

United States Department of the Interior

NATIONAL PARK SERVICE
1849 C Street N.W.
Washington, D.C. 20240

December 17, 2003

P36 (2653)

Memorandum

To: *Teresa C. Chambers, Chief, United States Park Police*

From: *Donald Murphy, Deputy Director, National Park Service*

Subject: Proposed Removal

This is notice that I propose to remove you from your position as Chief, U.S. Park Police, SP 008 :3-1 1, Step 14, with the National Park Service (NPS), U.S. Park Police and the Federal Service. This action is being proposed to promote the efficiency of the Federal Service. Your removal, if sustaln4 will become effective no sooner than thirty (30) calendar days from the date you receive this notice. My proposal to remove you is based upon the following:

Charge 1. Improper budget communications.

Specification for Charge 1. Part 112, Chapter 7., of the Departmental Manual states:

POB [Office of Budget] *has* primary staff responsibility for directing and coordinating the development, presentation, execution, and control of the Department's Budget. This includes formulation within the Department and the Office of Management and Budget 'and presentation to the Congress, press, interest groups, and the public, and budget execution and control. Among other things, POB is the liaison on all matters dealing with budget formulation and presentation with the Office of Management and Budget, the House and Senate Appropriations Committee, and other Federal agencies.

For fiscal year 2004, the Interior Appropriation Subcommittee directed the NPS to contract with the National Academy of Public Administration (NAPA) to review the cost growth within the U.S. Park Pot.ce for use in future planning On November 3, 2003, I informed you that the NAPA review was required, and instructed you to provide me with a U.S. Park Police cost account number to obtain the NAPA contract. You provided me with the cost account.number. Subsequent to my November 3, 2003 instruction to you, however, you telephoned a senior staff membeT of the InteTior Appropjjations SubWrnmittee and'told be.-r that you believed that the rcvieu was not necessary and that the U.S. Park Folicie should not hive to pay for the review.

Your statements to *the* Interior Appropriations Subcommittee staff member cofstituted a direct comm,anfearion wit a congressional stafTmember about the development and execution of a Department of the, Jnterior budget matter. Your statements caused the Interior Appropriations Subcommittee staffer to question the veracit~ of the National Park Service Director's stated intent to carry out the direction from Congress, and implied to corninittec members tliat the NPS did not intend to comply with Congress's direction. Accordingly, your statements constituted a violation of Part 112, Chapter 7, of the Departmental Manual.

Charge 2. Making public remarks regarding security on the Federal mall, and in parks and on the Parkways In the Washington, D.C., metropolitan area.

Specification for Charge 2. On or about December 1, 2003, while you were on duty and acting in your official capacity as Chief, U.S. Park Police, a reporter from The Washington Post interviewed you. Your statements to the reporter were the *subject of* a December 2, 2003 Washington Post newspaper article entitled "Park Police Duties Exceed Staffing," which, among other things, states the following:

Chambers said traffic accidents have increased on the Baltimore-Washington Parkway, which now often has two officers on patrol instead of the recommended four,

'It's wrong to say where it's green, it belongs to us in Washington, D.C.,' Chambers said of her department, 'Well, there's not enough of us to go around to protect those green spaces anymore.'

The Park Police's new force of 20 unarmed security guards will begin serving around the monuments in the next few weeks, Chambers said. Stic said she eventually hopes to have a combination of two guards and two officers at the monuments.

You made the aforementioned remarks while on duty and acting in your official capacity as Chief, U.S. Park Police. Your public remarks about whether and how many armed and unarmed U.S. Park Police officers are patrolling the Washington, D.C., metropolitan area Federal malls, parks, and Parkways constitute public remarks about the scope of security present and contemplated for these areas under your authority.

Charge 3. *Improper disclosure of budget deliberations.*

Specification for Charge 1 Section 22.1 of the Office of Management and Budget's (OMB) Circular TCU-1a No. A-1 (2003) states, in pertinent part, the following:

The nature and amounts of the *President's* decisions and the underlying materials are confidential. Do not release the President's decisions outside of your agency until *the* budget is transmitted to Congress. Do not release any materials underlying those decisions, at any time, except in accordance with this section ... Do not release any agency justifications provided to OMB and any agency future plans or long-range estimates to anyone outside *the executive* branch, except in accordance with this section.

