

Dr. Edward B. Knipling, Administrator

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)

March 26, 2008

Dr. Edward B. Knipling, Administrator
USDA, Agricultural Research Service
c/o HRD, Employee Relations Branch
5601 Sunnyside Avenue, Stop 5102
Beltsville, MD 20705-5102

Attn: LaFondra Lynch

Dr. Knipling,

This letter is in response to the document issued by PWA's Acting Area Director Andrew Hammond as a reply to my Formal Grievance. He instructed me to contact you in the event that the matter was not resolved to my satisfaction. Considering that Dr. Hammond introduced false statements into his response, then dismissed my grievance and denied all relief, I believe that dissatisfaction is a reasonable reaction on my part. Consequently, I wish to pursue this grievance further. To expedite the process, ***I am requesting that a final decision be made***, without a factfinder, based on the ample evidence previously presented in my grievances, which are attached.

Items Remaining Unresolved

- 1.) The Research Leader (Alberto Pantoja) has established an extremely hostile environment for women in ARS Alaska's Subarctic Agricultural Research Unit (SARU). There are only three female research scientists at SARU, and each of us has filed more than one grievance concerning career-damaging events. The male scientists have all witnessed at least one harassing event, and they can serve to corroborate that unequal treatment exists for SARU's women. During this time, the PWA administrators (Drs. Buxton, Hammond, and Matteri) have facilitated the EEO violations, rather than taking definitive action to correct them.
- 2.) I was originally offered my job at lower GS and salary levels than the advertised position (GS 13/14) due to willful misconduct of ARS personnel. I now strongly believe that this discriminatory treatment was permitted by PWA because I am a female scientist, (which remains an underrepresented group in the ARS).
- 3.) Leadership decisions within ARS have severely damaged my career. Loss of promotion is a tangible employment action that will have financial and stature-related repercussions for the rest of my life. I am now excluded from the possibility of attaining a GS 14 rating, necessary for an ARS leadership position, before I approach retirement age. This is especially distressing to me at a time when I perceive such a vital need for competent leaders with integrity to emerge from within the ARS ranks.

Corrective Action Being Sought

- 1.) I request that I be reclassified as GS 13, retroactive to December 2007.

- 2.) I request that leadership failures existing within the PWA be dealt with appropriately.

Additional Evidence I wish to Have Considered

1.) My earlier grievances documented problems in Alaska's ARS unit and clarified misconceptions associated with Dr. Matteri's response. For example, Dr. Matteri's contention that there is no evidence of abuse of ARS female scientists in Alaska simply ignores the facts, (in this case, numerous grievances and other communiqués from the other two female scientists working for the ARS in Alaska). My previous grievances stand on their own merit and are attached for your review. However, it is essential that I now refute the false statements introduced by Dr. Hammond through his recent response to my Formal Grievance:

- The statement quoted from P&P 463.2 ("the formal grievance may not concern any matter that was not presented as part of the informal grievance") was misleading. No newly presented issues were raised, and the P&P statement does NOT apply to additional requests for relief. Any extra information included in my Formal Grievance was in direct response to misconceptions introduced by Dr. Matteri in his response to my Informal Grievance, and it was critical that his errors be properly refuted.

- Additionally, Dr. Hammond assigned "nongrievable" status to my complaints (despite accepting the Informal Grievance and addressing the requests) by stating that I should have taken them to another forum outside the ARS, such as the Merit Systems Protection Board or the Equal Employment Opportunity Commission. If an Agency's Policies and Procedures designate it as unable to handle complaints of workplace discrimination, how can the Agency issue an EEO statement proclaiming zero tolerance for gender bias and other discriminatory practices? The PWA either has an enforceable EEO policy or it doesn't, in which case Dr. Hammond's errant EEO missive of January 25th should be recalled (again).

- Dr. Hammond further alleged that my first informal grievance was not filed in a timely manner. This is incorrect. I received my RPES results on December 15th, and I filed the grievance on December 27th. This is well within the 15 days that I was allowed. The basis of my complaint was that the hostile work environment, which I had been enduring in silence up to that point, had just irreparably damaged my career. I introduced as much evidence as I could to support my contention. The discriminatory practices surrounding my initial hiring certainly qualified as proof that I had not received fair treatment from the very beginning of my employment with

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the ARS. According to SARU's recent EEO training, demonstrating pervasive unfair treatment is required to prove discrimination. Therefore, it is completely unreasonable for Dr. Hammond to disallow evidence that establishes a pattern of abuse, merely because it occurred more than 15 days before I filed my grievance.

- Dr. Hammond also provided information concerning the ARS's EEO policy statement. The paragraph is disingenuous. If Dr. Matteri had "thoroughly investigated complaints of discrimination" occurring in Alaska's ARS unit, he would have discovered that all three female scientists had filed grievances concerning gender bias and hostile working conditions. Then, according to ARS policies, immediate action would have occurred and the abuse would have stopped. Since the grievances, complaints, and other communiqués continue to flow from Alaska to the Pacific West Area, I can only conclude that any investigations by Drs. Matteri and Hammond have been embarrassingly inadequate.

I maintain that I did not invite the harassment I am experiencing and I do not deserve to be mistreated. This has been a soul-draining experience for me, but I am hopeful that you will provide an equitable resolution, once and for all.

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 99775-7200

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bower@sfos.uaf.edu

Legend for attached Exhibits

Exhibit 1: Informal grievance sent to Andrew Hammond (12/27/07)

Exhibit 2: Robert Matteri's response to my informal grievance (01/24/08)

Exhibit 3: Formal grievance sent to Andrew Hammond (02/04/08)

Exhibit 4: Andrew Hammond's response to my formal grievance (03/17/08)

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.

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. 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

Formal Grievance
Dr. Andrew Hammond, Acting Area Director

February 4, 2008

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

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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.

Formal Grievance
Dr. Andrew Hammond, Acting Area Director

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?

Formal Grievance
Dr. Andrew Hammond, Acting Area Director

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.

Formal Grievance
Dr. Andrew Hammond, Acting Area Director

#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 communiqués 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,

Formal Grievance
Dr. Andrew Hammond, Acting Area Director

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 ad 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

Andy Hammond, Associate Area Director
(Andrew.Hammond@ars.usda.gov)

27 December 2007

Dr. Hammond,

This is an informal grievance to request relief from the extremely hostile environment for women, which has been established by the Research Leader (Alberto Pantoja) here in ARS Alaska's Subarctic Agricultural Research Unit (SARU). I represent the third of three female research scientists to file a grievance concerning the career-damaging events that have been occurring here on a routine basis for many years.

