

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)

ARS-2008-00542

COMPLAINT OF EMPLOYMENT DISCRIMINATION

United States Office of Civil Rights Reporters Building, Room #607
Department of Employment Complaint 300 7th Street SW
Agriculture and Adjudication Division Washington, DC 20024

1. Name (First) (MI) (Last)
Mr.
Ms.
USDA Employee
USDA Applicant

2. Address (Street) (City)
3. Telephone Number Work () Home ()

4. Name of Agency Which You Believe Discriminated Against You
AGRICULTURAL RESEARCH SERVICE, SUBARCTIC AGRICULTURAL RESEARCH UNIT
FAIRBANKS AK 99775

5. Bases of discrimination on which you were counseled. The ten bases are age, race, color, national origin, religion, sex, physical or mental disability, marital status, sexual orientation, and reprisal. Be specific in your identification of bases (ie: age (55), sex (female), race (white)).
SEX (female) AND REPRISAL (PREVIOUS COMPLAINT/GRIEVANCE ACTIVITY)

6. Issue(s) on which You Were Counseled (Do not include issues or allegations for which you did not receive counseling. Provide, if you deem necessary, additional details on reverse side.) Be specific with exact issue and the date of the issue. (IE: Non-selection to vacancy announcement USDA-96-174, Secretary, GS-318-9 on November 1, 1997, or two day suspension for misconduct on October 29 & 30, 1997.) You do not need to elaborate on why you feel this was discriminatory, you will be given the opportunity to support your complaint during the investigative process.
HOSTILE WORK ENVIRONMENT (PERVASIVE)
OTHER (LETTER OF CAUTION, FEB. 26, 2008)
HARASSMENT (PERVASIVE)

7. Representative, if any

8. Name of EEO Counselor SHIRLEY M. FLETCHER

9. Requested Corrective Action
SEE ATTACHED

10. Signature Date 6/16/2008

JUN 18 2008

27660-10

(Exhibit)

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TO: Director, Employment Complaints and Adjudication Division,
USDA Civil Rights

FROM: [redacted] Research Plant Pathologist, Agricultural Research Service
Subarctic Agricultural Research Unit, Fairbanks, AK

6/16/2008

DATE: June 16, 2008

SUBJECT: Formal Complaint (Informal Complaint Number: 08-24)

I received the notice of my right to file a formal complaint on June 4, 2008.

My informal complaint documented a pervasive pattern with a long history of sex discrimination and (non-sexual) harassment by my Research Leader Dr. Alberto Pantoja. The bases of this complaint are: inequitable treatment, open hostility, intimidation, threats of termination, disrespectful behavior, public humiliation, and reprisal for opposing discrimination by filing grievances and complaining of discrimination. This treatment has resulted in a hostile work environment. Former Pacific West Area Director Dwayne Buxton and Associate Area Director Andrew Hammond have been aware of this situation for more than three years as a result of the two informal grievances, a formal grievance, and numerous other communiqué's that I have filed with the Pacific West Area Office. I have participated twice in Cooperative Resolution Program training and once in mediation services with Dr. Pantoja.

Requested corrective action:

- 1) Removal of the Letter of Caution from any and all of my personnel files.
- 2) A different Research Leader.
- 3) Transfer to the ARS unit in Wenatchee, WA or Pullman, WA.
- 4) An end to discrimination and differential treatment against me and all female scientists (SY's) at the Subarctic Agricultural Research Unit.
- 5) A letter of apology.
- 6) Women to be given equal career-building opportunities to act as Acting Research Leader.
- 7) Copies of all documents pertaining to me and my research program, including:
 - a. Copies of all personnel files in which documentation on my performance and justification for my Performance Appraisals, Letters of Caution, or other disciplinary actions.
 - b. Past (since I was hired in 2004) and future approved Annual Resource Management Planning System (ARMPS) so I know which of my budget requests are/were approved or not. This information would have prevented me from being set up to receive a letter of caution.
- 8) Compensatory damages for trauma to my self esteem, increased health problems due to stress, and extreme loss of free time due to the necessity to prepare grievances, complaints, rebuttals, and other communiqué's after hours.
- 9) An outside-of-agency Human Resources review/audit of the Subarctic Agricultural Research Unit and Dr. Pantoja's management practices.
- 10) Resolution of the appeal of my 2005 performance appraisal that I filed with USDA Appeals & Grievances staff on May 23, 2006. As instructed by upper management at new scientist training (Jan. 24, 2005, Pacific West Area Office, Albany, CA) I clearly raised discrimination concerns to the Area Office in said grievance and numerous other communications. However, my complaints were ignored and it was not mentioned that I should file a complaint with the EEO office.
- 11) Attorney fees and costs of \$400.