

This material is part of a collection that documents the harassment, discrimination, and retaliation perpetrated against Alaska's women research scientists by their supervisor, with full knowledge (and arguably, "tacit approval") of their federal employer, the USDA Agricultural Research Service (ARS)

From: "Cindy Bower" <Cindy.Bower@ars.usda.gov>
Subject: Settlement requests
Date: Thu, May 6, 2010 10:03 pm
To: "McLellan, Don" <Don.McLellan@ars.usda.gov>

Dr. McLellan,

It was nice speaking with you today. You made some interesting points and then asked me to think about a possible settlement. I would like the following:

1.) Reclassification to GS 14 step 8

According to 5USC51 section 5104, I qualify as a GS 14 because I receive absolutely no scientific supervision and have never received scientific supervision during my entire ARS employment. In fact, the subjective unmeasurable nature of the criteria for grading positions does not preclude me from being classified as a GS 15.

A GS 14 reclassification can be easily processed at the Area level, since it falls within ARS policies (P&P 420.1 Merit Promotion, concerning ³Promotion resulting from the upgrading of a position without a significant change in duties and responsibilities when the action results from the issuance of a new classification standard or the correction of an initial classification error²). A GS 14.8 rank would restore some of my professional status and provide a degree of financial remuneration over time. It was inordinately difficult for me to move forward in my research program with so many behind-the-scenes impediments, damaging my reputation and devaluing my work. I will never know how much damage ARS supervisory personnel have inflicted on me. Promotion to GS 14 is a necessary first step towards repairing my ARS-damaged career.

Rationale

Misconduct of ad hoc RPES panel: On August 24th 2004, an ad hoc RPES Panel, inappropriately lowered the point values for Factors I and II (factors which related to the job announcement, NOT my qualifications) of my case write-up, (despite the ARS-approved GS 13/14 position description), resulting in 22 total points (GS 12) instead of 26 points (GS 13). The panel's initial misconduct damaged my opportunity to ever reach GS 14, a level at which women scientists are very poorly represented in the ARS.

Fear of reprisal: Since December 2007, I have filed six grievances and now my job within the Agency is vulnerable. On May 16th 2008, an ARS Agency official issued a written threat of reprisal against me (Response to Informal Grievance, Mary Kretsch, Acting Associate Area Director, PWA), for my participation in the protected activity of opposing discrimination. Since GS 14's and 15's are accorded a higher degree of protection within the ARS (Directive 461.5 Misconduct, Discipline, and Adverse Action, which specifies that the Area does not have delegated authority over GS 14 and higher), my request to be reclassified to a GS 14 should be viewed as a legitimate attempt to protect myself from further abuses of power by Agency supervisory personnel.

2.) Exemption from being subjected to further RPE panels UNTIL a fair and equitable system for determining promotions can be established by ARS

Rationale

The RPE System, by design, does not evaluate scientists fairly:

- There are no clearly defined, objective, measurable standards that are equally applied to every scientist
- RPES panels are tasked with evaluating the impact of a scientist's research, even though the term ³impact² itself is overwhelmingly subjective and no means of accurate measurement has ever been provided
- RPES panels are unaware when scientists have not received mentoring, or worse, when research progress is actually impeded and opportunities for career building are denied
- RPES embraces a restrictive format that excludes accomplishments not yet demonstrated through publications, rather than accepting documents that describe research well underway but not yet published, a practice that discriminates against new scientists who must independently design their research programs and build their labs
- RPES encourages panel members to give tacit first-author credit to senior scientists rather than graduate students and post-docs, regardless of the order of authors listed on the actual publication (thereby promoting some scientists based on the resources given to them, rather than their actual performance)
- RPES falsely assigns some degree of credit to Lead Scientists and Research Leaders when research within their Unit is successful, regardless of their actual contributions (or obstructions)
- RPES panel results, based on my experiences, provide no meaningful information when a Remain-in-Grade decision is issued, ensuring that scientists are provided no direction for ³improvement² and can therefore be denied promotions indefinitely (since RPES panels do not apply objective, measurable criteria when selecting scientists for promotions)
- RPES panel mistakes are self-perpetuating, since anecdotal evidence suggests that if passed over for promotion once, the likelihood increases for being passed over again
- RPES perpetuates gender biases within our society, since initial GS level offerings hinge on the well-documented wage gap between men and women in this country, [i.e. men are given higher GS levels when entering government service based on their past history of successfully negotiating higher salaries in the workforce than were negotiated by their female counterparts of equal (or superior) talent]
- RPES does not ensure equal pay for equal work, since panels assign current ³status and recognition² based on previous employment and salary histories, thereby reinforcing societal inequities and perpetuating gender biases from one institution to another
- RPES panels can devalue scientists based on gaps in their careers, which unfairly targets women who come to the workforce late or have taken time out of their working years
- RPES panel service is restricted to high GS-level scientists (typically GS 14, and 15), which are categories that consist predominantly of male scientists (which appears to be a conflict of interest, considering that women are not recruited, promoted, and/or retained at the same rate as

the men)

3.) Compensation for legal fees incurred

4.) Restoration of sick leave (since I wasted many hours of sick leave attempting to escape the extreme stress of SARU's hostile work environment)

Thank you for considering my requests.

Cindy

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