



United States Department of Agriculture

Research, Education and Economics
Agricultural Research Service

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)

January 24, 2008

Dr. Cynthia Bower
USDA, ARS, Pacific West Area
Subarctic Agricultural Research Unit
360 O'Neill Building, University of Alaska
Fairbanks, AK 99775-7200

Dear Dr. Bower:

This is in response to your informal grievance addressed to Dr. Andrew Hammond, Associate Area Director, Pacific West Area (PWA), dated December 27, 2007. As Acting Area Director, Dr. Hammond has delegated that I respond to your informal grievance in which you raised the following 3 main points:

- I. My career advancement was intentionally limited by ARS supervisory personnel
- II. My credibility with co-workers and peers has been negatively impacted
- III. The overall quality of my life has been severely compromised

Seven related requests were made, which I will respond to individually.

- 1. I request to be supported in my career by the GS-15 level males in my Unit who have been hiding opportunities, sabotaging my collaborations, periodically attacking my research program, actively damaging my promotion potential, and severely decreasing the quality of my life**

You contend that the GS-15 male scientists in your Unit have taken actions to willfully obstruct your career development. I do not find evidence to support this contention. Actions taken for the express purpose of hindering any employee's career development will not be tolerated.

Pacific West Area - Office of the Area Director
800 Buchanan Street - Albany, CA 94710-1105

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You contend that collaborations (specific cooperative agreements (SCA) conveyed in exhibits 9-11) have been sabotaged by the GS-15 level males in your unit. I do not find evidence to support this contention. Specific cooperative agreements entail expenditure of government funds, and are subject to administrative review. The proposed SCA referred to in exhibit 9 was appropriately reviewed by the Research Leader (RL) in conjunction with the Area Office and National Program Staff. The proposal referred to in exhibit 11 is recent and has been discussed among the RL, Area Office and National Program Staff. Your RL will continue to dialog with you on research approaches relative to this latter proposal.

The collaborative proposal written by University of Alaska scientists (exhibit 10) originally listed you as a co-investigator. This proposal led to an approved SCA with the University of Alaska. My understanding is that University of Alaska scientists led the project and assigned publication authorship based on participation and contributions. You were included in project communications, so I see no evidence to indicate that you did not have the opportunity to participate at a level that would have met the criteria for authorship. I see no evidence that the GS-15 level males in your unit limited your involvement, and furthermore found that your Research Leader was the one who initially provided your name to the University as a possible collaborator.

Typical career development support for newer scientists comes from guidance and advice from the Research Leader. Other senior scientists certainly can agree to serve as informal mentors. The lead scientist coordinates research planning, implementation and administrative reporting for the CRIS project, but has no formal supervisory or mentoring responsibility for CRIS team scientists. It is not the Lead Scientist's or Research Leader's role to secure invitations for speaking or writing about research, or professional service activities that normally come from scientific peers on the basis of research accomplishments (Exhibits 12 and 13).

You contend that the Lead Scientist did not secure an affiliate faculty position for you (Exhibit 16). The Lead Scientist does not have the duty of personally representing you to the University for acquiring faculty appointments, listing information in UAF directories, etc. Adjunct faculty appointments are conferred by the University, not by ARS, following a direct application by the scientist. Regardless, it was the Lead Scientist who nominated you for affiliate faculty status and, along with the Research Leader, assisted you in your application to the University.

It is my understanding that your Research Leader has already initiated a policy of scheduling regular CRIS meetings from his office, has assisted you in applying for affiliate faculty status, has coordinated communication, conflict resolution and diversity training sessions for the Unit, has changed Unit committee service from a volunteer to rotational basis, is in the process of scheduling Unit training on the Research Personnel Evaluation System (RPES) process by a current panel chair, has found a senior scientist working in your field of expertise that will serve as your mentor, and has encouraged you to select expanded areas of opportunity to work on within CRIS objectives. These actions show evidence of support and mentorship rather than discriminatory behavior.

I find no evidence to show that you do not already have access to mentorship similar to that of other ARS scientists.

2. I request that an investigator be sent to SARU to collect statements from the scientists and other ARS personnel to further document the rampant abuse

This request is not granted, as I find no evidence to support your contention of rampant abuse. By the time you receive this letter, however, Mr. Jeff Schmitt, REE Cooperative Resolution, will have visited your location. In addition to Unit staff training, Mr. Schmitt will have offered the opportunity for one-on-one visits with all staff, and will brief the Pacific West Area Office.

3. I request that the EEO-unfriendly ARS leadership decisions that have so severely damaged my career be immediately remedied (e.g., promotion to GS-13 with retroactive pay dating back to October 2004)

You contend that discriminatory decisions by ARS leadership have damaged your career. I find no evidence to support this allegation.

