall echoed PEER's concerns last month at the Subcommittee on Oversight and Investigations hearing. Preventing ethical missteps must be a top priority for NPS managers, the acting Interior IG testified.

"Consistent messaging by senior leadership -- or in other words, 'the tone at the top' -- must provide a clear message of what behavior is expected," she said in written remarks.

Kendall criticized Jarvis in particular for signaling to his employees that ethics are optional and for failing to dole out appropriate punishment to employees who run afoul of the agency's rules.

"Blatant ethical violations by the NPS Director, made worse by his admission that he intentionally avoided seeking ethics guidance, conveys the message to employees that ethics rules are not important, perhaps even optional," Kendall said in her prepared remarks.

Jarvis has since changed his tune. In his agencywide apology [email](#), he told employees he had "failed to initially understand and accept my mistake" and regretted not seeking guidance from the ethics office.

"It is important that each and every National Park Service employee, including me, understand, remember, and adhere to our ethics training and requirements," he said. "I write this note as a reminder to all of us to think actively about consulting with appropriate ethics officials or attorneys in the Solicitor's Office before taking actions that could have ethical or legal implications."

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