I. My career advancement was intentionally limited by ARS supervisory personnel

- I was offered this job at lower GS and salary levels than the advertised position (GS 13/14) through misconduct of the RL and RPES panel (Exhibits 1 - 8)
- My research program has been subjected to interference through disallowed CRIS-relevant projects and curtailed collaborations (Exhibits 9, 10, 11)
- I have been actively excluded from mentoring and other career building opportunities while working for the ARS in Alaska (Exhibits 12, 13, 14)

II. My credibility with co-workers and peers has been negatively impacted

- I was hired at level GS 12 (despite 14 first-author peer-reviewed publications), thereby illegitimately lowering my status as an ARS scientist (Exhibit 15)
- I am expected to function as an integral, contributing member of a "team" that actively excludes me (Exhibit 16)
- My authority is unfairly undermined and I am devalued in front of ARS personnel (Exhibit 17)

III. The overall quality of my life has been severely compromised

- I am experiencing unnecessary workplace-induced stress associated with ARS employment in an environment blatantly oppressive to women scientists
- I have lost incalculable amounts of free time, better devoted to recreation than to the time-consuming redress of disputed events
- I have sincerely tried to understand the RL's behavior by participating in Conflict Management trainings, but the situation remains unresolved (Exhibit 18)

Working for ARS in Alaska has been a devastating career move for me, since it is inordinately difficult to build a new research program with so many behind-the-scenes impediments damaging my reputation and devaluing my work. It is truly an outrage that there has been no meaningful oversight at the Area level to protect me from the RL. For relief from this ongoing abuse of power, I am requesting the following:

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
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

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)
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 RLs and Lead Scientists who misuse their power
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
6. I request that clear guidelines be provided to me describing how I can meet and exceed expectations for my 2008 annual performance appraisal
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

Thank you for looking into this matter.

Sincerely,

Cynthia Bower
Research Food Technologist
USDA ARS SARU
Fairbanks, AK

(907) 474-6732

bower@sfos.uaf.edu

Legend for attached Exhibits

- Exhibit 1. Timeline detailing misconduct of ARS personnel during hiring process
- Exhibit 2. Vacancy Announcement offering a GS 13/14 position, (NOT GS 12)
- Exhibit 3. Handwritten SF-52 with reduced Grade (GS 12) and salary (\$56,425)
- Exhibit 4. Panel results (using GS 13/14 position description) assigning GS 12
- Exhibit 5. New Vacancy Announcement, opened AFTER the RPES Panel meeting
- Exhibit 6. ARS Recognition of "Superior Qualifications" suggesting salary of \$64,980
- Exhibit 7. Justification of \$64,980 based on US Dept. of Labor statistics for Alaska
- Exhibit 8. SF-52 with reduced Grade (GS 12) and salary (\$56,425)
- Exhibit 9. Ruminant SCA, proposed to and rejected by the RL
- Exhibit 10. Soils SCA, proposed with my name on it, but approved by RL without it
- Exhibit 11. Salmon oil (model system) collaboration, proposed to and rejected by RL
- Exhibit 12. Excluded from AAAS session organized and chaired by ARS co-worker
- Exhibit 13. Excluded from organization committee of upcoming By-Products Symposium
- Exhibit 14. Narrative describing RL's attempt to weaken impact of my RPES writeup
- Exhibit 15. CV from original 2004 ARS job application
- Exhibit 16. Narrative describing inappropriately low status accorded by Lead Scientist
- Exhibit 17. Narrative describing RL's attempts to discredit me
- Exhibit 18. AgLearn Report listing Conflict Management courses



United States Department of Agriculture

Research, Education and Economics
Agricultural Research Service

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

Voice: 510.559.6063 - Fax: 510.559.5779 - E-mail: robert.matteri@ars.usda.gov

An Equal Opportunity Employer

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

Exhibit 3

This e-mail thread describes the conception of the fish meal SCA, and clearly shows that my name was first introduced to the project through my co-worker Peter.

-----Original Message-----

From: Peter Bechtel [<mailto:bechtel@sfos.uaf.edu>]
Sent: Wednesday, January 18, 2006 5:22 PM
To: Alberto Pantoja
Cc: Cindy Bower
Subject: [Fwd: Rosie Creek Farm Research]

18JAN06

Alberto

ARS plant folks may see an opportunity here. It looks like we may be off and running.
Peter

----- Original Message -----

Subject: Rosie Creek Farm Research
Date: Wed, 18 Jan 2006 15:05:15 -0900
From: Ruth Post <rpost@sfos.uaf.edu> <<mailto:rpost@sfos.uaf.edu>>
To: Scott Smiley <smiley@sfos.uaf.edu> <<mailto:smiley@sfos.uaf.edu>>, Denis Wiesenburg <wiesenburg@sfos.uaf.edu> <<mailto:wiesenburg@sfos.uaf.edu>>, bechtel@sfos.uaf.edu
CC: website@rosiecreekfarm.com

Greetings Peter, denis and Scott.

This is a followup to a hallway conversation I had with Peter re: Mike Emers (copied) of Rosie Creek Farm.

Mike owns and operates Rosie Creek Farm which has been certified organic. I talked with him recently about FITC and some of the work you are doing there through the ARS project. I suggested he connect with your group to see if there are any opportunities for collaboration through SFOS or other ARS research going on. Perhaps there are uses for fish by-products in soil conditioning and etc? Mike is a botanist turned farmer so he brings a solid scientific background to the projects he pursues. I think you will find him quite enthusiastic about trying new technologies and processes.

Ruth

--

Ruth Post
Executive Officer

School of Fisheries and Ocean Sciences
UAF Campus Box 7220
Fairbanks, AK 99775-7220
PH (907) 474-6782
Fax (907) 474-7204



United States Department of Agriculture

Research, Education and Economics
Agricultural Research Service

November 4, 2004

SUBJECT: Research Position Evaluation Report

TO: Alberto Pantoja, RL
Fairbanks, AK

FROM: Robert Matteri
Assistant Area Director

Enclosed is the Research Position Evaluation Report for Cynthia Bower. Please have the scientist sign the bottom of the ARS-518 acknowledging receipt of this report and return the signed ARS-518 to Patty Castle within 60 days.

Enclosure

Pacific West Area - Office of the Assistant Director

800 Buchanan Street Albany, CA 94710-1105

Voice: 510.559.6063 Fax: 510.559.5779 E-mail: matteri@pw.ars.usda.gov

Agricultural Research - Investing in Your Future

RESEARCH POSITION EVALUATION REPORT

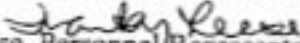
Date: NOV 1 2004

Subject: Research Position Evaluation Committee Report

To: Alberto Pantoja, Immediate Supervisor

Through: Antoinette A. Betschart, Director, PWA

From: Franky Reese, Personnel Representative



A panel reviewed Cynthia K. Bower, Research Food Technologist, GS-1382, Fairbanks, Alaska, on August 24, 2004.

The panel reached consensus on the following scores:

	Degree	Points
Factor I, Research Assignment	B	4
Factor II, Supervision Received	B	4
Factor III, Guidelines and Originality	C	6
Factor IV, Qualifications and Contributions	B	8
Total points:		22

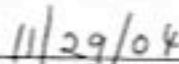
Grade Conversion: GS-12	Decision: New Hire
-------------------------	--------------------

Remarks: (if required)

See attached Position Evaluation Report.

Scientist acknowledges receipt of this report by signing below, and returns (through supervisory channels) to Area Director **within 60 calendar days** of issuance.


Signature


Date

Remarks (Optional):

RESEARCH POSITION EVALUATION REPORT

Position Identification

Position number 1PA030, Research Food Technologist, GS-1382, USDA, ARS, Pacific West Area, Subarctic Agricultural Research, Fairbanks, Alaska

Classification References

- OPM Research Grade-Evaluation Guide (RGEG) (TS-52, June 1964, and TS-23, January 1976)
- OPM Job Family Standard for Professional Physical Science Work, GS-1300 (December 1997)

Background Information

This is a professional research position to be occupied by Dr. Cynthia K. Bower. As such, it is covered by the ARS evaluation plan for research positions as outlined in Policies and Procedures 431.3-ARS. Under the plan, a research scientist's position and personal qualifications are evaluated by a panel applying the RGEG and related ARS policies and procedures.

