

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)

I sent a Formal Grievance to Andrew Hammond (02/04/08), which included comments about Jeff Schmitt's visit to Fairbanks:

In regard to the comment about Mr. Jeff Schmitt of the Cooperative Resolution Program visiting Fairbanks, I would like to bring the following information to your attention:

Mediation 1 Schmitt was present on Tuesday (01/15/08) for research seminars delivered by each ARS scientist. The following day (01/16/08) he presented a two-hour Crucial Conversations training to ARS personnel. Due to time constraints, few individual interactions occurred during the presentation. However, at one point, Schmitt looked directly at me and stated that there were many potential research directions for working with fish by-products, (a concept I'd presented the previous day), but my job was to perform the research specified by the National Program Staff. Needless to say, I was stunned to be singled out in this manner.

Certainly, since NPS sets the research direction for the ARS, Schmitt's statement was generically true and applicable to every scientist in the room. However, I suddenly realized that Schmitt had touched upon one of the topics in my informal grievance (12/27/07), concerning my belief that the Research Leader had been damaging my research program by rejecting my proposals and then blaming NPS, without providing any documentation. Schmitt, (in a group including my supervisor, peers, support personnel, and subordinates), conveyed the impression that I (specifically) should learn to follow Agency directives. Since I was given no opportunity to rebut this misconception, I was left feeling publicly humiliated.

Later that day, I wrote to Karen Brownell, Director of Human Resources, concerning where Schmitt's information may have come from. Brownell confirmed that she had not shared my grievance with Schmitt. It is my belief that Schmitt acquired his opinions through exposure to "stories" during his conversations with the Research Leader. Schmitt then acted on

the misinformation in a manner that was harmful to me. After that distressing incident, I did NOT sign up for a one-on-one consultation with Schmitt.

Mediation 2 Before Schmitt's arrival in Fairbanks, he contacted me by phone so that we could discuss the possibility of my participation in the mediation program. Since I had just filed an informal grievance, I was uncertain about mediation and spoke with Schmitt about what services he could offer. He explained that the Cooperative Resolution Program was a resource for communication skills, and he was not in a position to arbitrate legal matters, which I perceived my grievance to be. It was mutually agreed through the phone conversation that mediation was not appropriate at this time. However, we left open the possibility that a one-on-one consultation might still be possible during his Fairbanks visit. After being unfairly singled out during Schmitt's Crucial Conversations training, it was clear to me that a consultation was not an appropriate option.

Mediation 3 The Research Leader had also broached the topic of using the Conflict Resolution Program to improve our communication. However, I explained to him (and received his verbal agreement) that the conflict between us stems from differing viewpoints about specific issues, not from an inability to effectively articulate our points of view.

Although a weak case might be made that I, as an ARS employee, unreasonably failed to take advantage of the preventative opportunity of mediation provided by my employer, I find fault with that contention. The Research Leader agreed that specific issues, not communication skills, were the source of our conflict. Schmitt agreed that he was unable to mediate legal matters contained within a confidential grievance. Then, during his visit, Schmitt breached my trust, effectively preventing a one-on-one consultation between us. Mediation may have been offered by my employer, but it was not a reasonable opportunity for me to avoid harm.

4 February, 2008

Formal Grievance

Sent to:

Dr. Andrew Hammond
Acting Area Director
Pacific West Area
Agricultural Research Service

To: Andrew Hammond, Acting Area Director
(Andrew.Hammond@ars.usda.gov)

Re: Notification of Formal Grievance
7 February, 2008

Dr. Hammond,

This email is to inform you that I mailed a Formal Grievance on February 4, 2008 to the address specified in the Area's response to my Informal Grievance. However, since the zip code you provided was incorrect (95710-1198 instead of 94710-1105), the envelope has been routed somewhere else. I admit I am dismayed by this sort of delaying tactic on your part when time-sensitive materials are involved.

I was also surprised by the letter from Assistant Area Director Robert Matteri, (Response to Request for RPES Case Evaluation, 1/31/08), which required that my complaint about my supervisor be submitted to the Area Director "through supervisory channels" including my supervisor's concurring "Through" signature. Suffice to say, that is an incredibly effective method for stopping requests, and it's certain that you won't be receiving one from me now.

