



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)

AMENDMENT

This letter demonstrates USDA incompetence in handling EEO complaints.

United States Department of Agriculture

NOV 24 2008

Office of the Assistant Secretary for Civil Rights

Ms. Loretta M. Winton
1345 Arctic Tern Drive
Fairbanks, Alaska 99712

The salutation was to "Mr. Shephard", who had filed an EEO complaint against the USDA Forest Service.

Re: USDA Complaint No.: ARS-2008-00542

Office of Adjudication and Compliance

1400 Independence Avenue SW

Washington, DC 20250

Dear Mr. Shephard:

The year should be 2008.

This is to acknowledge receipt of the amendment to the above referenced complaint. The amendment is dated September 30, 2008, and based on the postmark is considered filed on October 1, 2008. Your complaint was initially filed against the Agriculture Research Service (ARS) on June 16, 2007. We are amending the complaint to include additional incidents of harassment based on reprisal for filing this complaint. The claims are like or related to the claims already accepted for investigation on September 22, 2008, and are identified below in bold text.

We are accepting and referring for investigation the following allegation:

Whether the agency subjected the complainant to discriminatory harassment based on reprisal (unspecified prior EEO activity or opposition of discrimination) when¹:

1. on February 26, 2008, she was issued a letter of caution;
2. she was subjected to threats of termination (dates not provided);
3. she was subjected to public humiliation (dates not provided);
4. she was subjected to disrespectful behavior (dates not provided);
5. she was subjected to open hostility (dates not provided); and
6. she was subjected to intimidation (dates not provided);
7. **she was denied the opportunity to act as Research Leader (dates not provided);**
8. **she was subjected to having her peer-reviewed publications downgraded to research notes (dates not provided);**
9. **she was not allowed to hire permanent technicians (dates not provided);**
10. **she was not allowed to hire technicians at GS-7 level (dates not provided);**

¹ The Complainant may provide specific dates during the investigation, some allegations may be considered as background, while others may be deemed untimely.

- 11. she received unfair performance appraisals (dates not provided); and,**
- 12. on September 5, 2008, she was threatened for communicating EEO issues to various people including the designated contact person for Civil Rights and Workplace Violence issues?**

The Department of Agriculture (Department) is required under 29 C.F.R. §1614.108 to complete an impartial, factual and appropriate investigation of the accepted claim within 180¹ days of the date the subject EEO complaint was filed. An appropriate factual record is one that allows a reasonable fact finder to draw conclusions as to whether discrimination occurred. The complainant and the Department may voluntarily extend the 180-day time period not to exceed an additional 90 days. In addition, the Department may unilaterally extend the 180-day time period or any period of extension for not more than 30 days where it must sanitize a complaint file that contains classified information. When a complaint is amended, the Department shall complete its investigation within the earlier of 180 days after the amendment to the complaint or 360 days after the filing of the original complaint.

When the investigation begins, an EEO Investigator will contact you. You are required to cooperate fully with the EEO Investigator. Failure to do so may result in dismissal of your EEO complaint. You must present to the EEO Investigator all the information you wish considered relevant to the accepted claim. In addition, you must provide the EEO Investigator with the names of any witnesses you believe should be contacted.

You must keep the agency informed of your current address. If the Department is unable to locate you, your complaint may be dismissed under 29 C.F.R. §1614.107(a)(6).

When you receive the EEO investigative report, you will be notified of your right to elect either an agency decision based on the record or a hearing with a decision from an Equal Employment Opportunity Commission (EEOC) Administrative Judge (AJ). The notification will provide you with the specifics on how to exercise your election rights.

If you have not received the EEO investigative report after 180 days from the filing of your EEO complaint, you have the right to request a hearing from an EEOC AJ. Should you request a hearing, you must send your request to the EEOC District Office and address identified in the enclosed document. Additionally, you must certify to the EEOC that a copy of the hearing request was sent to the following address:

¹ All references to days refer to calendar days unless specified otherwise.

Civil Rights Director
Forest Service
United States Department of Agriculture
4-SW – Yates Building
1400 Independence Avenue, S.W.
Washington, DC 20250

If you do not agree with the amended claim, you must provide us with sufficient reasons, in writing, within 7 calendar days of receipt of this letter. The statement should be sent to the following address:

Division Chief, Employment Complaints Division
Office of Adjudication and Compliance
United States Department of Agriculture
1400 Independence Avenue, S.W.
Stop Code 9440
Washington, DC 20250-9440

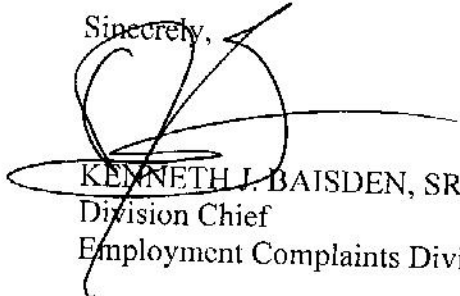
Please be advised that, consistent with EEOC regulations and the Secretary of Agriculture's strong commitment to the early resolution of EEO complaints, parties are encouraged to seek resolution at any stage of the EEO complaint process. Settlement discussions may take place throughout the administrative complaint process. If resolution is achieved, a copy of the settlement agreement must be provided promptly to avoid unnecessary processing and additional cost. Likewise, if at any stage of the EEO complaint process you wish to voluntarily withdraw your complaint, you must provide promptly written notification of your desire to withdraw your EEO complaint. The withdrawal notice must be signed, dated, and contain the EEO complaint number. To ensure prompt receipt, please fax a copy of the voluntary settlement agreement or voluntary withdrawal notice to the Complaints Adjudication Division, at Fax Number (202) 401-8035.

Loretta M. Winton

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Please contact the Customer Service Unit at 1-800-795-3272 if you have questions or concerns regarding the status of this complaint.

Sincerely,



KENNETH J. BAISDEN, SR.
Division Chief
Employment Complaints Division

Enclosure

cc: Civil Rights Director, ARS (with copy of September 30, 2008, amendment request from the complainant)
ECD Liaison

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)

From: "Lori [redacted]"
Subject: **Re: EEO Complaint ARS-2008-00542**
Date: December 5, 2008 10:36:13 AM AKST
To: "Nancy [redacted]"
Cc: "CK B" [redacted]

not any more. now he works for the national park service

On Thu, Dec 4, 2008 at 10:55 PM, Nancy [redacted] wrote:

There is a Mr. Shepard in Anchorage who works on invasive plants for the Forest Service??

Nancy

On Thu, Dec 4, 2008 at 6:49 AM, CK B [redacted] wrote:

> Lori,
> That letter was full of errors. It states that your complaint was initially
> filed on June 16th 2007. (Should be 2008 !!!) Anyway, using June 16th as the
> start date, your 180 days are over Dec 13th (a week from Saturday), meaning
> the USDA has failed to conduct its investigation within the required 180
> days, and you are now free to file with EEOC.

>
> I'm starting to work on my USDA rebuttal and I couldn't resist an opening
> jab:
> "I received a letter on December 2nd 2008 accepting my USDA complaint
> (ARS-2008-00696), which was filed July 26th, 2008 and will therefore be
> eligible for EEOC on January 22nd 2009."

>
> Well, I thought it was humorous...

> _____
> CKB

>
>
>

> On Dec 4, 2008, at 5:26 AM, CK B wrote:

>
>> That was funny! Apparently the USDA civil rights office handles so many
>> complaints that they just cut and paste each new case onto the previous
>> template. I wonder what poor Mr. Shepard's complaint against the forest
>> service was...

>> _____