

April 8, 2009

John Hermanson, Regional Administrator  
U.S. Department of Labor/OSHA  
Regional Office, Region 3  
The Curtis Center - Suite 740 West  
170 S. Independence Mall West  
Philadelphia, PA 19106-3309

**BY FACSIMILE TO (215) 861-4904 BY AND FIRST CLASS MAIL**

Re: Whistleblower Complaint of William T. Knox, pursuant to the Clean Air Act, 42 U.S.C. § 7622.

Dear Regional Administrator Hermanson:

Public Employees for Environmental Responsibility (PEER) represents William T. Knox, an employee of the National Park Service, Department of Interior (DOI). Mr. Knox was employed at the National Park Service (NPS) Harpers Ferry Job Corps Center, where he served as Training Instructor Supervisor and Safety Officer from November 1999 to October 2000. In October 2000, pursuant to settlement of a claim before the Merit Systems Protection Board, Mr. Knox transferred to a position as an equipment operator at Greenbelt Park in Maryland, which is administered by the NPS. He remains employed as an Engineering Equipment Operator at Greenbelt Park at this time.

On March 7, 2000, Mr. Knox sent a letter to then-Secretary of Interior Bruce Babbitt which alleged violation of environmental law in connection with asbestos at the Harpers Ferry Job Corps Center and that he was being retaliated against for exposing the problem. The letter was considered a complaint under 42 U.S.C. § 7622, the employee protection provision of the Clean Air Act (CAA), and was forwarded to OSHA for investigation. OSHA conducted an investigation and found that there was merit to Knox's complaint and ordered relief. DOI requested a hearing, which was held over 29 days between March 21, 2001 and March 1, 2002. On December 30, 2002 the Administrative Law Judge issued a Recommended Decision and Order in favor of Mr. Knox and awarded reinstatement, damages and other relief. *Knox v. U.S. Dept. of Interior*, ALJ No. 2001-CAA-0003 (Dec. 30, 2002). The complaint remained in litigation in appeals to the Department of Labor's Administrative Review Board (ARB) and the U.S. Court of Appeals for the Fourth Circuit until November 2008, when Knox's appeal of the ARB's reversal of the Administrative Law Judge was dismissed.

Since the filing of his prior whistleblower complaint, Mr. Knox has been subjected to ongoing harassment and retaliation for filing and litigating the previous whistleblower complaint, in violation of the CAA, 42 U.S.C. § 7622(a), stating:

(a) Discharge or discrimination prohibited. No employer may discharge any employee or otherwise discriminate against any employee with respect to his compensation, terms, conditions, or privileges of employment because the employee . . .

(1) commenced, caused to be commenced, or is about to commence or cause to be commenced a proceeding under this Act . . .

Mr. Knox is a disabled veteran certified as having a permanent rating of 30% or more service connected disability. As such, he is a qualified covered veteran under the Vietnam Era Veterans Readjustment Act, 38 U.S.C. § 4214, eligible for veterans recruitment appointments and the beneficiary of the Disabled Veterans Affirmative Action Program for the hiring, placement, and advancement of disabled veterans.

Yet, in spite of these facts, in retaliation for his protected activities, the positions and duties Mr. Knox has been assigned at Greenbelt Park are inappropriate for his physical limitations, requiring him to climb ladders and operate heavy equipment. He has suffered several injuries as a result of performing duties which fail to accommodate his disabilities, forcing him to take extended medical leave. Since 2003, Mr. Knox has furthered his training and education and has applied for numerous positions which would advance his career and which would not endanger his health and safety. The Veterans Administration has paid for courses leading to a certificate in Occupational Safety and Health Management and Mr. Knox has taken additional courses on his own. Mr. Knox has applied for approximately 20 positions within the National Park Service for which he is qualified, but has not been selected for any of them. Mr. Knox has good reason to believe that he is not being accorded the priority consideration he is due as a disabled veteran, that he has been blacklisted from jobs at NPS and that his career advancement has been frozen in retaliation for his whistleblower litigation.

Some of the positions Mr. Knox has applied for but was not selected are:

Structural Fire Management Officer, Denver, Colorado, Job Announcement Number IMDE-03-55 – 2003

Facility Manager, Santa Monica Mountains National Recreation Area, CA, Job Announcement Number PGSO-03-44-MPP – 2003

Facility Operations Specialist, Rock Creek Park, Job Announcement Number NPS-ROCR-06-01 – 2005

Supervisory Facility Operations Specialist, Ft. McHenry National Monument Historic Shrine, Job Announcement Number GETT-07-10 -- 2007

Supervisory Park Ranger, Santa Monica Mountains National Recreation Area, CA, Job Announcement Number PWROAK-07-76-MPP -- 2007

Safety and Occupational Health Manager – Job Announcement Number MOJN  
09-01—2008

Most recently, on March 9, 2009, Mr. Knox was denied training in a Facility Manager Leaders Program.<sup>1</sup> Mr. Knox sought this training to enhance his ability to be selected for a Facility Manager position. The denial of this training course was unwarranted and was part of a pattern of retaliation directed at preventing Mr. Knox from obtaining suitable employment.

In conclusion, Mr. Knox requests the following relief: (1) a determination that NPS officials violated the employee protection provision of the CAA by retaliating against him for pursuing whistleblower litigation under the Act; (2) back pay plus interest for to compensate him for the lack of advancement caused by the retaliation; (3) training and advancement under the Affirmative Action Program for Disabled Veterans; (4) provision of a positive statement regarding Mr. Knox's performance/recommendation for internal and external inquiries; (5) compensatory damages for pain, suffering, stress, and damage to his reputation in an amount no less than \$10,000; (6) attorneys' fees and costs; and (7) such other relief as may be deemed just and appropriate.

Please advise me at your earliest convenience of the schedule for investigating Mr. Knox's Complaint. I will be glad to facilitate an interview with Mr. Knox and provide other assistance to the investigator assigned to the case.

Respectfully submitted,

Paula Dinerstein  
Senior Counsel  
Attorney for William T. Knox

Attachment: E-mail message concerning Facility Manager Leaders Program class.

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<sup>1</sup> The e-mail message informing Mr. Knox that he was dropped from the class is attached.