The following is an email copy of my Formal Grievance, which will arrive eventually by USPS Express Mail (Tracking # EQ51 1249 185U S).

February 4, 2008

Dr. Andrew Hammond
USDA, REE, ARS, PWA, OAD
Room 2026
800 Buchanan Street
Albany, CA 95710-1198

Dr. Hammond,

On December 27, 2007, I sent you an informal grievance [Exhibit 1], in which I documented a hostile work environment caused by my Research Leader, Alberto Pantoja, which has resulted in tangible employment actions (including loss of promotion). This is a Formal Grievance, being filed to the response I received on January 28, 2008 from Robert Matteri, (Assistant Area Director, PWA) [Exhibit 2]. The response to my informal

grievance was unacceptable, since it did not adequately address the issues I raised, and it actually introduced false statements and misconceptions.

#1: (Request to be supported in my ARS career)

The response to my informal grievance did not dispute the following items, so I consider these abuses of power to have been validated at the Area level:

- The Research leader (RL) does NOT equally apportion opportunities among the ARS research scientists, (e.g., no woman has ever been appointed Acting-RL in Alaska, whereas every male in Fairbanks has been asked to serve, including GS 12 level scientists and those still on probation)
- Women scientists were given a disproportionate amount of time-consuming committee assignments by the RL
- The RL delivered my remain-in-grade RPES results to me with the door open and at sufficient volume so that my colleagues and subordinates would be unofficially informed, further undermining my credibility
- The RL came to my office to personally announce that the (well-deserved) Spot Award for my technician was being denied, thereby undermining my authority to reward outstanding tech performance within my own lab. The stated reason for denying the award was based on an (incorrect) assumption that it is better to reward techs on an annual basis, rather than recognize outstanding performances throughout the year.
- On the 2007 write up for the Annual Appraisal, I submitted a document to the RL (Thurs Dec 20th) asking for more guidance concerning whether or not the format matched what he was seeking. The RL not only refused to provide mentoring, but edited my original email and inappropriately replied while ccing the entire office staff. No apology or admission of wrongdoing was ever issued.
- Each year the RL assigns three extra subobjectives to my performance plan, despite the Lead Scientist's negative reaction (since these additional subobjectives are already being addressed by other collaborators). In addition to advancing the pretense that I am part of a larger team, the practice of adding extra (extremely diverse) subobjectives serves to scatter my research direction and increase the possibility of failure for my annual appraisal.

The response to my informal grievance did not adequately address the issues I raised. For example, the response contended that the proposed SCAs were reviewed by the Area Office and National Program Staff. No evidence has ever been supplied to support that contention. Additionally,

it is indisputable that the Research Leader has expertise in a field (entomology) other than mine (food science), and would therefore be less qualified, NOT more qualified, to appropriately present and effectively explain my research proposals. From my point of view, I submitted proposals to the RL and they were rejected. I was never asked for clarification of a misunderstood point, and no written correspondence was ever provided when the SCAs were disapproved. Certainly you can understand my frustration when such a poor system of communication is endorsed for transferring information about a proposal back to the originating scientist.

The response to my informal grievance also stated that it was the Research Leader who originally provided my name to the University as a possible collaborator for the fish meal SCA, although no evidence exists to support that contention. Exhibit 3 is an e-mail thread that describes the conception of the fish meal SCA, and clearly shows that my name was first introduced to the project through my co-worker. My name was included in the initial e-mail because I am a full-time member of the aquaculture project, and I can find no evidence to suggest that my inclusion was a charitable act, courtesy of the RL. I attended all of the initial SCA meetings, but apparently I was not invited to subsequent planning sessions. It was exclusion from the project, not lack of interest on my part, which limited my participation to a level that did not meet the criteria for authorship.

