

WITNESS AFFIDAVIT

I, Dr. Dennis Fielding, am X an employee of _____ applicant to _____ former employee of the:

(Agency) U. S. Department of Agriculture
(Office) Agricultural Research Service
(Division) Sub Arctic Agricultural Research Unit
(Branch) University of Alaska Fairbanks
Located in (city and state) Fairbanks, AK 99775

In the capacity of (show both your organization title and the classification of your job, if different):

Research Entomologist

Grade GS-13 between (date) May 1999 and (date) to present time

My telephone number during working hours is: 907-474-2439

I HAVE BEEN ADVISED OF THE FOLLOWING:

I am required by Federal regulations and Department of Agriculture policy to cooperate fully and promptly with the investigator who has been assigned to conduct a thorough and impartial investigation into a complaint of discrimination against the Department of Agriculture. I must provide a statement for the investigative report which is true and complete to the best of my knowledge and which discloses all of my first-hand knowledge having a bearing on the merits of the complaint. My statement is provided under oath (or affirmation), without a pledge of confidentiality, in accordance with Equal Employment Opportunity Commission rules and regulations and Department of Agriculture policy. This means that any employee(s) whom I accuse of discrimination or other acts of impropriety may be shown relevant portions of my affidavit and be provided an opportunity to respond for the record. In addition, the complainant and the appropriate Department Officials involved in the EEO complaint process will receive the entire investigative file. I have the right to review my statement prior to signing it and may make initialized corrections if it is incomplete or inaccurate. I have the right to receive a copy of the signed statement.

Having been advised of the above information about my role as a witness in the investigative process, I solemnly swear _____ affirm X the statement which follows is true and complete to the best of my knowledge and belief, and addresses the issues and concerns raised with me by the investigator.

1. Please state your name for the record.

(Answer) My name is Dennis Fielding

2. What is your gender?

(Answer) Male

3. What are your job title, occupational series, and grade?

(Answer) Research Entomologist, GS-0414-13.

4. What are your major duties?

(Answer) My major duties include research, biology of grasshoppers.

5. How long have you been in your present position? Date?

(Answer) I have been in my present position for 9 ½ years, since May 1999.

6. How long have you worked for the Federal government?

(Answer) I have been a Federal employee for the same period of time, 9 ½ years, since May 1999.

7. What is the organizational name of the unit/branch/section/division to which you are assigned?

(Answer) I work for the U.S. Department of Agriculture, Agricultural Research Service, Subarctic Research Unit, located on the campus of University of Alaska Fairbanks.

8. Where is your duty station located? City/County/State?

(Answer) My duty station is located in Fairbanks, Fairbanks-North Star Borough, Alaska.

9. Who is your immediate supervisor? Name and job title?

(Answer) My immediate supervisor is Dr. Alberto Pantoja, Research Leader.

10. How long has h/she been your immediate supervisor?

(Answer) Dr. Pantoja has been my immediate supervisor since his arrival about 4 years ago.

11. Who is your second line supervisor? Name and job title?

(Answer) Bob Matteri, Assistant or Associate Director is my second line supervisor.

12. How long has h/she been your second line supervisor?

(Answer) I do not know how long Dr. Matteri has been my second line supervisor.

13. Do you work with complainant? If yes, in what capacity?

(Answer) Yes I work with complainant as a colleague and collaborator.

14. How long have you worked with complainant?

(Answer) I have worked with complainant since she started working here about 3 1/2 years ago.

15. Can you describe what kind of working relationship you have with complainant?

(Answer) We share a collegial and professional working relationship.

16. How would you describe the work environment where complainant is situated?

(Answer) For the most part it is comfortable and collegial. My office is located on the same floor as complainant but at the other end of the building.

Complainant alleges her supervisor, Dr. Alberto Pantoja treats females differently from her male counterparts (scientists). What have you observed?

(Answer) I have not observed that anything I could say is unequivocally gender related.

18. Were you aware of complainant's allegation of reprisal (opposition to discriminatory practices)? If yes, what knowledge, role, or involvement do you have of this claim?

Dr. Fielding appears to have "forgotten" that no women research scientists were allowed to serve as Acting Research Leader during Dr. Pantoja's absence, regardless of rank, length of time in the unit, are even probationary status. This was a subject of much discussion within the unit.

(Answer) Yes. I was aware of this. Complainant told me that she got a bad evaluation from her supervisor, and that he opposed retaining her. I was sympathetic, but didn't have a response and just listened to her concerns.

