

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)

EEO Complaint
Timeline
Rev. Sept. 30, 2008

(EEO case: ARS-2008-00542)

Sept. 1, 2004

Talked to Alberto Re: Hiring my technician. He did not use the KSA's I wrote saying they were too restrictive and we must use the generic position description. I pointed out that the ARS website-none use generic announcements.

Nov. 1, 2004

Threats of termination. "can terminate my appointment at any time". Claimed he had not authorized me to cooperate with ARS scientist Lerry Lacey despite numerous emails in which he himself set it up.

Nov. 3, 2004

Threats. Alberto says it is my fault that I'm in trouble because I bypassed a veteran. I initiated the process because I made interviews. Alberto orders that I must call & interview the veteran and says he may terminate my position at any point. Also says we must use canned position description and announcement according to Area.

Unfair treatment. Alberto claimed I set up collaboration with Lerry Lacey without authorization (even though he set it up himself). He says he can not provide guidelines for authorizing collaborations. He claims I'm overreacting because this won't end my career. Collaborations are good, but must have personal research program. This nematode thing is not my main focus. But from the original conversations with Lerry, there is no official collaboration. My question: At what point does it become official? He refers me to form ARS516 & RPES document and does not answer further.

Regarding travel to Palmer for collaboration with Roseann Leiner. I ask if it is official and how can I travel. Alberto: Just go, only need travel authorization.

Nov. 5, 2004

Alberto's comments regarding technician issue:

KSA's don't screen out.

At GS5, biology degree all that's required, no specialized experience is necessary.

All they will be doing is washing dishes anyway

2 years of college qualify for GS5

I initiated interview process so now we are stuck

Can't do 2nd interview because it's the law

We are being sued by a veteran who applied for a tech. position in Palmer. Alberto only found out last week.

Nov. 9, 2004

Threats to fire and intimidation. 2am Sent email to Jack Nelson CC: Hammond. Told them of threats to fire me and claims that he has fired a plant pathologist before. Alberto renege on tech KSA agreement from before I was hired and provided his own KSAs.

Document reasons why veteran is unacceptable. Based on job description. Writing letter stating objections. Experience. Education, she doesn't have degree yet so hurry. Address negative comments/bad answers to questions from interview. Explain needs for highly trained skills. Very detailed and in memo format-formal.

Dec. 8, 2004

Unfair treatment. Reprimanded for using OSU Plant Clinic. Alberto claims I did not discuss Plant Clinic with him (even though I had discussed it with him several times in front of witnesses and even put it in the project plan). Reprimand put in file.

Dec. 17, 2004

Disrespectful and threats to fire. "You are supposed to be a plant pathologist. Why did we hire you if you can't diagnose diseases". I had no equipment. "I have only two options, retain or not retain".

Dec. 20, 2004

Alberto put reprimand in my file for not following instructions regarding use of OSU Plant Clinic.

Jan. 1, 2005

Palmer Plant Pathologist position has been cancelled. Alberto & I will do the work.

Jan. 11-13, 2005

Impede research/communication/collaboration. Alberto wouldn't let me contact ARS personnel regarding lingonberry and rejects site visit to Corvallis. Despite lingonberry being in project plan and performance plan as well as site visits being in performance plan.

Jan. 14, 2005

Alberto rejects ARIS entry for Sudden Oak Death Science Symposium.

Jan. 17, 2005

Alberto told me to initial 2 pages to be substituted into my performance plan. Only one page changed regarding Research Notes, although peer reviewed, not sufficient for 1st author credit. I told him I had a problem with it because Disease Notes are important. He said he could implement performance plan even without my signature. I asked if this change was area or agency wide. He said only for our unit but being considered to expand. I asked if he wrote it. He said "It was developed & approved by area for our unit & was being considered for expansion.