Exhibits 1-8 relate to the recruitment hiring process of your position at the GS-12 level, alleging misconduct of both the RL and the RPES panel. The hiring process utilized accepted processes, and there is no evidence of misconduct.

The original position was advertised at the GS13/14 level. For candidate evaluation purposes, a classification specialist in the ARS Human Resources Division (HRD) included you for consideration at the GS-13 level. For all Category 1 scientists, final classification decisions must be made by a peer panel through the RPES before HRD can issue a letter of offer. When the ad hoc RPES panel reviewed your write-up, a GS-12 decision was made. Since the original position was advertised at the GS13/14 levels, a job offer couldn't be made to you on this recruitment. The position was then re-advertised at the GS-12 level, with original applicants not needing to re-apply. You were selected for the position and accepted the official offer at the GS-12 level. Recruitment incentives such as advanced step entry (12/3 in your case) are not linked with peer-panel RPES GS level determinations.

You also contend that the RL provided input on the drafting of Factors 1 & 2 of your RPES case write-up for the express purpose of weakening promotion potential. I do not find evidence for this. Part of the RL's mentoring responsibility is to provide input/guidance to Unit scientists on their RPES write-ups. You took your RL's advice and your RPES peer-panel ultimately rated Factors 1 & 2 highly.

This request is not granted. Management cannot assign a scientist's GS level. The authority to classify a Category 1 scientific position's GS level within ARS resides with a peer panel through the RPES system.

- 4. I request re-training for the In Depth Reviewer who served on my RPES panel, so that he will become better able to recognize and ignore inappropriate or false input from RL's and Lead Scientists who misuse their power**

You contend that your In Depth Reviewer (IDR) utilized false and inappropriate input from your Research Leader and Lead Scientist. I find no evidence to support this contention.

Panel deliberations are strictly confidential, so there is no basis for your contention. Importantly, panelists are trained in IDR responsibilities, which entail verification/clarification of scientific impact of the written accomplishments and the overall RPES package. IDR's are required to contact a minimum of 5 references, and commonly contact more than the minimum number. The scientist provides a list of references on the IDR contact sheet (ARS Form 570). Within the panel discussion, the IDR conveys information from interview contacts. The IDR and panel would readily see inconsistent input from any individual. All seven panelists provide their independent scores prior to any discussion and then agree on a consensus decision. Senior scientists serve as panel chairs to oversee proper function of the panel, and also verify that the IDR has made the required number of contacts.

This request is not granted.

- 5. I request assurance that I am employed within a fair and equitable agency, which adheres to USDA written EEO statements, through receipt of a statistical accounting that dispels the anecdotal evidence that ARS women scientists receive fewer promotions from GS-12 to GS-13 than their male counterparts in the Pacific West Area**

You contend that there is anecdotal evidence that ARS women scientists receive fewer promotions from GS-12 to GS-13 than their male counterparts in the Pacific West Area. I find no basis for this contention. PWA GS-12 RPES review data over the last 3+ years (FY2005 through 3 months of FY2008) show statistically equivalent upgrade (UPG) rates between genders: UPG decisions - Female: 13 of 17 (76.5%), Male: 36 of 46 (78.3%).

- 6. I request that clear guidelines be provided to me describing how I can meet and exceed expectations for my 2008 annual performance appraisal**

Written performance expectations are provided to all employees. As for each year, you have, or will be signing, your performance standards for 2008. The written criteria for meeting the standards are included as part of the plan. There are no written descriptions of what constitutes an "exceeds" or "does not meet" rating for each element, as the rating is an overall assessment of the level of performance in each component within the element. Among employees, there are numerous variations of possible scenarios that could lead to a performance element receiving a rating other than "meets". Beyond the written guidelines, verbal communication with the supervisor is always available.

I find that you have guidelines on performance expectations that are equivalent to those provided to other scientists.

- 7. In the event that my other requests are denied, I would like permission to prepare an article for the popular press describing the abusive situation that has evolved for ARS female scientists in Alaska, all of which occurred with tacit approval from the Pacific West Area**

You contend that there is abuse of ARS female scientists in Alaska. I find no evidence for this allegation (see above responses). All publications must go through the standard approval process involving submission of the ARS-115. A publication of this nature would not be approved.

If you are dissatisfied with this response, you have 15 calendar days from your receipt of this decision to file a formal grievance. Your formal grievance must be filed with:

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

If you have questions or concerns regarding this letter, please contact Mary Fasanella, Human Resources Specialist, at 301-504-1386.

Sincerely,



ROBERT MATTERI
Assistant Area Director, PWA

cc:

E. Knipling, AIO
A. Hammond, PWA
A. Betschart, AIO
K. Brownell, HRD
M. Fasanella, HRD