On August 24, 2004, a panel evaluated this position based upon the material provided by the selectee, the indepth reviewer's report, and the RGEG and related ARS policies and procedures. Each panelist evaluated and scored the case prior to the meeting. After hearing the indepth reviewer's report, followed by open discussion, the panel arrived at the consensus score and resulting classification decision.

Series and Title Determination

The position involves research on devising efficient methods for processing fish wastes that can be used by medium and small size fish processors in the Alaska region. This requires application of professional education and training in the fields of food technology, chemical engineering, and animal nutrition, so that classification to the GS-1382 series is appropriate. The title Research Food Technologist is prescribed by the standard.

Grade Level Determination

Evaluation of each factor using the RGEG follows:

Factor I - Research Assignment: Overall evaluation at Degree B (4 points)

Dr. Bower will be responsible for research to devise methods for processing fish waste into value-added products. In team research, she will usually function as a member, providing expertise in food processing methods. Objectives will be to develop functional, stable, safe,

nutritious feeds and feed supplements for aquaculture, livestock and poultry; develop processing methods; and discover value-added components from fish processing waste. Of particular significance are current studies on evaluation of food processing methods on the safety and stability of berries, oysters, and crab meat. Methods and approaches to be employed are best characterized as routine, because standard food processing methods will be applied with minimal adaptation to derive functional, stable, and safe value-added products from fish processing wastes. Successful research should result in an economical outlet for waste from fish processing facilities. The panel assigned Degree B for this factor because Dr. Bower will be responsible for all phases of an area of research, objectives are considered hard to define, and conventional methodology will be required. This exceeds Degree A criteria but falls short of Degree C.

Factor II - Supervision Received: Overall evaluation at Degree B (4 points)

Within the identifiable assignment, Dr. Bower will have the freedom to plan and implement a research program within the guidelines of the assigned CRIS project and to speak with stakeholders, cooperators, and other interested parties regarding the assigned research. Specific problems for study, such as work developing processing methods for value-added products from fish processing waste, will be selected by incumbent subject to approval by the supervisor. Technical guidance will involve some initial direction from the Lead Scientist. Manuscripts and other reports will be reviewed by the supervisor as required by ARS policy. Major changes in research will require the supervisor's approval. Dr. Bower will have responsibility for planning and implementing a research program within CRIS project guidelines, and freedom to speak with stakeholders, cooperators, and other interested parties regarding her research. The panel assigned Degree B for this factor because Dr. Bower will have substantial freedom to select specific problems, and to decide approach and execution within a defined area. This exceeds Degree A criteria but does not fully meet Degree C.

Factor III - Guidelines and Originality: Overall evaluation at Degree C (6 points)

Literature on processing whole fish into fish meal is available, but specific information on modifying mixed waste materials from fish processing activities into feed ingredients is lacking. Available techniques, such as proximate analysis of animal tissues, will require minimal adaptation. Originality will be required to develop new paradigms and/or processes for modifying a waste material into value-added products. The assignment will be difficult because microbiological contaminants may render the value-added products unsafe for consumption or use. Dr. Bower's originality is evidenced by her development of novel methods to prevent pathogen cross-contamination from contact surfaces potentially encountered in waste processing operations. The panel assigned Degree C for this factor because literature is lacking for significant portions of the research and a high degree of originality will be required (particularly in defining problems and developing hypotheses), and the panel judged that Dr. Bower's past work reflects the ability to adapt existing principles into new combinations.

Factor IV - Qualifications and Contributions: Overall evaluation at Degree B (8 points)

The panel determined Accomplishments #1, #2, and #3 to be Dr. Bower's best work. In #1, as a graduate student, she investigated an approach for controlling *Listeria monocytogenes* biofilms on food contact surfaces. She demonstrated that nisin-coated surfaces inhibited formation of *L. monocytogenes* biofilms. Protein adsorption and image analysis methods developed by the incumbent were used and cited by others. In #2, as a postdoctoral research associate, Dr. Bower used a nanoparticle method for documenting changes in protein activity during adsorption. Findings demonstrated that less thermostable T4-lysozyme variants lost more activity after adsorption than did more thermostable variants. Research resulted in seven peer-reviewed papers. In #3, incumbent, as an assistant research professor, conducted a preclinical trial evaluating efficacy of the antimicrobial peptide nisin on biomedical implants. She demonstrated that nisin-coated catheters had a protective effect on vascular endothelium, and found that nisin enhanced drug absorption in human nasal mucosa cell cultures. This study was the first preclinical trial of nisin-treated implantable materials, and represents an important first step for developing protein antimicrobial films on implantable medical devices. Dr. Bower's stature is evidenced by selection as co-principal investigator on USDA (1998-2001, 2002-2005) and Mallinckrodt Medical, Inc., research grants (1997), by receipt of an Institute of Food Technologists certificate of merit (1992, 1993), and by election to Gamma Sigma Delta Honor Society of Agriculture (1992). Incumbent is nationally recognized for research in adsorption of proteins. She has a fair record of participation in scientific meetings. Her most significant advisory and consultant activities include serving as National Research Initiative grants panelist (2001, 2003), and as manuscript reviewer for *Langmuir* and the *Journal of Food Science*. The panel assigned Degree B for this factor because Dr. Bower has authored technical publications at least one of which is of considerable importance to the assigned research situation, her work is beginning to be recognized as evidenced by recent invitations to serve on grant review panels, and she shares her expertise in protein adsorption with others. Degree A is somewhat exceeded, but not sufficiently to warrant Degree C.

Final Determination

The above evaluation yields a total of 22 points, which converts to grade 12. Based on the foregoing evaluation, this position is properly classified as Research Food Technologist, GS-1382-12.

REQUEST FOR PERSONNEL ACTION

PART A - Requesting Office (Also complete Part B, Items 1, 7-22, 32, 33, 36 and 39.)

1 Actions Requested
RECRUIT - RES FOOD TECHNOLOGIST/CHEMICAL ENGINEER/PROTEIN CHEMIST

2 Request Number
02-5341-123

3 For Additional Information Call (Name and Telephone Number)
Dr Michael C Shannon, (510) 559-6071

4 Proposed Effective

RECEIVED
USDA, ARS, HRD, WOB
02 JUL -3 PM 1:04

5 Action Requested By (Typed Name, Title, Signature, and Request Date)
Michael C Shannon
Antoinette A Betschart
Area Director
6-28-02

6 Action Authorized By (Typed Name, Title, Signature, and Concurrence Date)
Antoinette A Betschart
Area Director
6-28-02

PART B - For Preparation of SF 50 (Use only codes in FPM Supplement 292-1. Show all dates in month-day-year order.)

1 Name (Last, First, Middle)
Bower, Cynthia Kay

2 Social Security Number
[REDACTED]

3 Date of Birth
[REDACTED]

4 Effective Date
10-3-2004

FIRST ACTION

5-A Code
101

5-B Nature of Action
Career-Cond. Appt.