Jan. 19, 2005

My ARS form 115 for Freising & Monterey proceedings was rejected. He told me I used the wrong form ARS115. Must use "New ARS form 115". Told me to look at RPES. Told me not to waste time reading policies & procedures. Criticized me for getting wrong form from website. I got it from Kelly.

Jan. 29, 2005

Alberto claims my project plan revisions are overdue. Despite the fact that I was at new SY training.

Feb. 4, 2005

At SY meeting Jeff and I had asked Alberto if ARIS approval was required for presentation at AK potato and vegetable growers conference since there was no published abstract. He said no.

Feb. 28, 2005

Inequitable treatment. Alberto claims I didn't follow procedures and get ARIS approval before agreeing to speak at the AK potato and vegetable growers meeting and that I put wrong dates on Travel Request. This is untrue. He cautions to follow publication procedures and my performance plan regarding AK growers conference. Despite the fact that Jeff and I had asked him about that very meeting on Feb. 4 and he said it did not need ARIS entry. Jeff did not get cautioned.

April 22, 2005

Inequitable treatment of women. Assigned to SHEM despite having no tech and less than 1 year on job. Only women Sys and techs on committee.

June 15, 2005

Disrespectful treatment. Sent two male Sys to "fix my problems".

June 16, 2005

Public humiliation, intimidation, and bullying. Berated me in parking lot in front of two male SY for requesting a key for my technician.

June 17, 2005

Send email to Hammond about the appearance of discrimination. Mentioned 1) safety committee appointments of women SY, 2) at midyear review Alberto became agitated and confrontational claiming "I don't buy that" and "Now your changing your story". This was when I responded to his question about any impediments about achieving performance plan. I had replied lack of technician and lack of a piece of equipment. He sent Jeff & Joe to my lab to "fix my problems", 3) Alberto berated me in public about shared office space in O'Neill in front of Joe and Jeff.

June 29, 2005

Alberto sent me email reminding me that I must move my office to share with Steve. I replied with similar what I wrote Hammond and requesting to stay.

July 7, 2005

Alberto, LW, Janis Contento (taking notes) Alberto: "We are not going to interfere on how you want to utilize the space."

Aug. 10, 2005

Received request Roseann to look at suspected late blight outbreak. White mold put on hold because she was local collaborator with local knowledge of infected fields and growers.

Aug. 12, 2005

Demeaning and disrespectful. Alberto sent email asking why I took so much time sampling late blight and why I wasn't working on white mold. Implied that I wasn't working on project plan milestones and was doing extension work. It was in my project plan and I was not doing extension.

Although not at all in Joe Kuhl's project plan, Alberto sent an email to the growers/agents/state officials offering ARS Plant Geneticist Joe Kuhl as the scientist in the unit with late blight expertise. I was not mentioned. Joe strongly disagrees with that characterization.

Aug. 15, 2005

Sent Alberto an email reiterating what I told him on the phone.

Demeaning, disrespectful, and bullying. Alberto called me to office again and claims I took too many late blight samples, it's not part of project plan, and states "If Roseann is the expert why do we need you?" and "I shouldn't need Roseann to hold my hand. Why is Roseann deciding where I can sample?"

Aug. 18, 2005

Alberto, LW, Andrew Krohn, Janis Contento (Kelly Martin taking notes)
Regarding travel to Palmer for field work. Alberto said Andy and I paid too much for hotel. He said govt rate is 71.96 and we were charged more. Should have used SATO, it's required. Janis said she hasn't been using it for hotel either. and should drive.

Aug. 19, 2005

I sent email to Alberto (BCC Hammond) regarding travel to Palmer. The help Janis and Kelly gave me, and the fuzzy rules and inequitable treatment. Pointed out that I called the hotel and they told me the govt rate is 134 not 71.96.

Sept. 6, 2005

GDI training notification sent for Oct 6-7

Sept. 19, 2005

Survey idea presented by Alberto and wrong dates (Oct 8-9) given by Alberto

Sept. 23, 2005

Survey invitation from GDI

Oct. 3, 2005

Results suggest serious problems and team-building postponed.