On or about December 1, 2003, while you were on duty and acting in your official capacity as Chief, U.S. Park Police, a reporter from The Washington Post interviewed you. Your statements to the reporter were the subject of a December 2, 2003, Washington Post newspaper article entitled "Park Police Duties Exceed Staffing" (page 13-1) which, among other things, states the following: "She said she has to cover a \$12 million shortfall for this year and has asked for \$9 million more for next year."

As you are aware the President has not transmitted the 2005 budget to Congress. By informing the reporter that you "asked for \$8 million more for next year," prior to the President transmitting the 2005 budget to Congress, you made an improper disclosure of 2005 Federal budget deliberations to the media, in violation of OMB Circular No. A-11, Section 22.1.

Charge 4. Improper lobbying,

Specification for Charge 4. 43 C.F.R. ~ 20.506(b), pertaining to conduct of Department of the Interior employees, states the following:

When acting in their official capacity, employees are required to refrain from promoting *or opposing* legislation relating to programs of the Department without the official sanction of the property (sic) Departmental authority.

On or about December 1, 2003, while you were on duty and acting in your official capacity as Chief, U.S. Park Police, a reporter from The Washington Post interviewed you. Your statements to the reporter were

the subject of a December 2, 200, Washington Post newspaper article entitled "Park Police Duties Exceed Staffing," which, among other things, states the following:

In the long run, Chambers said, her 620-member department needs a major expansion, *perhaps to about 1,400 officers*.

Slie said a Tennessee pressing need is an infusion of federal money to hire recruits and pay for officers' overtime.

Not to making the aforementioned statements to the reporter you did not obtain my (or any other) official sanction to make the statements. Accordingly, your statements cited in The

Washington Post on December 2, 2003, in which you express the need for additional manpower and resources, constitute improper lobbying, in violation of 43 C.F.R. § 20,506(b).

Charge 15. Failure to carry out a supervisor's instructions.

Specification 1 for Charge 5. On or about August 13, 2003, I instructed you to detail Pamela Blyth, to the Office of Strategic Planning for 120 days. You stated that you were unwilling to allow Ms. Blyth to go on a detail because she was too valuable to you, and that placing Ms. Blyth on a detail would send a message to your "detractors" at the U.S. Park Police that they had been *successful in getting rid of Ms. Blyth*.

After your continued objections about my instructions, I informed you that I was giving you a specific order to detail Ms. Blyth. You continued to express your unwillingness to detail Ms. Blyth. I advised you that my decision to detail *Ms. Blyth was final. As a compromise, however, I offered to break Ms. Blyth's detail into increments of time acceptable to you. Notwithstanding my offer, you failed to detail Ms. Blyth to the Office of Strategic Planning as I instructed you to do.*

Specification 2 for Charge 5. On May 8, 2003, the U.S. Office of Special Counsel, (OSC) requested, proof that Deputy Chief Barry Beam (Beam) had successfully passed a psychological evaluation associated with his appointment to his position within the U.S. Park Police, and that Deputy Chief Dwight Pettiford (Pettiford) had successfully passed a medical and psychological evaluation associated with his appointment to his position with the U.S. Park Police. These requests were part of an ongoing OSC investigation into alleged prohibited personnel practices in the hiring of Ms. Blyth, Messrs Beam, and Pettiford. On or about June 12, 2003, I instructed you to *direct* these two employees to undergo the required evaluations. In response, you protested that for various reasons, Beam's and Pettiford's evaluations were not necessary. I explained to you that **none of your reasons** had merit, and that it was necessary that this organization comply with the request for proof from OSC. Thereafter, I instructed you, for a second time, to direct Beam and Pettiford to undergo the required evaluations. Although I gave you lawful and proper instructions, you failed to carry them out. Rather, you challenged the propriety of my instructions, and openly expressed your unwillingness to comply with them. After I personally instructed Beam and Pettiford to undergo the required evaluations, they complied with my instructions.

