

**Ken Thornton**

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**From:** "Kienast, Karen [DAS]" <Karen.Kienast@iowa.gov>  
**To:** "Ken Thornton" <kothornton@msn.com>  
**Sent:** Wednesday, September 21, 2011 8:58 AM  
**Subject:** RE: Administrative Rules Broken

Ken- just wanted to confirm that I have received your email with two attachments. As per our conversation on Monday, you have agreed to waive the 30 day time frame for me to respond to your grievance so that I may review your documentation and so that you can meet with the investigators assigned to your workplace violence complaint. Please let me know when you have been advised that they have completed their investigation and we will look at re-setting time frames for responding to the grievance. If you have any questions, please feel free to contact me either via email or phone at: 281-6078. As we also discussed, I cannot give you advice related to your grievance, but am available for questions about procedure. Thank you.  
 Karen Kienast

**From:** Ken Thornton [mailto:kothornton@msn.com]  
**Sent:** Tuesday, September 20, 2011 4:27 PM  
**To:** Kienast, Karen [DAS]  
**Subject:** Administrative Rules Broken

Karen

Attached is a copy of the Administrative rules, I am alleging the Administrative Rules broken during my layoff were as follows: 11-60.3(80GA,ch145)60.3(2)c,d,e,60.3(3)

60.3(2) c. states "*an agency shall not implement a reduction in force until it has first terminated all temporary employees in the same class in the reduction of force unit, as well as those who had probationary status in the same class*". This would mean that Steve Gross who is still a probationary employee (>3mo.) in my same unit and also a PSE-4 should have been laid off before me.

60.3(2) d. this rule states that "*the appointing authority shall post each approved reduction in force plan for 60 calendar days in conspicuous places throughout the reduction in force unit. The posting shall include the names of all permanent merit system covered employees for each affected job class in the reduction in force unit by retention point order*". This was not done thus refusing me notification and usurping the merit system rules.

60.3(2) e. "*this rule states that a copy of the employee's retention point's computation worksheet be furnished to the employee.*" This was not done thus refusing my rights under the merit system and usurping the merit system rules.

60.3(3) This Administrative rule speaks to "*a reduction in force shall be in accordance with total retention points*". Had this rule been used, again Steve Gross has no retention points and he should have been laid off before me.

In regard to my report of violence in the workplace against Doug Woodley and the ongoing workplace hostility this is covered in the Administrative rules 9.70. Regarding all of the accusations Mr. Woodley made against me are contained in e-mails and correspondence on my State computer that has been taken from me although Mr. Woodley told me I was still working for 20 days after the layoff notice. I would ask you

now to take precautions that all my records are backed up and kept as I will be subpoenaing them in the immediate future.

Doug Woodley told me to re-write my PDQ with all my duties going to a new hire of his choice; I contend that Woodley already knew he wanted a Principal co-worker Steve Gross. Mr. Woodley manipulated the State hiring system by having Jeff Panknen and Caleb Hunter conduct the interviews, presenting Woodley 3 candidates for Woodley to choose. Panknen and Hunter were not qualified to make technical assessments of any of the candidate's skills regarding mechanical and electrical systems. Woodley making the final decision placed his coworker from Principal in the position. The only qualification was age (51) and he knew Doug. During a conversation between Steve Gross and Leonard Carkhuff (Jay Young witness) Gross admitted he didn't know anything about the mechanical and electrical systems Ken took care of. When asked if management was going to replace Thornton they were told by Gross "eventually but with someone that made much less money" Weeks before Woodley hired Gross I had a meeting with him where I asked him to please reconsider hiring someone as I had been doing the job for sometime very efficiently and it was the wrong thing to do at that time. I believe there to be blatant age discrimination shown by Woodley also a continued pattern of disrespect and harassment in violation of the Iowa Civil Rights Act (Iowa Code chapter 216, as amended). Other laws also prohibiting discriminatory harassment in one or more of specified covered areas include: Iowa Code Section 19B.12, Title VII of the Civil Rights Act of 1964, as amended; the Age Discrimination in Employment Act of 1978, as amended; and the Americans with Disabilities Act of 1990.

Also at this time I am also attaching a letter that was sent to Hansen Construction regarding some major problems with the Public Safety Building remodel that involved Hansen Construction. Although I would like to believe that Director Carroll had no knowledge of the abhorrent behavior of Woodley, at this time I don't know. This looks like this layoff for me may have been an act of retaliation for me discharging my fiduciary duties to the Citizens of the State of Iowa to receive a good work product. As you know the Iowa Code protects State employees from this type of retaliation.

Finally there were adequate monies to fund at least my position through 2012, also the COO has around \$900,000.00 in a working capital fund that was funded by marketplace activities, cut backs in spending ect. by CCM employees. These funds are shielded from the Association Board Members and DOM. Again these monies could have been used to fund my position for a long time into the future. I believe this group is systematically eliminating merit positions in favor of "at-will" positions. I believe this will break the checks and balances of the merit system. The merit system evolved to prevent Iowa jobs being handed out to unqualified persons as campaign favors or personal favors.

If you have questions please let me know

Best Regards  
Ken Thornton