The point was also made that the Lead Scientist has no formal mentoring responsibility for CRIS team scientists, and therefore is accorded no official blame for his lack of camaraderie. Since the Lead Scientist and I are the only two ARS employees in Alaska working within the ARS Aquaculture program, he could have easily facilitated my introduction to the project. However, I fully recognize his ARS-approved entitlement to hide career-building opportunities and contribute to my overwhelming sense of isolation by shunning collaborations and failing to hold regular meetings and communicate project information over the past three years. This has not been a good experience for me, and I ask that you please seriously consider my request that the ARS relocate me to another ARS Unit listed at the end of this letter.

The response to my informal grievance also noted that the RL is currently addressing some of the problems through administrative changes, such as requiring regular CRIS-project meetings and recruiting an ARS food scientist from another location to serve as a long-distance mentor. However, these proposed changes are very recent and are not yet in effect. It is absolutely incorrect to offer these future actions as evidence of past support and mentorship.

#2: (Request to have an investigator sent to SARU)

I understand that the CARE team is coming to Fairbanks in May. Since their investigation includes a civil rights component, their visit will serve in lieu of the investigator that I requested. Thank you.

In regard to the comment about Mr. Jeff Schmitt of the Cooperative Resolution Program visiting Fairbanks, I would like to bring the following information to your attention:

Mediation 1

Schmitt was present on Tuesday (01/15/08) for research seminars delivered by each ARS scientist. The following day (01/16/08) he presented a two-hour Crucial Conversations training to ARS personnel. Due to time constraints, few individual interactions occurred during the presentation. However, at one point, Schmitt looked directly at me and stated that there were many potential research directions for working with fish by-products, (a concept I'd presented the previous day), but my job was to perform the research specified by the National Program Staff. Needless to say, I was stunned to be singled out in this manner.

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Later that day, I wrote to Karen Brownell, Director of Human Resources, concerning where Schmitt's information may have come from. Brownell confirmed that she had not shared my grievance with Schmitt. It is my belief that Schmitt acquired his opinions through exposure to "stories" during his conversations with the Research Leader. Schmitt then acted on the misinformation in a manner that was harmful to me. After that distressing incident, I did NOT sign up for a one-on-one consultation with Schmitt.

Mediation 2

Before Schmitt's arrival in Fairbanks, he contacted me by phone so that we could discuss the possibility of my participation in the mediation program. Since I had just filed an informal grievance, I was uncertain

about mediation and spoke with Schmitt about what services he could offer. He explained that the Cooperative Resolution Program was a resource for communication skills, and he was not in a position to arbitrate legal matters, which I perceived my grievance to be. It was mutually agreed through the phone conversation that mediation was not appropriate at this time. However, we left open the possibility that a one-on-one consultation might still be possible during his Fairbanks visit. After being unfairly singled out during Schmitt's Crucial Conversations training, it was clear to me that a consultation was not an appropriate option.

Mediation 3

The Research Leader had also broached the topic of using the Conflict Resolution Program to improve our communication. However, I explained to him (and received his verbal agreement) that the conflict between us stems from differing viewpoints about specific issues, not from an inability to effectively articulate our points of view. Since he immediately agreed with me, I believe that I effectively communicated this concept to him, and I would be very surprised if he were changing the facts of that encounter now.

Mediation 4

Additionally, I was extremely proactive before the Conflict Resolution training occurred. I contacted SARU's main office and borrowed two suggested books (Crucial Conversations and Crucial Confrontations, both by Patterson et al) and read them before Schmitt's arrival, to take advantage of whatever communication skills the books might offer.

Although a weak case might be made that I, as an ARS employee, unreasonably failed to take advantage of the preventative opportunity of mediation provided by my employer, I find fault with that contention. The Research Leader agreed that specific issues, not communication skills, were the source of our conflict. Schmitt agreed that he was unable to mediate legal matters contained within a confidential grievance. Then, during his visit, Schmitt breached my trust, effectively preventing a one-on-one consultation between us. Mediation may have been offered by my employer, but it was not a reasonable opportunity for me to avoid harm.

#3: (Proof that tangible employment actions have damaged my ARS career)

The response to my informal grievance contended that my career has not been damaged by ARS leadership decisions. I strongly disagree, since loss of promotion is a tangible employment action that will have financial and stature-related repercussions for the rest of my career. I believe that the importance of Exhibits 1-8 of my Informal Grievance was trivialized. Furthermore, the response that the hiring process utilized accepted processes deserves scrutiny by the Agency's legal counsel.