Sept. 30, 2005

I requested office space for tech and myself in new module. Alberto responded Oct 5 saying Andy would have an office in module and they would find me one in the O'Neill Bldg soon.

Oct. 26, 2005

Protected activity. At the staff meeting on 10/26/2005 Dr. Pantoja gave powerpoint of survey results from Growth Dynamics, Inc. that indicated the predominant perception by his staff that he has a general lack of respect for the scientists, *a problem with communication*, and that 40% of the respondents were aware that he practices gender discrimination. He discounted the survey saying claims of discrimination were due to gossip, warned us several times not to gossip, and cancelled the scheduled "teambuilding" training.

He said that he does not treat people equally because there are performance issues.

He also said he knows he needs to improve his communication.

Oct. 28, 2005

At Safety meeting Alberto. He talked about survey results and claims that women were appointed inequitably. He said Todd was appointed but everybody else volunteered. I said I didn't volunteer and he said that I was appointed because I use so many chemicals "It was simple". [However I was initially appointed to EMS not Safety.] None of us volunteered, which we all talked about later. He also claimed pay isn't unequal for male vs female because it's all fair and by GS level.

Nov. 8, 2005

Sent Alberto email about DNR invitation to look at birch site. They wanted to meet Nov. 9 1pm to go to site. He kept asking for more (irrelevant and/or repetitive) information until the meeting time had past so I went anyway.

Nov. 13, 2005

Sent Alberto an email about and including the EPSCoR concept letter. Had received invitation on Nov. 11 (Mem. Day), read it and sent it to Alberto on the 13th.

Nov. 14, 2005

Sent Alberto two emails with EPSCoR developing info.

Nov. 15, 2005

Alberto sent email saying I didn't follow policies regarding birch site, which I had.

Public humiliation, disrespect, and bullying: Alberto called me in his office and reprimanded me for participating in outside non-government activities (they were not). Alberto berated me with his office door wide open and several people heard. Alberto was rude and unprofessional.

Nov. 16, 2005

Received email from Alberto as a follow up to our conversation on Nov. 15, 2005. In it he says I requested to participate in non-government activities and specific goals on the 2005 Performance Plan.

Nov. 17, 2005

Sent rebuttal to Alberto CC'ed Hammond and Buxton explaining that I did not request to participate in non-government activities.

Dec. 15, 2005

Found out that Walt Stevenson was coming and it had not even been mentioned to me.

Jan. 18, 2006

Inequitable treatment: Only SY penalized for eyewash violations at appraisal. Received email from Alberto about inspection log and foreign material obstructing eyewash stations. OSHA is 6" but skis were more than 6" and not obstructing. Alberto had a huge pile of insect traps and soil completely obstructing his eyewash.

Jan. 24, 2006

Space?

Feb. 15, 2006

2005 Performance Appraisal. Summary rating marginal, Does not meet in element 4 for failure to follow instructions on birch site visit, EPSCoR letter, wash station, move to new office space. Alberto refused to answer questions on specifically how I did not follow instructions.

Feb. 16, 2006

Sent Alberto email requesting specific justification and how it demonstrates that I did not follow instructions.

Feb. 21, 2006

Alberto called me into office to discuss email. He refused to answer questions on specifically how I did not follow instructions. He stated that I was not rated on specific activities but these were merely examples.

March 2, 2006

Filed informal grievance for marginal rating of 2005 appraisal.

March 3, 2006

Received an invitation to lay the foundation for a MOU from Forest Service.

March 17, 2006

Conference call: Pantoja, Buxton, Discussed MOU invitation.

March 27, 2006

Received informal grievance response from Hammond.

April 12, 2006

Filed formal grievance.

May 1, 2006

Received formal grievance response from Buxton.

May 25, 2006

Filed appeal with Appeals & Grievance Staff.