Specification 3 for Charge 5: In March 2003, after the Constitution Gardens "tractor Man" incident, which paralyzed significant portions of the nation's capital, I instructed you to cooperate with and work with attorneys in the Solicitor's Office in connection with any information and/or assistance they needed regarding the *incident. On several occasions during July 2003 - September 2003, Randolph J. Myers, a Solicitor's Office senior-level attorney, sought your specific assistance to meet with him and discuss a complaint that had been made to you by the Organization of American States (OAS). OAS alleged that during the "tractor man" incident, armed Park Police sharpshooters had deployed on the grounds of OAS Headquarters and, in doing so, had violated the treaty governing the building's diplomatic status. Mr. Myers needed to meet with you so that he could assess whether the Park Police violated any applicable treaties, and whether the Park Police complied with its own General Orders that require contacting the U.S. Department of State. The OAS complaint against the Park Police also raised critical and sensitive legal issues with both inter-*

departmental and international implications. Contrary to my instructions to you, however, you did not respond to Mr. Myers's request to meet with you regarding this serious matter.

Charge 6. Failure to follow the chain of command.

specification for Charge 6. As noted in Specification 1 for Charge 4. above, on or about August 18, 2003, I instructed you to detail Pamela Blyth to the Office, of Strategic Planning for 120 days. In response, you expressed your unwillingness to carry out my instructions. Thereafter, during my absence from work during the week of August 18, 2003, you appealed to Deputy Secretary Griles and convinced him to cancel my instructions that Ms. Blyth be detailed to the Office of Strategic Planning.

By appealing my instructions to you to Deputy Secretary Griles and convincing him to cancel my instructions to you about Ms. Blyth, rather than appealing the matter to your second-level supervisor, the Director of the NPS, you failed to follow the chain of command regarding lawful and proper instructions given to you by me, your immediate supervisor.

CONCLUSION

You hold a position of prominence and one that constantly calls for you to have contact with the public and serve as spokesperson for the Department of the Interior. Thus, a high standard of conduct is required of you as Chief of the U.S. Park Police. As the chief law enforcement officer of this organization, it is imperative that you set an example for your subordinates by complying with all Federal statutes, Departmental regulations, and other lawful directives. Further, it is impractical that you be trustworthy, refrain from engaging in any conduct or activity that is in excess of your authority, and obey my lawful and proper instructions and orders and those of the Director of the NPS.

The serious misconduct described in the aforementioned specifications is in direct opposition to the essential characteristics required of someone in your position. Your conduct has negatively affected the productivity and reputation of this organization. For example, my staff and I have spent numerous hours resolving disruptions caused by your misconduct, including explanations to high-level Departmental managers and Members and staff of Congress about your conduct and remarks, and ensuring that the personal life of members of my staff are trustworthy.

The recent intemperate remarks you made to the media, as *outlined* in the specification for

Charge 3, have *potentially given aid to those who would seek to harm the very facilities, parks, and Parkways that you have been charged with protecting*. In my view, your comments constitute an "open invitation to lawbreakers, and the disclosure of the fact that unarmed guards will patrol the Federal mountains may put those guards at risk. It is unconscionable for someone in your position to discuss security weaknesses publicly.

As a result of your misconduct, including your actions in response to my instructions to you, actions that strike at the heart of the employee/employer relationship, I have lost confidence in your ability to carry out your responsibilities effectively. *Moreover, I have lost all confidence in your ability to adhere to Federal statutes and Departmental regulations, and to follow lawful and proper instructions, directives, and orders.*

I believe that your misconduct has caused irreparable injury to our professional relationship. It is impossible for me to continue to work with you when, as reflected in the aforementioned charges

possibilities

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and specifications, you challenge my authority and display behavior that establishes that you are unwilling to follow the chain of command associated with the NPS. As the chief law enforcement officer of this organization, you, more than anyone, should understand the importance and necessity for Departmental employees to conform to a standard of personal behavior that displays adherence to lawful and proper directives, procedures, and chain of

conunand decisions.