The OPM Classifier's Handbook clearly states: "It is the position that is classified, not the person assigned to it." The ad hoc RPES panel took possession of an officially classified GS 13/14 Position Description (PD) and inappropriately assigned GS 12 point values to Factors 1 and 2 of that PD.

- The PD represented an officially classified position (GS 13/14)
- The PD does NOT classify the qualifications of individual job applicants

Therefore, the RPES panel should have automatically assigned at least 6 points each to Factors 1 and 2, REGARDLESS OF WHICH QUALIFIED APPLICANT WAS SELECTED FOR THE POSITION. If the correct point values are awarded to these two rated factors (which are derived entirely from the PD, and over which I had no control), then my accumulated points would convert to a GS 13 level [Exhibit 4].

For the RPES panel members to rate Factors 1 and 2 (of a GS 13/14 PD) at GS 12 levels is a major source of misconduct. If we assume that the original PD was properly classified as a GS 13/14 and legally certified by ARS officials before I applied, then the source of the error seems to stem from willful discrimination against me, possibly because I am female. Although the exact reasons for the ad hoc RPES Panel's prejudicial behavior may never be known, I believe they conspired to misclassify the position based on input from the RL, who had already signed GS 12 paperwork, months before the RPES panel convened [Exhibit 5]. Box 18 of Exhibit 5 clearly shows the typewritten GS 13/14 entry crossed out by hand and replaced with GS 12. The July 2nd time stamp is well in advance of the August 24th RPES Panel meeting.

I REQUEST a response detailing "why" (on July 2nd, 2004) it was decided that I was only worthy of being offered a GS 12 position, BEFORE being given a fair review by a qualified RPES panel. It certainly appears that the ad hoc panel, (which convened August 24th, 2004), served only to give the appearance of legitimacy to a decision that had already been made.

The evidence presented here documents that my initial hiring process was not based on fairness and equality (or even ARS Policies and Procedures), and that the RL was overwhelmingly supportive of a GS 12 position BEFORE I had even prepared my case writeup.

I have provided substantial documentation indicating inconsistent classification practices.

I REQUEST to be informed in writing as to why Agency policies were not

followed during my hiring process, specifically:

Why did I receive discriminatory treatment by being immediately downgraded to GS 12, months before the ad hoc RPES panel was convened to evaluate my qualifications?

and/or

Why was a GS 12 Position Description (certified and signed by ARS personnel for truth and accuracy) attached to the GS 13/14 position that I originally applied for?

I ALSO REQUEST an official classification audit to resolve once and for all the questionable practices surrounding my hiring in 2004. If misconduct is found, I request that I be immediately reclassified as a GS 13 and issued a written apology from the ARS.

The response to my informal grievance also misrepresented the meaning of the high ratings awarded to Factors 1 and 2 of my recent RPES results [Exhibit 6], and credited the RL with superior mentoring. My informal grievance stated:

“The RL appeared to be unfamiliar with the concept of ‘person in the job’ and continually told me to rely solely on the position description when preparing Factors I and II. The original position description was generic in nature and (although technically describing a GS 13/14 position), had previously been rated by a 2004 RPES panel as written for GS 12 level responsibilities. This became a source of contention with each draft I submitted.”

I maintain my belief that the RL attempted to damage my promotion potential by weakening Factors 1 and 2 in my recent case writeup when he insisted that I use my original Position Description [Exhibit 7]. I did NOT follow his advice. Several disagreements followed. However, after invoking the ARS person-in-the-job concept, I was eventually allowed to submit my version of Factors 1 and 2. As the response to my informal grievance noted, these factors were indeed rated highly by the RPES Panel. However, the authorship credit belongs to me, not the RL who opposed my suggestions right up until the day they were submitted for panel review.