July 13, 2006

Inequitable Treatment. At mid-year review Dr. Pantoja refused to provide guidelines for Exceeds.

Dec. 7, 2006

Feb. 9, 2007

Inequitable Treatment. Received Marginal summary rating for 2006 performance appraisal based on predetermined desired outcome. "Element 4 Does not meet" justified by "poor communication". Decision table on appraisal form was not consulted (resulting in Marginal rather than Fully Successful); Incomplete required documentation for "does not meet" states only that "Communication continues to be an issue during 2006"; Communication is not in element 4; Except for Dr. Robertson's and mine, all other Disease Notes and Primer Notes published by ARS scientists in these same journals (over 30 Disease Notes and over 30 Primer Notes in TEKTRAN) are entered into ARIS appropriately as "Peer-Reviewed Journal". It is inequitable to hold scientists in our unit to a higher standard than all other ARS scientists.

Feb. 12, 2007

Sent Alberto an email requesting he revise performance appraisal.

Feb. 13, 2007

Alberto and Janis presented amended performance appraisal form now marked as "Fully Successful" but still "Does Not Meet" in Element 4. He wrote that we discussed rating again and I still did not sign. We did not discuss the rating, he just said there was an error.

Feb. 23, 2007

Filed Informal Grievance.

March 21, 2007

Received response to informal grievance from A. Hammond, against whom the grievance was filed in addition to Alberto. Partial Relief: Element 4 changed to "Meets Fully Successful". Element 3 was initially rated as Exceeds and Hammond found no justification found for lowering it. No elements were changed to Exceeds which is not equitable to other SY ratings in unit.

Aug. 23, 2007

Inequitable Treatment. Alberto sent me an email indicating that I failed to delegate signature authority while out of town/office and keep him informed who is supervising technicians and STEPs. I had in fact delegated but not by email nor informed him because it had not been communicated that I must do so. I was also in state and no other SY, including Alberto delegates when in state.

Oct. 24, 2007

Alberto and Janis came to my office and said B. P., my choice for technician filled out 306 and has some felonies, including DIU and weapons. HR has decided not to hire. Said I should have known better than to select him because of his work history since he was self employed.

Oct. 31, 2007

Alberto said the printer was not working because the power button was turned off in modules. Alberto said HR is now saying we may have to hire Paezwa because an informal offer was made when HR said "You have been selected and need to get your resume ready".

Dec. 14, 2007

Inequitable Treatment. Alberto wouldn't approve manuscript until I had provided the marked up manuscripts from reviewers. When the secretary told me this I asked her if all other SY's were required to do this. They were not. When I requested the issue be clarified and enforced equitably he then retroactively asked SY's for their marked up manuscripts.

Jan. 7, 2008

Inequitable Treatment. Alberto sent email about staff meeting' and cooperative resolution training. For times of SY presentations female SY's are first for each CRIS and indented. Women clearly are perceived differently.

Jan. 15, 2008

Inequitable Treatment, Public humiliation, and hinder protected activity. Staff Meeting w/ Jeffrey Schmidt. Alberto attempted to publicly humiliate all 3 female SY's by asking us what our impact is and then repeatedly attacking what we said, and telling us that we were confused. When he asked the male SY's, he mildly accepted what they said and did not pursue it. His attack on me was hostile to the point that one SY and the LAO tried to intervene.

Powerpoint. He ordered us not to gossip, said 15 employees were given superior performance ratings and 62% were female. (But these were not the SY's he supervises.).

He said to get the facts from him, and quoted Nietzsche twice saying "There are no facts, only (my) interpretations." He said he has an open door policy in a very hostile manner.

He said that he does not treat people equally because there are performance issues.

He said he knows he needs to improve his communication.