5-C Code
BDN

5-D Legal Authority
DEMO/USDA/Beltsville

5-E Code

5-F Legal Authority

SECOND ACTION

6-A Code
815

6-B Nature of Action
Recruitment Bonus \$10,000.00

6-C Code
VAF

6-D Legal Authority
S.U.S.C. 5753

6-E Code

6-F Legal Authority

7 FROM Position Title and Number
Research Food Technologist/Chemical Engineer/Protein Chemist #1PA030

15 TO Position Title and Number
Research Food Technologist/Chemical Engineer/Protein Chemist #1PA030

8 Pay Plan	9 Occ Code	10 Grade or Level	11 Step or Rate	12 Total Salary	13 Pay Basis	16 Pay Plan	17 Occ Code	18 Grade or Level	19 Step or Rate	20 Total Salary/Award	21 Pay Basis
						GS	1382	12	03	\$56,425.00	PA
12A Basic Pay	12B Locality Adj	12C Adj Basic Pay	12D Other Pay	20A Basic Pay	20B Locality Adj	20C Adj Basic Pay	20D Other Pay				
				\$56,425.00							

14 Name and Location of Position's Organization

22 Name and Location of Position's Organization
**ARS, Field Location
Pacific West Area
Fairbanks, Alaska
Subarctic Agricultural Research Unit
03 50 53 5341 05 00 00 00**

EMPLOYEE DATA

23 Veterans Preference
 1 - None
 2 - 5-Point
 3 - 10-Point/Disability
 4 - 10-Point/Compensable
 5 - 10-Point/Other
 6 - 10-Point/Compensable/30%

24 Tenure
 0 - None
 1 - Permanent
 2 - Conditional
 3 - Indefinite

25 Agency Use

26 Veterans Preference for RIF
 YES NO

27 FEGLI
 Basic

28 Annuitant Indicator
9

29 Pay Rate Determinant
7

30 Retirement Plan
 FERS

31 Service Comp Date (Leave)
10-3-2004

32 Work Schedule
F

33 Part-Time Hours Per Biweekly Pay Period

POSITION DATA

34 Position Occupied
 1 - Competitive Service
 2 - Excepted Service
 3 - SES General
 4 - SES Career Reserved

35 FLSA Category
 E - Exempt
 N - Nonexempt

36 Appropriation Code

37 Bargaining Unit Status
8888

38 Duty Station Code
02 0770 090

39 Duty Station (City -- County -- State or Overseas Location)
Fairbanks, AK North Star

40 Agency Data	41	42	43	44		
45 Educational Level	46 Year Degree Attained	47 Academic Discipline	48 Functional Class	49 Citizenship	50 Veterans Status	51 Supervisory Status
21	1995	020301		1 - USA 8 - Other	X	8

PART C--Reviews and Approvals (Not to be used by requesting office.)

1 Office/Function	Initials/Signature	Date	Office/Function	Initials/Signature	Date
A PATS	UM	7/15/02	D PMB	AM	10-8-04
B Staffing	to Christine	7/15/02	E EPIC	AM	10-8-04
C			F PATS	AM	
2 Approval I certify that the information entered on this form is accurate and that the proposed action is in compliance with statutory and regulatory requirements			Signature Sharon Reese	Approval Date 9-30-04	

PART D--Remarks by Requesting Office

(Note to Supervisors Do you know of additional or conflicting reasons for the employee's resignation/retirement?
If "YES", please state these facts on a separate sheet and attach to SF 52)

YES NO

PART E--Employee Resignation/Retirement

Privacy Act Statement

You are requested to furnish a specific reason for your resignation or retirement and a forwarding address. Your reason may be considered in any future decision regarding your re-employment in the Federal service and may also be used to determine your eligibility for unemployment compensation benefits. Your forwarding address will be used primarily to mail you copies of any documents you should have or any pay or compensation to which you are entitled.

with regard to employment of individuals in the Federal service and their records, while section 8506 requires agencies to furnish the specific reason for termination of Federal service to the Secretary of Labor or a State agency in connection with administration of unemployment compensation programs.

This information is requested under authority of sections 301, 3301, and 8506 of title 5, U S Code. Sections 301 and 3301 authorize OPM and agencies to issue regulations.

The furnishing of this information is voluntary, however, failure to provide it may result in your not receiving (1) your copies of those documents you should have, (2) pay or other compensation due you, and (3) any unemployment compensation benefits to which you may be entitled.

1 Reasons for Resignation/Retirement (NOTE Your reasons are used in determining possible unemployment benefits. Please be specific and avoid generalizations. Your resignation/retirement is effective at the end of the day - midnight - unless you specify otherwise.)

2 Effective Date	3 Your Signature	3 Date Signed	4 Forwarding Address (Number, Street, City, State, ZIP Code)
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PART F--Remarks for SF 50

K12 - Selected from: AFS-X4W-0403 dtd - 9-16-04
M01 - 10-4-04
M39 - None
Appointment is subject to completion of 3 year probationary period beginning 10-3-04.
P04
M45

RESEARCH POSITION EVALUATION REPORT

Position Identification

Position number 1PA030, Research Food Technologist, GS-1382-12, USDA, ARS, Pacific West Area, Subarctic Agricultural Research, Fairbanks, Alaska

Classification References

- OPM Research Grade Evaluation Guide (RGEG) (September 2006)
- OPM Job Family Standard for Professional Work in the Physical Science Group, GS-1300 (HRCD-4, December 1997)

Background Information

This is a professional research position occupied by Dr. Cynthia K. Bower. As such, it is covered by the ARS evaluation plan for research positions as outlined in Policies and Procedures 431.3-ARS.

On December 12, 2007, a panel evaluated this position based upon the case writeup, the indepth reviewer's report, the cited standards, and related ARS policies and procedures. Each panelist evaluated and scored the case prior to the meeting. After hearing the indepth reviewer's report, followed by open discussion, the panel arrived at the consensus score and resulting classification decision.

Series and Title Determination

The incumbent conducts research to utilize waste products from salmon processing. This requires application of professional education and training in the fields of food technology, chemistry, and microbiology, so that classification to the GS-1382 series is appropriate. The title Research Food Technologist is prescribed by the standard.

Grade Level Determination

Factor 1 - Research Assignment: Overall evaluation at Level C (6 points)

Dr. Bower conducts research to utilize waste products from salmon processing (including collagen from fish skins) to ferment or acidify waste, and gasify waste. In team research, she usually functions as leader, providing expertise in microbiology and food technology. Objectives are to characterize the chemical and microbiological properties of fish byproducts and to develop value-added products for fish processing waste. Of particular significance are current studies on preservation for storing waste from fish processing via acidification or fermentation. Methods and approaches employed are best characterized as novel, because a variety of approaches to

using fish byproducts must be evaluated to identify those having potential for adoption by the fish processing industry in Alaska. Successful research should result in environmentally sound options for adding value to fish by-products currently discarded as waste. The panel assigned Level C for this factor because Dr. Bower is responsible for an area of research requiring a systematic attack. Novel as well as standard methods of food and processing technology are followed, and successful research will result in a series of documentable additions to knowledge of considerable interest to the scientific community and industry.

Factor 2 - Supervisory Controls: Overall evaluation at Level C (6 points)

Within the broad assignment, Dr. Bower has the freedom to identify and define projects and to determine the most promising approaches. Specific problems for study, such as work on preservation and gasification of fish waste, are selected by incumbent subject to approval by the supervisor. Technical guidance is consultative in nature. Manuscripts and other reports are reviewed by the supervisor as required by ARS policy. Major changes in research require the supervisor's approval. Incumbent has responsibility for formulating research plans and carrying them to completion, and freedom to select the most promising approaches consistent with CRIS objectives. The panel assigned Level C for this factor because Dr. Bower has considerable freedom in problem selection and in planning and conducting research. Only overall results are reviewed, and approval is required only for major changes in research.

