

***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)***

Annual Appraisal (Review) 11/14/09 4:32 PM  
From: "Bower, Cindy" <Cindy.Bower@ars.usda.gov>  
Subject: Annual Appraisal (Review)  
Date: Thu, November 12, 2009 4:57 pm  
To: "Pantoja, Alberto" <Alberto.Pantoja@ARS.USDA.GOV>  
Cc: "Contento, Janis" <Janis.Contento@ARS.USDA.GOV>

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Alberto,

This is to recount our conversation during my annual appraisal with Janis Contento in attendance (11/12/09 at 4:00pm):

- You served as Rating Official and rated me as not exceeding in Element 3.

- You stated that the rating was a direct result of my having violated my technician's performance plan by allowing her to be a co-author on my papers

- I disagreed by pointing out that I was fulfilling Element 3 (a "critical" element) of my own performance plan that states: "Facilitates training and development of supervised employees".

- Since no list describing the limits of "training and development" was provided at our 9/25/09 (08:00am) meeting, I assumed that allowing my technician the "option" of serving as a co-author was not forbidden, as long as I filled out the justification paperwork (which I did).

Naturally, I regard this as retaliation against me for opposing discrimination in this unit.

I also would like to point out (as I have done every year since filing an EEO complaint) that it was a clear case of Conflict of Interest for you (a respondent in my EEO complaint) to serve as the Rating official on my annual appraisal, since retaliation against me would be a predictable outcome.

If you disagree, I welcome an explanations for your actions.

Cindy

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**Attachments:**

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***Alberto Pantoja unlawfully retaliated against me when he lowered my annual appraisal rating based on his own false statement about co-authorship violating a technician's position description. The tech's position description did not prohibit authorship and no proof was ever provided by ARS to support his statement.***

***Janis Contento was in attendance and witnessed the retaliation, but apparently did not report the incident (in violation of ARS ethical requirements).***

***There is no remedy at law for ARS employees who have filed EEOC complaints, thereby allowing unlawful harassment, discrimination, and retaliation to continue (arguably, with tacit approval by ARS administrative personnel) until EEOC rules on the merits of the case.***