Feb. 20, 2008

Reprisal. Performance appraisal. Finally got a "Meets Expectations" but Alberto told me not to gossip or ask questions of Juli. "Don't talk to other people and ask them questions". I had asked her if all SY's were required to submit marked up manuscripts with ARS 115's. He also asked "what are your hours of work? It seems like you are varying your work schedule". I asked him if he checked the lab or library. He said "Sometimes". Notes: I am supposed to be variable in 80. He is subjecting me to increased surveillance.

Feb. 26, 2008

Unfair Treatment. Received Letter of Caution from my Research Leader Dr. Alberto Pantoja claiming misconduct because I communicated with Cindy Pruja in HR about my technician announcement and this communication resulted in an upgrade in Full Promotion Potential from GS6 to GS7. When I asked my RL if either he or the LAO Janis Contento had talked to Cindy Pruja he said that he didn't know why I was asking questions and he had to go work on his project plan. I said it was a setup because he himself sent me an announcement to approve which had GS-7 and he had 3 chances that I know of to correct his error. **Additional evidence he was not out of the loop:** on 10/24/2007 and 10/31/2007 he told me he had been communicating with HR about my initial technician choice. He came to my office with intimate knowledge of the cert. list and Resume's of the candidates. That hire was not made because of felonies of candidate and the announcement could have been cancelled yet again. In addition, Janis gave me a Position Description with FPL 7 that has a sticky note on it in her writing "FYI-For your use so we can recruit v. Krohn. Janis". He knowingly made a false claim. This was not misconduct but rather a result of his miscommunication, whether he did it intentionally or not. When I asked the LAO what I could have done differently, she said I couldn't have done anything differently and that if anybody should have gotten in trouble it should have been her. She should have noticed it as it's her job and she told as much to Alberto.

March 21, 2008

Monthly verbal update with Alberto. I sent email to document that we met on same day.

March 29, 2008

Inequitable Treatment. In response to monthly update documenting email Alberto requested topics or titles (email) for the manuscripts I am working on.

March 30, 2008

I replied with the topics (email).

March 31, 2008

I contacted ARS EEO office and told Helena Thompson I want to file a complaint.

April 1, 2008

I sent post to USDA Appeals & Grievances asking for an update of the status of my appeal of my 2005 Performance Appraisal.

April 2, 2008

Inequitable Treatment. Alberto claims (email) "there has been no discussion on these 3 projects".

April 2, 2008

I replied (email) that there has been and I have ample reason to believe this another false claim to set me up. I also claim inequitable treatment and ask him if he has also asked other SY's for more info.

April 8, 2008

Contacted ARS EEO about errors in the bases on the letter sent to me and the wrong name on the waiver of anonymity I received. Helena Thompson said a new documents would be sent.

April 9, 2008

Threats and intimidation and public humiliation. Alberto burst into my office without knocking (the door was closed but not latched). After entering he left the door open about 3 inches for all to hear. He claims that I am interfering with university decisions, which is against ARS policy and unethical. "It came to my attention that you supported Roseann Leiner for tenure and even offered to write a letter". When he saw me taking notes he said "Pay attention instead of taking notes, for whatever reason you are doing that". I replied "So I shouldn't be taking notes?". He said "You should be paying attention. Do you understand?" I said yes, but I'm not sure what I did wrong since I didn't write a letter, vote on a committee, or have any influence on university decisions whatsoever. I asked him who is making these claims. He said "I'm not going to get into he said, she said. You know what you did." His entire demeanor was disrespectful, threatening, and intimidating.

April 10, 2008

Spoke to Shirley Fletcher, contracted EEO counselor about my case. I sent her all my documentation of discrimination.

April 11, 2008

At SY meeting. Alberto said someone has been running around telling UAF that we can't collaborate and they can't come in our labs. We can collaborate and people can come in labs but even for one day we must coordinate with Alberto. Cindy said people are in her

lab using microscope right now. He said she should have asked permission. Steve said he graded some exams. Alberto said that was wrong to do. Alberto said to be on grad student committee must fill out appropriate form. Steve can give a lecture to a class on agroforestry because it's on science.