Factor 3 - Guidelines and Originality: Overall evaluation at Level B (4 points)

Literature on composition of Alaskan fish species is available, but specific information on the composition of byproducts and methodologies for uses that can be readily applied to those byproducts is lacking. Available techniques such as those for fermentation, acidification, or gasification to preserve or dispose of byproducts, require major adaptation. Originality is required to identify components of fish byproducts having commercial potential, and to devise practical methods for stabilizing large quantities of fish byproducts that can be held until used. The assignment is difficult because many fish species are caught and processed over a very large geographic area where transportation is difficult. Dr. Bower's originality is evidenced by her work on inhibition of bacteria adhesion to surfaces, and applying this approach to medical devices. The panel assigned Level B for this factor because there is useful literature available, but it requires new application to areas researched. Originality is required to develop techniques with commercial potential to utilize byproducts of fish processing operations in Alaska. Dr. Bower's work has shown her ability to isolate critical aspects of problems, and to adapt existing principles into new combinations. Level A is exceeded but not sufficiently to fully meet Level C.

Factor 4 - Contributions, Impact, and Stature: Overall evaluation at Level B (8 points)

The panel determined Accomplishments #1, #3, and #4 to be Dr. Bower's best work. In #1, she demonstrated the ability to put antimicrobial agents on surfaces, and showed that they retained antimicrobial activity. This work led to a patent and resulted in further research. In #3, Dr. Bower showed that nisin inhibits adhesion of bacteria to medical devices, such as catheters. Her work has been instrumental in developing commercial interest and grant funding in excess of \$1 million in this approach to prevent infection and reactions to implanted devices. In #4, incumbent's work on the survival of acid tolerant pathogens in acid fruit juices and extension publication detailing the findings have had an important impact in guiding the Oregon juice industry in developing hazard analysis and critical control point plans. Dr. Bower's stature is evidenced by invitations to speak at the American Institute of Chemical Engineers Conference on Food Engineering (Chicago, 1995), to a Food Microbiology and Food Safety Short Course at the Food Innovation Center (Portland, OR, 2002), and at the American Oil Chemist's Society annual meeting (Seattle, 2008), and to write a chapter in *Value-Added Products for Health Promotion* (2007). She is regionally recognized for research in inhibiting adhesion of bacteria to surfaces and pathogen survival in acid fruit juices. She has a good record of participation in scientific meetings. Her most significant advisory and consultant activities include serving as a panel member for National Research Initiative (NRI) grant panels for both value-added products and food safety, and a reviewer for Small Business Administration and NRI grants. The panel assigned Level B for this factor because Dr. Bower has authored technical publications at least one of which is of considerable importance to the assigned research situation. Her work is beginning to be recognized as evidenced by recent invitation to present her work at society meetings, and she shares her expertise in bacterial inhibition and pathogen survival with others. Level A is somewhat exceeded, but not sufficiently to fully meet Level C.

Point Conversion

The above evaluation yields a total of 24 points, which converts to grade 12.

Final Determination

Based on the foregoing evaluation, this position is properly classified as Research Food Technologist, GS-1382-12.

For the panel:

Diane Leslie
Personnel Representative
December 20, 2007

REASON FOR THIS POSITION *IPA 030*

1. NEW <input checked="" type="checkbox"/>	2. IDENTICAL ADDITION TO THE ESTABLISHED PD NUMBER	3. REPLACES PD NUMBER
---	--	-----------------------

POSITION DESCRIPTION COVER SHEET

RECOMMENDED

4. TITLE Food Technologist	5. PAY PLAN GS	6. SERIES 1382	7. GRADE 12
8. WORKING TITLE	9. INCUMBENT (Name) Cynthia Bower		

OFFICIAL

10. TITLE *Research*
Food Technologist

11. PP	12. SERIES	13. FUNC	14. GRADE	15. DATE	16. I/A	17. CLASSIFIER
GS	1382		12	MONTH/DAY/YEAR 10/03/2004	YES NO <input checked="" type="checkbox"/> <i>me</i>	

18. ORGANIZATIONAL STRUCTURE (Agency/Bureau)

1st AGRICULTURAL RESEARCH SERVICE	5th SUBARCTIC AGRICULTURAL RESEARCH UNIT
2nd FIELD ORGANIZATION	6th
3rd PACIFIC WEST AREA	7th
4th FAIRBANKS, ALASKA	8th

SUPERVISOR'S CERTIFICATION

I certify that this is an accurate statement of the major duties and responsibilities of the position and its organizational relationships and that the position is necessary to carry on Government functions for which I am responsible. This certification is made with the knowledge that this information is to be used for statutory purposes relating to appointment and payment of public funds and that false or misleading statements may constitute violations of such statute or their implementing regulations.

19. Supervisor's Signature <i>Alberto Pantoja</i>	20. Date 07-x-04	22. Second Level Supervisor's Signature	23. Date
21. Supervisor's Name and Title Alberto Pantoja, Research Leader		24. Second Level Supervisor's Name and Title	

FACTOR EVALUATION SYSTEM

FACTOR	25. FLD/BMK	26. POINTS	FACTOR	25. FLD/BMK	26. POINTS	
1. Knowledge Required			6. Personal Contacts			
2. Supervisory Controls			7. Purpose of Contacts			
3. Guidelines			8. Physical Demands			
4. Complexity			9. Work Environment			
5. Scope and Effect			27. TOTAL POINTS		27.	
					28. GRADE	28.

CLASSIFICATION CERTIFICATION

I certify that this position has been classified as required by Title 5, US Code, in conformance with standards published by the OPM or, if no published standard applies directly, consistently with the most applicable published standards.

29. Signature <i>Frank Reese</i>	30. Date 10-3-04
31. Name and Title <i>Frank Reese, Human Resources Specialist</i>	

32. Remarks Approved Position under ARMPS 1PA030	33. OPM Certification Number
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Position Title: Research Food Technologist / ~~Chemical Engineer~~ / ~~Protein Chemist~~

Series and Grade: GS- 1382- 12/13/14

Factor 1. Research Assignment

A. Assigned Responsibility

The incumbent plans and conducts basic and applied research concerning the utilization of fish processing waste as feed ingredients. Research will be conducted by the incumbent on devising efficient methods for processing fish wastes that can be used by medium and small size fish processors in the Alaska region. Other research efforts will focus on creating new and/or improved byproducts from fish processing wastes for market niches. Potential projects include developing economic methods to stabilize or preserve wastes prior to processing, improving fish meal products to meet specific aquaculture niches, creating aquaculture palatability enhancement ingredients, and devising farm animal starter diets. Personal research projects can also include some development of new ingredients and value-added products from fish processing wastes for human consumption and industrial uses. *This is part of the Aquaculture NP 106.*

Pilot plant and laboratory facilities are located on the University of Alaska campus in Fairbanks and in Kodiak Alaska. The incumbent is a member of a multi-disciplinary team conducting research and contributing cooperative efforts with other ARS, public and private research programs. This research is expected to have regional, national and international impact.