Your work record reflects that you have two years of Federal service, In determining the penalty for your misconduct, I have considered that you received a letter of reprimand on March 31, 2003, for uses of your P6rce vehicle for purp'oses other than official bus.b.iess, and for authorizing a subordinate to use an official velucle for personal purposes.

Givettmy concerns about your previous misconduct, the seriousnm of your current misconduct, the irreparable injury your misconduct bas caused to our professiorol, relad.onship, and the erosion of my trust ind confidence in you, I believe your removal is the only appropriate action. Moreover, I believe that standing alone, any one of the aforementioned charges supports my recommending your removal. I have dotermiried that this proposed action will promote the efficiency of the Service. EMPLOYEE RIGHTS

you may review the materials I relied upon to support this propoW. You or your representative may

contact Steve Kru-tz, NPS Employee Relations Specialist at (202) 354-1992, to r q est copi 0.

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materials. If you do not understand the reasons for your proposed removal, you ftuther explanation.

if you believe that my acticm was taken against you based, in whole ol' in part, on alleged discrimination, because of your rare, coloT, religion, sex, age, national origin, or disabilitY, you may file a comp4aint of

discrimination with the NPS Equal Employment Office (EEO). I To obtain. further information OF to witiatie the EEO compWrit process, you may contact an appro'priate NPSEE0 Specialist by calling (262) 354-1852.

You am allowed seven (7) **calendar days from** the date you receive this memorudum to submit your reply. You may reply to Ns proposed action. either orally and/or in writing to the deciding official, Paul Roffman, Deputy Assistant Secretary for Fish and Wildlife and Parks. Any written reply you make must be addressed to Paul Hoffman, Deputy Assistant Secretary, Fish and Wildlife and Parks, at 1849 C STREET, NW, MS-3156, WASI-IINGTON, D.C. 20240, and should be postmarked within seven (7) calendar days of your receipt of this memorandum. Please note that no replies or responses from either you or your representative may be made by using Federal governmcrit postage pre-paid envelopes. If you, wish to present an oral reply, you must ~ontact Paul Hoffman at 202208-4416 within the seven (7) calendar day reply period to schedule an appointment.

You may furnish affidavits and other documentary evidence in support of your reply. If you believe any medical conditions should be considered, you should submit medical documentation along with your response. If you require additional time to present yourreply, you may request an extension from Steve Krutz. Unless you receive verification that an extension to the reply period has been granted, you should not consider that an exteasi,on has been grante&

You may represent yourself or.clect to be.represented by an attorney or other individual of your choice, unless such representation would result in. a conflict of inteTest or position, conflict with the p"Jority needs of the National Park Service, or give rise to unregsonable costs to the government. Your representative, if an, agency employee, will be allowed up to 8 hours of official duty time to review the supporting material, seek advice and assistance in preparing your reply, secure affidavits and statements, or make a reply. Requests for such offl6d time for your agency employee representative must be submitted, in advance, to his&er immediate supervisor for approval.

Ful). and carc6l consideration will be given to any reply you choose to make before a decision is rendered on this proposed action, Whether or not you reply, a notice of final decision will be given to you after the expiration of the notice period.

Services provided by the Department's Employee Assistance Program (EAP) are available to you without cost. The EAP's services are available to you on a confidential basis and its counselors are available to assist you with any situation you may want to discuss with them. You may obtain assistance from EAP counselors by calling 1-800-765-3277.

~CC:

NPS Employee Relations confidential file
DOJ Office of the Solicitor
Paul Hoffman

Receipt-Acknowledgment:

To acknowledge you have received this notice, please sign, date, and return the attached copy of this memorandum using the enclosed envelope. Your signature *does not mean that you agree or disagree* with this notice, and by signing you will not forfeit any rights to which you are entitled. Your failure to sign will not void the contents of this memorandum.

I acknowledge receipt of this memorandum:

Employee:

Teresa C. Chambers