Whether the agency subjected the complainant to discrimination and harassment, based on sex (female) and reprisal (unspecified prior EEO activity or opposition of discrimination) when:

Claim 1: on February 26, 2008 she was issued a letter of caution

19. What knowledge, role, or involvement did you have with this claim?

(Answer) Complainant showed me the letter. In the letter, Dr. Pantoja alleged that complainant overreached her authority by allowing to be posted a vacancy announcement for recruitment of a technician that listed promotion potential up to a GS-7, without his knowledge. He did not want that position to be more than a GS-6.

20. Have you been threatened with a letter of caution or issued a letter of caution from Dr. Pantoja?

Answer) No

21. Do you have any additional information related to this claim?

(Answer) No

Claim 2: she was subjected to threats of termination (dates not provided)

22. What knowledge, role, or involvement did you have with this claim?

(Answer) I have very little knowledge of this claim. Complainant did not mention this to me. I did not observe this alleged behavior on the part of Dr. Pantoja.

23. Have you been subjected to threat of termination by Dr. Pantoja?

(Answer) No

24. Do you have any additional information related to this claim?

(Answer) No

Claim 3: she was subjected to public humiliation (dates not provided)

25. What knowledge, role, or involvement did you have with this claim?

(Answer) There was one time that I did witness at a staff meeting in which scientists were giving presentations in their research and research agenda. After complainant gave her presentation, Dr. Pantoja gave her a hard time basically on recommendations she proposed to present to growers, because these recommendations were not entirely based on her research, but rather were based in large part on others' research published in the scientific literature. I was uncomfortable with the interaction because I couldn't understand why Dr. Pantoja objected to her recommendations because it seemed to be something that most scientists are expected to do (make recommendations based on scientific literature, not necessarily strictly based on one's own research).. I did not think Dr. Pantoja's criticism of complainant was warranted. Furthermore, I believe if Dr. Pantoja had a concern he could have made his point and then dropped it. Instead he belabored the point such that it could be interpreted as public humiliation. Dr. Pantoja did not react the same way to any of the other scientists who made their presentations in that meeting.

26. Have you been subjected to public humiliation by Dr. Pantoja?

(Answer) No

27. Do you have any additional information related to this claim?

(Answer) No

Claim 4: she was subjected to disrespectful behavior (dates not provided)

28. What knowledge, role, or involvement did you have with this claim?

(Answer) I have no knowledge of this claim.

29. Have you been subjected to disrespectful behavior by Dr. Pantoja?

(Answer) No

30. Do you have any additional information related to this claim?

(Answer) No

Claim 5: she was subjected to open hostility (dates not provided)

31. What knowledge, role, or involvement did you have with this claim?

(Answer) I would say Dr. Pantoja was bordering on open hostility as discussed in my response to Claim 3 above.

32. Have you been subjected to open hostility by Dr. Pantoja?

(Answer) No

33. Do you have any additional information related to this claim?

(Answer) No

Claim 6: she was subjected to intimidation (dates not provided)

34. What knowledge, role, or involvement did you have with this claim?

(Answer) I have no knowledge of this except for my response to Claim 3 above. If it had happened to me I would have felt intimidated.

35. Have you been subjected to intimidation by Dr. Pantoja?

(Answer) No

36. Do you have any additional information related to this claim?

(Answer) No

Claim 7: she was denied the opportunity to act as Research Leader (dates not provided).

37. What knowledge, role, or involvement did you have with this claim?

(Answer) Yes. I was aware of that. When Dr. Pantoja is out of the State he designates an Acting Research Leader to act in his behalf. Appointments to Acting Research Leader have always been to the same 4 scientists, myself and 3 other scientists. They are Jeff Conn, Steve Seefeldt, and Peter Bechtel. Assignments were rotated among us and if we were going to be available in his absence. There were no other male scientists at Fairbanks but there were in Palmer, AK. The two female scientists in Fairbanks are complainant and Cynthia Bower. Going back to 2004, I would say I acted as Research Leader about 4 to 6 times. I do not believe the acting duties accrue "points" toward my performance evaluation and/or promotion potential. I have never listed or taken credit for this in my evaluations.

38. Do you have any addition information related to this claim?

(Answer) No

Claim 8: she was subjected to having her peer-reviewed publications downgraded to research notes (dates not provided).

