

**This document was prepared prior to the EEOC Settlement meeting.**

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EEOC-mediated Settlement Meeting with USDA

**This information is being presented merely to demonstrate the levels of relief that should have been available to me. It does NOT represent what actually occurred during the negotiation, (which should be obvious by the document's omission of "immediate voluntary resignation" as a possible form of relief that might be offered to a Complainant).**

As a Federal employee working for the USDA Agricultural Research Service, I have suffered in the terms and conditions of my employment, due to actions and decisions by officials of USDA. I believe that their actions were motivated by a discriminatory animus based on my gender and in 2008 I filed an individual complaint of employment discrimination in accordance with the USDA Equal Employment Opportunity (EEO) Employment Complaint Processing Procedures.

When the USDA finds that the agency has discriminated against an employee, appropriate remedial measures as set forth in 29 C.F.R. Part 1614, Subpart E - Remedies and Enforcement, are awarded. Since it is the policy of USDA to make completely whole any individual who has been found to have suffered from discrimination, the following relief is requested:

- (1) Equitable relief (back pay, restoration of benefits, rescission of personnel actions, expurgation of documents, provisions of training or employment opportunities, retroactive promotions, front pay) back pay or lump sum in lieu of back pay; Back pay, computed in the manner prescribed by 5 C.F.R. '550.805, shall be awarded from the date the individual would have begun duty, assumed the duties of the position at (from DM 4300-1 July 20, 2001); Interest on back pay shall be included in the back pay computation (see Sub Part E - Remedies and Enforcement - 29 C.F.R. 1614.501). Back pay is not limited to salary amounts, but also includes all benefits or entitlements that may arise out of the employment situation. Consider new job placement with back pay interest.

My losses: GS-13 back pay for 5 years, followed by GS-13 front pay and benefits from now until retirement (if their unlawful harassment, discrimination, and retaliation forces me to terminate my employment with ARS and quit my career in science).

Pain and suffering (loss of prestige and status). Interest on Compensatory Damages, Back Pay, with interest, Front Pay, Retroactive Personnel Actions (e.g., promotions). An unconditional offer to each identified victim of discrimination of placement in the position the person would have occupied but for the discrimination suffered by that person, or a substantially equivalent position

(I want a new job!)

The back pay liability under title VII is limited to two years prior to the date the discrimination complaint was filed.

- (2) Injunctive relief. Injunctive relief can include training or discipline of supervisors or co-workers, (except, not for federal workers) the issuance and/or posting of apologies, notices of policy statements, etc. Notification

to all employees of the agency in the affected facility of their right to be free of unlawful discrimination and assurance that the particular types of discrimination found will not recur, **(I want a notice of discrimination posted in SARU!)**

- (3) Compensatory damages. Compensatory damages are monetary payments beyond equitable relief (and attorney's fees) which repay the complainant for losses beyond direct effects to terms or conditions of employment. Pecuniary compensatory damages include quantifiable losses such as medical costs incurred, loss of credit, loss of residence, etc. Nonpecuniary losses include payments for pain, suffering, loss of reputation, embarrassment, etc. Punitive damages are not recoverable by Federal employees.
- (4) Attorney's fees and costs. Attorney's fees and costs are available for expenses, costs, or lost entitlements representational services, determined in accordance with the provisions of 29 C.F.R. 1614.501(e). A finding of discrimination raises a presumption of entitlement to attorney's fees.

Back Pay (5 CFR § 550.805 – Back pay computations),  
plus interest (5 CFR § 550.806 - Interest computations),  
plus attorney fees (5 CFR § 550.807 - Payment of reasonable attorney fees),  
plus anticipated promotions (5 CFR § 550.808 - Prohibition against setting aside proper promotions).

Relief provided the complainant should be relevant to the issues of the complaint or other matters involved. Relief will be granted in accordance with applicable law and regulations. Whether or not a finding is made, the law provides authority to grant such relief, as is appropriate, to make the complainant whole. The provisions of 29 C.F.R. 1614.501 will be followed in granting remedies on the complaints.

In the Civil Rights Act of 1991 (Civil Rights Act of 1991, 105 Stat. 1071, §2), Congress determined that victims of employment discrimination were entitled to *additional* remedies. Congress expressly found that “additional remedies under Federal law are needed to deter unlawful harassment and intentional discrimination in the workplace”.