#4: (Concern that RPES Panels may allow inappropriate input from RLs)
In reference to request #4, the response to my informal grievance presented information about panel deliberations and dismissed the possibility of influence from ‘inconsistent input’ of individuals contacted by the In Depth Reviewer. I find no evidence to support this

contention. I have already documented that RPES panel misconduct can occur, (see #3 above). My initial ad hoc RPES Panel willfully misclassified Factors 1 and 2 from a GS 13/14 Position Description to place me into a lower (GS 12) pay level. Therefore, "training" in panel responsibilities is no guarantee of objectivity in assigned duties.

#5: (Request for statistical accounting of GS 12 to GS 13 promotions within PWA)

I requested that the PWA promotion statistics be broken down by gender, (numbers which are usually hidden), to contrast them with the AK statistics during the same time period. One of three GS-12 women in ARS Alaska was promoted (33%), as was one of two GS-12 men (50%) undergoing RPES. These statistics represent lower promotion rates experienced by Alaska ARS personnel than the Area in general, which I believe is a direct consequence of the RL's non-supportive leadership capabilities and discriminatory practices against women.

#6: (Request for clear performance appraisal guidelines)

This response to my informal grievance is inadequate. By admitting that there are no written descriptions for what constitutes an "exceeds" or "does not meet" rating, the Agency is suggesting that the Performance Standards are appraised each year in a highly subjective manner. This type of system invites discriminatory actions as witnessed each year in Alaska's ARS unit, and should be standardized by the Agency as soon as possible.

#7: (Concern that an abusive situation exists for ARS female scientists in Alaska)

The response to my informal grievance contended that there was no evidence of abuse of ARS female scientists in Alaska. It is unfortunate that Matteri was selected to respond to my informal grievance when he has apparently not been kept "in the loop" concerning the steady stream of complaints originating from the ARS Unit in Alaska. As you are aware, numerous grievances and other communications have been sent by all three of SARU's female SYs, in a sincere effort to apprise the Pacific West Area office of the ongoing inequities.

My perception of this situation is that our complaints are not being taken seriously.

I REQUEST that the claims of harassment by SARU's three female SYs be taken seriously.

Contrary to what may have been suggested by the RL, my grievances have not suddenly arisen (frivolously) because of my recent Remain-in-Grade RPES decision. That event may have been "the last straw", but it was certainly

not the beginning of my dissatisfaction here in SARU. My current employment circumstances are approaching the point where a reasonable person would feel compelled to quit. The Agency's response to #7 above, suggests that perhaps that is the Agency's intent.

Since PWA failed to meet almost every request I made in my informal grievance, I respectfully REQUEST that the PWA relocate me to another ARS Unit. I did not invite the harassment I am experiencing here and I do not deserve to be mistreated. I request full relocation benefits be provided during my transfer, so that this action of last resort will feel more like a positive new beginning than a reprisal for not remaining silent in an abusive situation not of my making. I also request, in the event I am transferred, that my highly skilled technician be allowed to retain her ARS employment in Fairbanks until December 2009. If I leave, her job is at risk, since my technician has always been listed as a temporary employee (as is the technician of the other female SY in Fairbanks, in direct contrast to the permanent positions held by the technicians of all Fairbanks male SYs).

I am sorry to be bringing this grievance to your attention.

Sincerely,

Cynthia Bower
Research Food Technologist
Subarctic Agricultural Research Unit (SARU)
USDA ARS, Pacific West Area
360 O'Neill Building, University of Alaska
Fairbanks, AK 9775-7200

(907) 474-6732
(bower@sfos.uaf.edu)

Legend for attached Exhibits

- Exhibit 1: Informal grievance (without exhibits) sent to Dr. Hammond (12/27/07)
- Exhibit 2: Robert Matteri's response to my informal grievance (1/24/08)
- Exhibit 3: E-mail from co-worker (not RL) introducing me to SCA (1/18/06)
- Exhibit 4: 2004 RPES results showing inappropriate point values for Factors 1 and 2
- Exhibit 5: 2004 paperwork replacing typewritten GS 13/14 with handwritten

GS 12

Exhibit 6: 2007 RPES results showing high point values for Factors 1 ad 2

Exhibit 7: 2004 Original Position Description certified for GS 13/14 job