B. Research Objectives and Methodology

The research objectives are to develop functional, stable, safe, nutritious feeds and feed supplements for aquaculture, livestock, and poultry, the development of processing methods, and the discovery of value-added components. The incumbent, in cooperation with the University of Alaska Fairbanks and other partners, will develop research and technologies to transform fisheries processing byproducts into a functional, stable, safe, nutritious feed or feed supplement. In the process, information will be developed about the nutritional components of the fish processing byproducts, and how those components can be separated for various uses, and modified into materials acceptable for various feedstock uses. Further research will determine conditions under which the processed feed supplements can be stored for short or long periods

before use.

The incumbent develops techniques for safe handling, collecting, processing, storing, and reconstituting waste byproducts. This will involve chemical and biochemical analysis of the process waste stream components, determining which byproducts can be effectively treated to alter them into nutritious feed supplements, developing processes to remove non-nutritious components, and modify or develop the processes and equipment needed to stabilize the feed supplements. The incumbent also will develop techniques for extracting, processing, and storing high-value minor constituents of the waste byproducts that may contribute to the economic viability of waste byproduct processing. Because the products of this research may be used as feed for the same or similar species as the originating material, care must be taken to ensure that virus, bacterial, fungal, and prion diseases of the source fish are not passed through the processing system to the consuming animal.

C. Expected Results

The outcome will be to provide fish processing facilities with an economical outlet for waste byproducts. Feed ingredients from fish processing byproducts can supplement or replace fish meal from commercial fish stocks, reducing pressure on those wild stocks.

Knowledge developed by this research project can be transferred directly to the marine and freshwater fish processing industry and livestock producers worldwide. The research is particularly relevant to markets where there is direct competition between humans and livestock for scarce marine protein.

D. Knowledge Required

The research assignment requires in depth knowledge and research experience in food technology and/or chemical engineering of animal foods and feeds. A working knowledge of animal nutrition is required. An ability to design and conduct a research program and to work closely with other scientists, without direct day-to-day supervision, is essential.

E. Supervisory Responsibilities

Provides supervision over one or more ARS technicians and temporary support employees. The expected grade of these technicians and support staff is GS-5/7/9. Outlines work assignments, provides guidance on procedures and methods to be employed and reviews work in progress. Incumbent is responsible for approving or disapproving leave, giving performance evaluations and making recommendations concerning personnel actions. Assures that equal opportunity is extended to employees supervised which includes full consideration of eligible minority group members and women in filling vacant positions; holding individual and group meetings to communicate equal employment opportunity and program missions; providing career counseling and orientation, enhancing career opportunities through training and development, job redesign and similar techniques; and ensuring full and equal consideration of these employees in recommending promotions, awards, and other forms of special recognition.

Factor 2. Supervision Received

A. Assigned Authority

The incumbent has authority to plan and implement a research program within the guidelines of the assigned CRIS project. The incumbent has authority to speak with stakeholders, University cooperators, and other interested parties regarding the ARS research program for utilization of fish waste byproducts.

B. Technical Guidance Received

Incumbent receives no technical supervision. Supervision is confined to broad guidelines relating to policy, funding and personnel management and is usually consultative in nature. Other guidelines are scientific or technical developments and advances of other public or private research organizations.

C. Review of Results

Incumbent's reports and interpretations are reviewed for relevance to CRIS Work Unit objectives and ARS research policy, but are generally accepted as accurate subject to judgement by the scientific community.

D. General Supervision

The incumbent is administratively supervised by the Research Leader of the Subarctic Agricultural Research Unit.

Factor 3. Guidelines and Originality

A. Available Literature

There is information in the literature on functional and nutritional characterization of various animal tissues and organs, including those from fish. There also is substantial information on processing whole fish into fish meal. However, there is little information on modifying mixed waste materials from fish processing activities into nutritious feed supplements.

B. Originality required

Creativity and originality are required to develop new paradigms and/or processes for modifying a waste material into nutritious, functional, and value-added feeds and feed supplements. This could include modifying existing technology and developing new and innovative processes.

14 March, 2008

Response to Formal Grievance

Sent from:

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



United States Department of Agriculture

Research, Education and Economics
Agricultural Research Service

March 14, 2008

SENT VIA FEDERAL EXPRESS (Tracking #7909 6086 5544)

SUBJECT: Response to Formal Grievance

TO: Cynthia K. Bower
Research Food Technologist

FROM: Andrew C. Hammond
Acting Area Director

A handwritten signature in blue ink, appearing to read "Andrew C. Hammond".

This memorandum is in response to your Formal Grievance dated February 4, 2008, concerning your allegations of a "hostile work environment." Your formal grievance was filed under the Agricultural Research Service (ARS), Administrative Grievance System, Policies and Procedures (P&P) 463.2, dated June 4, 2001.

In your Informal Grievance as relief you requested: (1) to be "supported in [your] career by the GS-15 level males in [your] Unit;" (2) an "investigator be sent to SARU to collect statements;" (3) "the EEO-unfriendly ARS leadership decisions...be immediately remedied;" (4) "re-training for the In Depth Reviewer who served on [your] RPES panel;" (5) "assurance that [you are] employed within a fair and equitable agency, which adheres to USDA written EEO statements;" (6) "clear guidelines be provided to [you] describing how [you] can meet and exceed expectations for [your] 2008 annual performance appraisal;" and (7) "permission to prepare an article for the popular press describing the abusive situation that has evolved for ARS female scientists in Alaska." However, in your Formal Grievance, you requested additional relief that was not previously stated in your Informal Grievance. The Administrative Grievance System, Policies and Procedures (P&P) 463.2, clearly states "the formal grievance may not concern any matter that was not presented as part of the informal grievance." Thus, the additional relief and newly presented issues raised in your Formal Grievance will not be considered.



Pacific West Area - Office of the Director

800 Buchanan Street • Albany, CA 94710-1105

Voice: 510.559.6060 • Fax: 510.559.5779 • E-mail: Andrew.Hammond@ars.usda.gov

An Equal Opportunity Employer

In your Formal Grievance, you stated that "the response to [your] informal grievance was unacceptable, since it did not adequately address the issues [you] raised." Thus, I will review the issues raised and relief requested as stated in your Informal Grievance. In your Informal Grievance, you stated that you are requesting "relief from the extremely hostile environment for women" and "career-damaging events that have been occurring [at your location] on a routine basis for many years." Article 5 of the Administrative Grievance System, Policies and Procedures (P&P) 463.2 states:

This Policies and Procedures issuance does not apply to... [a] dispute over a matter for which an employee has an entitlement to file an appeal, grievance, or formal challenge in some other forum. This includes matters that are reviewable by the Merit Systems Protection Board (MSPB), the Equal Employment Opportunity Commission (EEOC), the Office of Personnel Management (OPM), the Comptroller General (CG), the Federal Labor Relations Authority (FLRA), or the Federal Mediation Conciliation Service (FMCS).

Thus, these issues are nongrievable matters.

As previously stated, you alleged that the issues you raised "have been occurring [at your location] on a routine basis for many years." Article 9 of the Administrative Grievance System, Policies and Procedures (P&P) 463.2 states:

Employees must submit an informal grievance within 15 days of the act or occurrence that is the basis of the grievance or within 15 days of the date the employee became aware of the act or occurrence.

Thus, the Informal Grievance was untimely filed because the basis of your grievance, as you contend in your Informal Grievance, "[has occurred at your location] on a routine basis for many years."