39. What knowledge, role, or involvement did you have with this claim?

(Answer) Complainant told me that Dr. Pantoja refused to allow her papers that were published in the journal 'Plant Disease Notes' to count towards her publication requirements. In the annual performance plans for scientists, there is a requirement for a certain number of publications, typically two are required per year. If this requirement is not met then a scientist may be graded "less than fully successful" in

that critical job element of the performance evaluation. A rating of 'not fully successful' in a critical job element can result in the employee being placed on a Performance Improvement Plan (PIP), and ultimately losing their job. Scientific notes are generally short communications and are not considered to meet the requirements for peer-reviewed publications. Even though the journal in question has "Notes" in its name, to my knowledge the articles in this Journal are comparable in detail and scope to other scientific publications. It is my understanding that plant pathologists in other units within the USDA-ARS receive full credit for publishing in this particular journal. Nevertheless, Dr. Pantoja insisted these articles were not full journal articles and could not be counted towards publication requirements in complainant's performance plan.

40. Were you subjected to having your peer reviewed publications downgraded to research notes by Dr. Pantoja?

(Answer) No

41. Do you have any additional information related to this claim?

(Answer) No

Claim 9: she was not allowed to hire permanent technicians (dates and provided).

42. What knowledge, role, or involvement did you have with this claim?

(Answer) I have some (second-hand) knowledge of this. As I understand it, there were several scientists who were not allowed to hire permanent technicians because Dr. Pantoja was not sure of the future funding for the unit and directed that new technicians be hired as temporary employees on one- or two-year appointments. I believe this applied to all of the technicians who were hired in the last 3 to 5 years,

but I am not certain. I have been here longer and when I hired a technician about 9 years ago, I was able fill the position with a permanent employee. At that time, this apparently was not an issue. In the last 3 to 5 year time frame, I have not hired any technicians.

43. Do you any additional information related to this claim?

(Answer) No

Claim 10: she was not allowed to hire technicians at GS-7 level (dates not provided)

44. What knowledge, role or involvement did you have with this claim?

(Answer) I have some knowledge, again second-hand. The technician complainant hired (Andrew Krohn) was qualified at the GS-7 grade level and complainant told me that Dr. Pantoja would not allow that. I believe she had to hire Mr. Krohn at the GS-5 grade level.

45. Were you not allowed to hire technicians at GS-7 level?

No

46. Do you have any additional information related to this claim?

(Answer) No

Claim 11: she received unfair performance appraisals (dates not provided).

47. What knowledge, role, or involvement did you have with this claim?

(Answer) Complainant did show me one performance appraisal she received. She was rated "less than fully successful" on one of the elements. It was not the publication element but I cannot recall at this time what it was. I do not recall what year it was. The rating lowered her overall performance rating. I do remember thinking it was an extremely trivial point on which she was downgraded.

48. Do you feel you received unfair performance appraisals by Dr. Pantoja?

(Answer) No

49. Do you have any additional information related to this claim?

(Answer) No

Claim 12: on September 5, 2008 she was threatened for communicating EEO issues to various other people including the designated contact person for Civil Rights and Workplace Violence issues.

50. What knowledge, role, or involvement did you have with this claim?

(Answer) None

51. Do you know the process to follow if any employee has a concern/issues about EEO?

(Answer) No.

52. What EEO training have you received?

(Answer) We have received some training on various things such as diversity issues and civil rights. I can't remember the specifics. We usually receive training once a year. Somebody comes in and gives a day long training/workshop.

53. Do you have any additional information related to this claim?

(Answer) No

54. Do you have any additional relevant information?

(Answer) No I do not.

I have reviewed this statement, which consists of 10 pages, and hereby solemnly _____ swear X affirm that it is true and complete to the best of my knowledge and belief. I understand that the information I have given will not be held confidential and may be shown to the interested parties as well as made a permanent part of the investigation

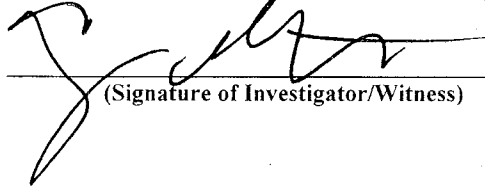
Ann J. Pantoja
(Signature of Deponent)

2/13/2009
(Date)

APJ
Initials

Signed before me at (Street and City) 303 O'Neill Bldg., UAF, Fairbanks, AK

on this 13 day of February, 2009

 (Cary de Wit)
(Signature of Investigator/Witness)