April 21, 2008

Spoke to Shirley Fletcher regarding Letter of Caution I received. She asked what happened after I proved that the error was not mine (I had sent her the rebuttal I sent to Alberto). I said nothing and she said we'll have to address that.

April 30, 2008

Tried to do my monthly verbal update as per my performance plan. Alberto said "Not now, the IT guy has priority. I will let you know." I sent an email requesting appointments to be set in the future and proposed May 12 for the next one.

April 30, 2008

Admission of differential treatment. Shirley Fletcher (EEO Counselor) spoke to Alberto and reported the following to me. She talked to Alberto yesterday and he denied everything. He doesn't believe he embarrassed me in parking lot or that his behavior is intimidating or disrespectful. He believes he talks loud and with his hands so that's probably it. She asked about the "bursting into my office incident" He said he can't recall whether he stood up or talked loud but probably he was. Regarding acting RL. He said his criteria are experience and ability to communicate with him. She told him that is differential treatment because there are different grade levels going on and he should be able to communicate with everybody. He said "Well, what if I can't talk to the females" she said you have to do it because you are denying them opportunities. He said he wants mediation. Regarding males being treated differently. He said the women are on earmarked programs and the men have been around longer and are on hard funding so they have permanent technicians. I told her one SY was hired after me and has a permanent tech. Regarding not holding males to same standards or not calling the men on the carpet for breaking the rules. He says if someone breaks the rules he gives them verbal or written warnings. I told her of several incidences which invalidate this and the men all told me they were not reprimanded. Regarding letter of caution. He says he had signed off on my technician to be advertised as GS6 FPL but I talked to the HR lady and had it upgraded.

Shirley told him there were witnesses to his treatment that would be contacted.

May 7, 2008

Evidence of discrimination. Shirley Fletcher told me that she had talked to all witnesses I provided. (I had given her the names of 5 (which is all but 2, excluding myself) of the SY's in the unit.) She said that all have witnessed that women are being treated differently and they are all saying the same thing, even the men. They are saying that his actions are ridiculous, unnecessary, overboard, unprofessional. She will let Helena Thompson know the severity of the situation and that there is not way that they can ignore this.

But Helena Thompson and the USDA Agricultural Research Service (and the USDA Civil Rights personnel, and EEOC employees) did ignore these illegal activities for another two years. ¹¹

May 12, 2008

Attempted to do mandatory monthly verbal update. Alberto said again "Not now, I will let you know". I sent Shirley Fletcher an email describing how Alberto is making it difficult to fulfill my performance plan and set me up for failure.

May 22, 2008

Shirley Fletcher called. Alberto doesn't want to resolve anything, he's in denial and doesn't feel he's doing anything wrong. He won't allow me to be acting anything or rescind letter of caution. His next statement was that he hasn't received anything in writing. Shirley explained that this is the process and you were informed by your HR specialist and me. He still says that he didn't receive anything official. Shirley said, "So it's not looking good for him at all. I don't know what's going on. He acting like he had never heard of it before and I had to keep reminding him." Shirley is going to send me my notice of right to file formal.

June 16, 2008

Filed formal EEO complaint.

July 3, 2008

I sent an email to USDA Civil Rights office regarding the errors on the letter of acknowledgement of my formal complaint. It called me Mr. Loretta Winton, had wrong date of receipt, and provided a phone number that nobody answered and had no voicemail. I found an email address on the internet and sent a request for corrections and pointed out that the phone numbers both in the letter and on the web are not answered and have no voicemail giving the impression that USDA and ARS civil rights policies are merely slogans unsupported by real commitment.

July 4, 2008

Sent email to LAO Janis Contento asking if it was true that Joe Kuhl (hired after me) is getting a permanent GS7 technician. I asked why my tech was limited to 13month term GS6 FPL. Also requested to know which SY's have permanent vs. temp technicians and the grade and FPL of each.

