

*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)*

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

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

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**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](mailto:lafondra.lynch@ars.usda.gov) (email)

No apologies were ever issued by LaFondra Lynch for this unethical breach of protocol, (i.e. she not only "emailed" sensitive material, but she willfully sent the document to someone other than the intended recipient). This level of disrespect was perpetrated against several of the women research scientists in Alaska who were trying to stop their supervisor's unlawful activities against the women he supervised.



United States Department of Agriculture

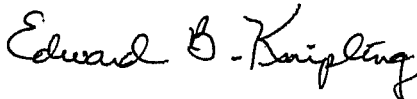
Research, Education, and Economics  
Agricultural Research Service

MAY 23 2008

In this Final Agency Decision, the Administrator of the USDA ARS ruled that a "hostile environment for women" and "discriminatory treatment" by an ARS supervisor are "nongrievable matters" (even though both activities are in violation of U.S. laws).

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

One of the grievances being addressed in this Final Agency Decision by Dr. Knipling was that the male supervisor of ARS in Alaska absolutely refused to appoint women scientists as “acting” Research Leader in his absence. He only appointed male scientists, regardless of whether they had a lower rank than their female peers, less time in the unit, or were even on probationary status within the agency. No legitimate non-discriminatory reasons for this disparate treatment were ever offered by the Agency, (i.e. even they recognized Dr. Pantoja’s actions as discriminatory and in violation of Title VII of the Civil Rights Act of 1964, as amended).

Since the ARS Administrator himself would not allow the women in his agency to receive equal rights (as guaranteed by U.S. laws), all women research scientists working for the ARS in Alaska eventually filed Equal Employment Opportunity (EEO) complaints outside of the ARS (i.e. with the parent agency, USDA). Only then were the women scientists allowed to serve as acting research leader, (although not in the full capacity with all the privileges that were granted to the men). Meanwhile, other forms of unlawful discrimination persisted.

The question that remains is "why" did the ARS Human Resources (HR) personnel, such as Lafondra Lynch, repeatedly process the womens' grievances (which proved conclusively that discrimination against the women scientists was occurring) without ever acting to stop the unlawful activities. Did she ever report the abuses to her supervisor (or question the integrity of her employer)?

It takes a village (i.e. all parts of an organization working together) to break U.S. laws and allow U.S. Civil Rights violations to occur year after year, with no opportunity for the targeted groups to ever receive justice.