ARS considers allegations of discrimination very seriously. On January 18, 2008, Dr. Edward B. Knipling, Administrator, provided all employees with the 2008 Diversity/Equal Employment Opportunity Policy Statement. This policy states that "conduct or behavior that indicates discrimination, harassment (sexual or non-sexual), or retaliation will not be tolerated." Thus, we have a zero tolerance policy for discrimination of any kind in the workplace that is defined by the Equal Employment Opportunity Commission. The Pacific West Area (PWA) management as well as ARS does not support discriminatory acts. On January 25, 2008, as Acting Area Director, I provided all PWA employees with the 2008 Pacific West Area Diversity/Equal Employment Opportunity Policy Statement. Further, we thoroughly investigate complaints of discrimination. As you mentioned in your Formal Grievance, Dr. Matteri investigated your complaint. He did not find any evidence to support your complaint. Thus, your request "that the claims of harassment by SARU's

three female SYs are taken seriously" were taken seriously, investigated, and addressed by Dr. Matteri in his Response to your Informal Grievance.

Relief

After careful review of your Formal Grievance and attachments, the Response to your Informal Grievance, your Informal Grievance and attachments, the Administrative Grievance System, Policies and Procedures (P&P) 463.2, and the ARS 2008 Diversity/Equal Employment Opportunity Policy Statement, I have concluded that the issues you raised in your Informal Grievance are nongrievable matters as defined by Article 5 of the Administrative Grievance System, Policies and Procedures (P&P) 463.2. In addition, your Informal Grievance was untimely filed as defined by Article 9 of the Administrative Grievance System, Policies and Procedures (P&P) 463.2. Finally, the new issues and additional relief you raised and requested in your Formal Grievance are prohibited from consideration as defined by Article 9 of the Administrative Grievance System, Policies and Procedures (P&P) 463.2. Further, Article 9 states:

Grievances can be rejected if they:

- **are filed untimely,**
- **concern a matter excluded from coverage,**
- are filed by employees excluded from coverage,
- concern a matter over which the DO has no control,
- do not conform to the filing requirements of a formal grievance, or
- fail to request personal relief.

Consequently, your Grievance is rejected and your requests for relief are denied.

If the matter has not been resolved to your satisfaction, you have a right to a final decision by the Administrator, Agricultural Research Service, with or without review by a Departmental Factfinder (Grievance Examiner). If you wish to pursue your grievance further, you must submit a written request for further review by a Departmental Factfinder or a final decision by the Administrator, without fact finding, within 15 calendar days of receipt of this proposed disposition. You must indicate in the request which items remain unresolved, the corrective action being sought, and any additional arguments and evidence which you wish to have considered.

If you do not request a final Agency decision with or without a Factfinder within 15 calendar days, this proposed disposition will be adopted as the final Agency decision on the grievance and the grievance will be closed. A request for a final Agency decision with or without a Departmental Factfinder should be addressed to:

Dr. Edward B. Knipling, Administrator
USDA, Agricultural Research Service
c/o HRD, Employee Relations Branch
5601 Sunnyside Avenue, Stop 5102
Beltsville, MD 20705-5102
Attn: LaFondra Lynch

The Cooperative Resolution Program (CRP) was developed in the Research, Education, and Economics (REE) mission area to assist employees and managers in recognizing potential concerns or issues and to resolve them at the earliest possible stage. This program is completely voluntary. As Dr. Matteri stated in the Response to your Informal Grievance, Dr. Pantoja is willing to participate in this program if this is something that would help both of you to resolve any current or future misunderstandings. However, to begin this process, you must contact the CRP by calling 301-504-1460.

The Employee Assistance Program (EAP) can help in a variety of situations. If you believe that EAP can be of assistance, you are urged to call the EAP office at 1-888-290-4327.

If you have any questions concerning this decision, you may contact LaFondra Lynch, Human Resources Specialist (Employee Relations), at 301-504-1409, during normal business hours.

You are requested to sign and date the acknowledgement copy of this letter as evidence that you have received it. Your signature does not mean you agree or disagree with the contents of this memorandum. However, your failure to sign the acknowledgement copy will not void the contents of the memorandum.

cc:

E. Knipling, ARS

L. Lynch, HRD

I acknowledge receipt:

Cynthia K. Bower

Date

Dr. Edward B. Knipling, Administrator

March 26, 2008

Dr. Edward B. Knipling, Administrator
USDA, Agricultural Research Service
c/o HRD, Employee Relations Branch
5601 Sunnyside Avenue, Stop 5102
Beltsville, MD 20705-5102

Attn: LaFondra Lynch

Dr. Knipling,

This letter is in response to the document issued by PWA's Acting Area Director Andrew Hammond as a reply to my Formal Grievance. He instructed me to contact you in the event that the matter was not resolved to my satisfaction. Considering that Dr. Hammond introduced false statements into his response, then dismissed my grievance and denied all relief, I believe that dissatisfaction is a reasonable reaction on my part. Consequently, I wish to pursue this grievance further. To expedite the process, ***I am requesting that a final decision be made***, without a factfinder, based on the ample evidence previously presented in my grievances, which are attached.

Items Remaining Unresolved

- 1.) The Research Leader (Alberto Pantoja) has established an extremely hostile environment for women in ARS Alaska's Subarctic Agricultural Research Unit (SARU). There are only three female research scientists at SARU, and each of us has filed more than one grievance concerning career-damaging events. The male scientists have all witnessed at least one harassing event, and they can serve to corroborate that unequal treatment exists for SARU's women. During this time, the PWA administrators (Drs. Buxton, Hammond, and Matteri) have facilitated the EEO violations, rather than taking definitive action to correct them.
- 2.) I was originally offered my job at lower GS and salary levels than the advertised position (GS 13/14) due to willful misconduct of ARS personnel. I now strongly believe that this discriminatory treatment was permitted by PWA because I am a female scientist, (which remains an underrepresented group in the ARS).
- 3.) Leadership decisions within ARS have severely damaged my career. Loss of promotion is a tangible employment action that will have financial and stature-related repercussions for the rest of my life. I am now excluded from the possibility of attaining a GS 14 rating, necessary for an ARS leadership position, before I approach retirement age. This is especially distressing to me at a time when I perceive such a vital need for competent leaders with integrity to emerge from within the ARS ranks.

Corrective Action Being Sought

- 1.) I request that I be reclassified as GS 13, retroactive to December 2007.

- 2.) I request that leadership failures existing within the PWA be dealt with appropriately.

Additional Evidence I wish to Have Considered

1.) My earlier grievances documented problems in Alaska's ARS unit and clarified misconceptions associated with Dr. Matteri's response. For example, Dr. Matteri's contention that there is no evidence of abuse of ARS female scientists in Alaska simply ignores the facts, (in this case, numerous grievances and other communiqués from the other two female scientists working for the ARS in Alaska). My previous grievances stand on their own merit and are attached for your review. However, it is essential that I now refute the false statements introduced by Dr. Hammond through his recent response to my Formal Grievance:

- The statement quoted from P&P 463.2 ("the formal grievance may not concern any matter that was not presented as part of the informal grievance") was misleading. No newly presented issues were raised, and the P&P statement does NOT apply to additional requests for relief. Any extra information included in my Formal Grievance was in direct response to misconceptions introduced by Dr. Matteri in his response to my Informal Grievance, and it was critical that his errors be properly refuted.