July 10, 2008

Sent emails to 2 contacts given on the web for USDA Appeals & Grievances staff requesting update of my 2005 Performance Appraisal Appeal. Both were bounced as undeliverable.

July 11, 2008

Resent July 4 email to LAO.

July 28, 2008

Discrimination. Dr. Pantoja co-opted my technician to work on his own research without consulting me. When I involved myself he instructed me to make the media for him. It

also became apparent that I am the only SY on my project not allowed to work on forestry related issues, despite the fact that my job description allows it.

July 29, 2008

9:30am, Juli taking notes. Alberto called me to his office and apologized for me assuming that I should do the work on making the media. He admitted that it was "maybe not appropriate for me to ask your tech to make 5 plates of media" but then implied that I do not share resources.

July 31, 2008

Discrimination. Dr. Pantoja sent a rotation schedule for acting SY's. The women SY's are now on it. On the same day and for the first time a woman SY (Nancy Robertson) was made acting SY. However, in contrast to any time a man had been appointed, she was not notified in advance, was not given any instructions, and it was the first time a weekend was counted as acting (Dr. Robertson only actually served for 1.5 work days).

Aug. 28, 2008

Reprisal. Received email from Dr. Pantoja claiming my interaction with staff members is unprofessional. I requested clarification.

Sept. 5, 2008

Reprisal. Dr. Pantoja and Janis Contento visited me in my office. Dr. Pantoja said that I asked for examples and the most recent example of my unprofessional conduct was the EEO comments in the last paragraph of my email response to her. He said it was unprofessional conduct to involve or mention EEO issues to other people and I am rated on conduct. He also said I CC'ed those extra comments to Andy Hammond (Area Director) and I shouldn't have. Note: Janis Contento is the designated Civil Rights/Workplace Violence contact for the unit.

Sept. 1, 2008

Harassment and breach of confidentiality. Sent email to Dr. Hammond regarding EAP and Dr. Pantoja's breach of confidentiality, obfuscation, and discriminatory practices.

Sept. 11, 2008

Discrimination. Sent email to Alberto requesting additional clarification regarding acceptable internal peer reviewers. In the past he has rejected reviewers for Nancy and I (but not the men until I complained) and this information is necessary to effectively do my job. My question has not been answered, although Dr. Dennis Fielding received an answer to his related question. Subsequently I discovered that Dr. Pantoja regularly requires Linda Defoliart (a Biological Science Technician without a PhD and who does not have any degree in entomology) peer review his own manuscripts and for job title lists her as "Entomologist" or "Research Entomologist" on the ARS-533 form. This is related to the new requirement of last year (dates?) requiring marked up manuscripts from reviewers to be provided to Alberto along with the ARS-533. This was only applied to Nancy and I until I complained, even then it was not applied to all until this summer.

Sept. 15, 2008

Discrimination. Jeff told me that he got an email warning, not letter of caution for: 1) he gave his tech. comp time Sun. from 10pm-12am, 2) he had his tech drop him off at home on his way back from Denali, 3) Not using his travel card for hotel. He has only started getting in trouble since testifying for our informal EEO complaint. Even still, this is not equitable treatment to what the women receive because these are actual policy breaches, while ours are not.

Sept. 24, 2008

Discrimination. Received my author report. The disease note I am coauthor on (Nancy Robertson is senior author) is now appropriately entered as peer-reviewed journal article. It was approved by the area director on 9/18/08. In the remarks section it says "9/19/08 changed pub type". Asked Juli about it but she claims she couldn't remember why she changed it. Nancy and I have both previously grieved this issue to no avail. Now since we have filed formal they are suddenly fixing this to reflect what all other scientists in the ARS have. Therefore it is apparent that I should have received a Superior or Outstanding rating last year. Also isn't this a tacit admission of discrimination?

Sept. 27, 2008

Received acceptance of my formal EEO complaint from USDA (letter dated Sept. 22)

Sept. 29, 2008

Discrimination. Juli Philibert (secretary) told Cindy Bower that Joe Kuhl (hired last) is rating official for Steve Lillard (GS-7?). Therefore Joe has had two technicians (at or above GS-6, permanent or term?) and I don't know how many students. This gives Joe a distinct advantage for promotion.

Sept. 30, 2008

Sent letter to USDA regarding omissions in acceptance letter.

NOTES:

I want to perform but can't because of his constant contradictory instructions. As I have indicated several times, I care very much about doing a good job and following the rules. Yet his contradictory instructions continually set me up so he can find an excuse to fail me.

Notoriously poor communication by Alberto is documented by GDI survey results and he has acknowledged that he needs to improve his communication at least two staff meetings. Yet he continually tries to blame me for his poor communication.

In 2005 & 2006 appraisals I was given Element 3 Exceeds (only after filing grievance for 2005). How then can continuing claims of poor communication be supported. It is unfounded harassment.

No females have been Acting RL. All males in Fairbanks have, even those on probation and GS-12.

Only females on SHEM committee until I brought it up in grievance. Fixed retroactively.

Only female SY's are required to interview techs by committee.

Male SY's in Fairbanks get permanent techs. The two female SY's in Fairbanks can only have terms.

Male SYs do obvious policy infractions that Alberto knows about and they are not penalized. Examples of which I am aware: Communication with media without authorization. Submitting abstracts for publication without prior authorization. Requiring techs to work overtime without compensation. Lack of signature authority when off duty station. Failure to do monthly verbal updates. Turning in tech appraisals late.

Females are subjected to routine public humiliation in front of co-workers, colleagues, etc. This has happened to the point of male SY's trying to step in to run interference.

Inserted subjective, absolute, and unachievable specific goal my 2008 Performance Plan. *Element 3 Specific Goal 3. Communicate directly to the Research Leader all programmatically and operational aspects of the project; a monthly verbal updated will satisfy this requirement.* This is not an objective credible measure, it is instead an unachievable absolute that is subjective and leaves me vulnerable.

In March 2006, Associate Area Director Andrew Hammond called me and assigned me an outside mentor for my RPES case writeup.

In June 2007, Associate Area Director Andrew Hammond called me and encouraged me to apply for and ARS position in Corvallis, OR.

On June 29, 2006, Associate Area Director Andrew Hammond told me by telephone that the Retention Review Panel was very pleased with my research and he wanted to follow up with the Area's perspective. He said he wasn't pointing fingers but clearly there needs to be better communication between Dr. Pantoja and I. He encouraged me to participate with Dr. Pantoja in the Cooperative Resolution Program. I participated in CRP mediation with Dr. Pantoja on Aug. 23, 2006.

Dr. Pantoja's behavior towards me is intimidating, harassing, bullying, belligerent, or and aggressive. I do not feel safe to be alone with him.

Excerpted from USDA Handbook on Workplace Violence

Only the women have a 3rd person taking notes when meeting with Alberto. This is disparate treatment since we don't get a copy of the notes and he does not do this with the men.

Hammond (and Knipling) quoted a zero tolerance policy for discrimination. According to Cindy, this leaves them vulnerable in court.

The following are warning indicators of potential workplace violence:

- Intimidating, harassing, bullying, belligerent, or other inappropriate and aggressive behavior.
- Numerous conflicts with customers, co-workers, or supervisors.
- Bringing a weapon to the workplace (unless necessary for the job), making inappropriate references to guns, or making idle threats about using a weapon to harm someone.
- Statements showing fascination with incidents of workplace violence, statements indicating approval of the use of violence to resolve a problem, or statements indicating identification with perpetrators of workplace homicides.
- Statements indicating desperation (over family, financial, and other personal problems) to the point of contemplating suicide.
- Direct or veiled threats of harm.
- Substance abuse.
- Extreme changes in normal behaviors.