- Additionally, Dr. Hammond assigned "nongrievable" status to my complaints (despite accepting the Informal Grievance and addressing the requests) by stating that I should have taken them to another forum outside the ARS, such as the Merit Systems Protection Board or the Equal Employment Opportunity Commission. If an Agency's Policies and Procedures designate it as unable to handle complaints of workplace discrimination, how can the Agency issue an EEO statement proclaiming zero tolerance for gender bias and other discriminatory practices? The PWA either has an enforceable EEO policy or it doesn't, in which case Dr. Hammond's errant EEO missive of January 25th should be recalled (again).

- Dr. Hammond further alleged that my first informal grievance was not filed in a timely manner. This is incorrect. I received my RPES results on December 15th, and I filed the grievance on December 27th. This is well within the 15 days that I was allowed. The basis of my complaint was that the hostile work environment, which I had been enduring in silence up to that point, had just irreparably damaged my career. I introduced as much evidence as I could to support my contention. The discriminatory practices surrounding my initial hiring certainly qualified as proof that I had not received fair treatment from the very beginning of my employment with

Dr. Edward B. Knipling, Administrator

the ARS. According to SARU's recent EEO training, demonstrating pervasive unfair treatment is required to prove discrimination. Therefore, it is completely unreasonable for Dr. Hammond to disallow evidence that establishes a pattern of abuse, merely because it occurred more than 15 days before I filed my grievance.

- Dr. Hammond also provided information concerning the ARS's EEO policy statement. The paragraph is disingenuous. If Dr. Matteri had "thoroughly investigated complaints of discrimination" occurring in Alaska's ARS unit, he would have discovered that all three female scientists had filed grievances concerning gender bias and hostile working conditions. Then, according to ARS policies, immediate action would have occurred and the abuse would have stopped. Since the grievances, complaints, and other communiqués continue to flow from Alaska to the Pacific West Area, I can only conclude that any investigations by Drs. Matteri and Hammond have been embarrassingly inadequate.

I maintain that I did not invite the harassment I am experiencing and I do not deserve to be mistreated. This has been a soul-draining experience for me, but I am hopeful that you will provide an equitable resolution, once and for all.

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 99775-7200

(907) 474-6732

bower@sfos.uaf.edu

Legend for attached Exhibits

Exhibit 1: Informal grievance sent to Andrew Hammond (12/27/07)

Exhibit 2: Robert Matteri's response to my informal grievance (01/24/08)

Exhibit 3: Formal grievance sent to Andrew Hammond (02/04/08)

Exhibit 4: Andrew Hammond's response to my formal grievance (03/17/08)

27 May, 2008

Response to Final Agency Decision

Sent from:

**Dr. Edward Knipling
Administrator
Agricultural Research Service**

!!

Incredibly, this confidential response, which arrived the next day by FedEx in an envelope clearly marked “to be opened by the addressee only”, was emailed to one of the ARS support staff in Fairbanks with the instructions to open the file and print it!

!!

From: "Bower, Cindy" <Cindy.Bower@ars.usda.gov>
Subject: **FW: Bower**
Date: May 27, 2008 8:23:48 AM GMT-08:00
To: <bower@sfos.uaf.edu>
▶ 1 Attachment, 101 KB

From: Contento, Janis
Sent: Tuesday, May 27, 2008 8:21 AM
To: Bower, Cindy
Subject: Bower

From: Lynch, Lafondra
Sent: Tuesday, May 27, 2008 4:57 AM
To: Contento, Janis
Subject: Bower

Janis,

I am attaching Dr. Knipling's response to Cynthia Bower's request for a Final Agency Decision. I need you to give her a copy of it today. If you have any questions, please let me know.

LaFondra Lynch
Employee Relations Specialist
USDA-ARS-AFM-HRD-ERB
5601 Sunnyside Avenue
Beltsville, MD 20705-5102
(301) 504-1409 (voice)
(301) 504-1375 (fax)
lafondra.lynch@ars.usda.gov (email)



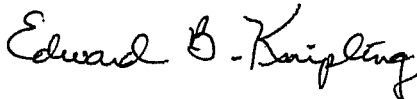
United States Department of Agriculture

Research, Education, and Economics
Agricultural Research Service

MAY 23 2008

SUBJECT: Final Agency Decision

TO: Cynthia K. Bower
Research Food Technologist
Subarctic Agricultural Research Unit

FROM: Edward B. Knipling 
Administrator

This memorandum is to inform you of the final Agency decision you requested on March 28, 2008, on your formal grievance concerning your allegations of a "hostile work environment." As relief, you requested to be "reclassified as GS 13" and the alleged "leadership failures existing within the PWA be dealt with appropriately." I have fully and carefully considered your grievance and the exhibits you have presented to support your position, as well as the material contained in the grievance file.

In your request for a final Agency decision, you stated the following issues remain unresolved: 1) "an extremely hostile environment for women," 2) "discriminatory treatment" resulting in your being "offered [your] job at lower GS and salary levels than the advertised position," and 3) "loss of promotion."

Your grievance centered on your allegations of discrimination. Article 5 of the Administrative Grievance System, Policies and Procedures 463.2, dated June 4, 2001, states:

"This Policies and Procedures issuance does not apply to . . . [a] dispute over a matter for which an employee has an entitlement to file an appeal, grievance, or formal challenge in some other forum. This includes matters that are reviewable by the Merit Systems Protection Board (MSPB), the Equal Employment Opportunity Commission (EEOC), the Office of Personnel Management (OPM), the Comptroller General (CG), the Federal Labor Relations Authority (FLRA), or the Federal Mediation Conciliation Service (FMCS)."

Thus, the three issues cited in your request are nongrievable matters. However, the Agricultural Research Service (ARS) does not support acts of discrimination nor will these acts be tolerated. Dr. Robert Matteri, Assistant Area Director, Pacific West Area, investigated your allegations.



No evidence was found to support your allegations of a hostile work environment or discrimination. In addition, Mr. Jeff Schmitt, Research, Education, and Economics Cooperative Resolution Program Office, visited your location from January 14-18, 2008, to discuss any issues or concerns you and the other scientists may have and attempt to resolve them. Mr. Schmitt did not report any evidence supporting your allegations.

In addition to your allegations of discrimination, you asserted you were “offered [your] job at a lower GS and salary levels than the advertised position.” Although this is not uncommon, Dr. Matteri consulted the Director of the ARS Human Resources Division (HRD), Karen Brownell, regarding this process and confirmed that for all Category 1 scientists, final classification decisions must be made by a peer panel through the Research Position Evaluation System (RPES) before HRD can issue a letter of offer. An RPES panel evaluated your application and determined you be classified as a GS-12. Thus, a job offer could not be made to you on the original recruitment announcement. Subsequently, the position was readvertised at the GS-12 level for which you applied, and you were hired under the new recruitment announcement. The supervisory selecting official, in your case Dr. Alberto Pantoja as Research Leader, does not have the authority to make formal offers of employment or to establish position grade levels for new hires or incumbent employees.

Dr. Pantoja, Research Leader, Subarctic Agricultural Research Unit (SARU), has arranged for Dr. Eric Jang, Research Leader, Tropical Plants Pest Research Unit, to deliver a presentation on the RPES process to all SARU employees on September 4, 2008. Please take this opportunity to fully understand the RPES position classification process and to ask additional questions about it.

This completes the grievance process and constitutes the final Agency decision in this matter. If you have any questions or concerns regarding this letter, please contact Ms. LaFondra Lynch, Human Resources Specialist, at 301-504-1409 during normal business hours.

cc:

L. Lynch, HRD