

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)

WITNESS AFFIDAVIT

I, Dr. Andrew Hammond, am X an employee of _____ applicant to _____ former employee of the:

(Agency) U. S. Department of Agriculture

(Office) Agricultural Research Service

(Division) Pacific West Area

(Branch)

Located in (city and state) Albany, CA

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

Area Director

Grade ES-0401-01 between (date) April 13, 2008 and (date) present

My telephone number during working hours is: 510-559-6060

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 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.

Andrew C. Hammond.

2. What is your gender?

Male.

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

Area Director, ES-0401-01

4. What are your major duties?

The Area Director participates with the Agency Administrator and staff in implementing, coordinating, and evaluating overall research programs; and provides leadership and operational accountability within the Area (which includes the States of Alaska, Washington, Oregon, California, Hawaii, Idaho, Nevada, and Arizona) for research programs and related activities. This management responsibility includes operational planning, direction and evaluation of research designed to implement programs as recommended in the approved operational plan. Participates in the development of a complex national strategic plan for agricultural research in the Agency. Assures the plan is executed with a view to coordination, cooperation and integration of research with associated interests in Land-grant organizations, with Federal agencies, other public entities, and institutions in the private sector.

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

Since April 13, 2008.

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

Edward B. Knipling, Administrator.



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

Since April 13, 2008.

8. Were you the former Associate Area Director?

Yes.

9. How long were you in that position?

Since May 2004.

10. What were your major duties?

The Associate Area Director participates fully with the Area Director in planning, coordinating, and evaluating overall research programs and provides leadership and operational accountability with the Area for the programs and activities, including planning, directing, and evaluating research programs designed and executed with a view toward Federal-State missions and goals for national program of agricultural research, and the coordination and integration of the research with other Federal agencies, Land-grant organizations, and other outside institutions.

11. Who was your former immediate supervisor? Name and job title?

Dwayne R. Buxton, Area Director.

12. How long was h/she your immediate supervisor?

From November 2004 to January 2008.

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

31 years.

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



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Office of the Area Director.

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

Albany, Alameda, California.

16. Do you supervise complainant? If yes, in what capacity?

No.

17. How long have you worked with or known complainant? Date?

Since January 2005.

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

Professional.

19. Do you supervise Alberto Pantoja? If yes, in what capacity?

Yes. I am Dr. Pantoja's direct supervisor.

20. Can you describe what kind of working relationship you have with Dr. Panoja?

Professional.

False.

21. How would you describe the tenor/morale of the work environment where complainant is situated?

I am not physically located in Fairbanks, Alaska so I would not be able to describe

the tenor/morale of the work environment there.

Dr. Hammond neglected to mention that he has been receiving complaints since 2003 (concerning Dr. Pantoja's harassing and discriminatory treatment of women research scientists in ARS's Alaska unit).

22. Complainant alleges Dr. Pantoja, supervisor, treats females differently from her male

counterparts (scientists). What have you observed?

Dr. Hammond might have reasonably deduced that Dr. Pantoja's illegal activities against women were lowering the morale of the Fairbanks' unit.

I have not observed that he treats females differently.

23. Have you observed the interaction between complainant and Dr. Pantoja? If yes, what have you observed?

You Decide:

Why do you think Dr. Hammond introduced a demonstrably false statement into his official affidavit, instead of just continuing his use of deceptive language to obfuscate the issue of unlawful discrimination in the ARS?

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On a visit to the location in July 2008, I observed a brief interaction between Dr. Winton and Dr. Pantoja, and it was professional.

24. 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?)

Yes. I am aware of the complainant's allegations.

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

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

I had no knowledge that Dr. Pantoja discriminated against or harassed Dr. Winton.

I do not recall the specific involvement on my part but I likely would have discussed any claims with Dr. Pantoja and employee relations.

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

No.

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

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

I have no direct knowledge that Dr. Pantoja threatened Dr. Winton with termination.

26. Complainant states she reported the threats through her chain of command on November 4, 2004, June 17, 2005, February 28, 2006, and April 11, 2006. She alleges the situation has never been resolved, the threats are still made but more subtly

and are now being directed to Dr. Jeff Conn in retaliation for trying to protect her from Dr. Pantoja's verbal abuse and public humiliation at a staff meeting. What is your response to these allegations?

I am not aware that these alleged threats have been substantiated.

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

No.

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

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

I have no direct knowledge that Dr. Pantoja subjected Dr. Winton to humiliation.

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

No.

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

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

I have no direct knowledge that Dr. Winton was subjected to disrespectful behavior by Dr. Pantoja.

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

No.

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

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

I have no direct knowledge that Dr. Pantoja subjected Dr. Winton to open hostility.

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

Dr. Hammond had received more than one grievance from Dr. Winton, therefore he had "direct knowledge" of the events. (It is not clear why Dr. Hammond chose to provide false testimony here in this official affidavit.)



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No.

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

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

I have no direct knowledge that Dr. Pantoja subjected Dr. Winton to intimidation.

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

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?

The Area Office is informed by Dr. Pantoja who is Acting Research Leader in his absence. (Therefore, Dr. Hammond and other administrators of the ARS's Pacific West Area were aware that no women research scientists in Alaska were ever allowed to serve as Acting Research

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

I understand that Dr. Pantoja has established a schedule of rotating Acting Research Leaders that includes all scientists in the Unit. (The schedule was only implemented after all the women research scientists in Alaska filed complaints with ARS's parent agency

Claim 8: she was subjected to having her peer-reviewed publications downgraded to research notes (dates not provided). (USDA), which stopped the unlawful discrimination.

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

This was raised in complainant's informal grievance and was answered in the grievance response.

40. Complainant alleges you allowed this practice to continue even after she filed an administrative grievance. What is your response to this allegation?

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The criteria for crediting peer-reviewed publications was documented in Dr. Winton's Performance Plan and is the same as for other scientists in the Unit.

41. What was your role in the administrative grievance filed by complainant?

Deciding Official for the informal grievance.

42. What was the result of the administrative grievance?

One specification was acknowledged and partial relief granted (changed the rating for Element 4 from "Does Not Meet" to "Fully Successful.") All other specifications and requested relief were not supported by the facts and were therefore denied.

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

No.

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

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

I do not recall specifically whether Dr. Winton was not allowed to recruit a permanent technician but because the President's budget at times proposed cutting portions of the research program at Fairbanks, Dr. Pantoja appropriately made a practice of hiring some technical support into term positions at the Unit.

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

No.

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

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

I do not recall specifics of personnel actions initiated by Dr. Winton.

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

No.

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

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

Dr. Winton filed an informal grievance regarding her performance appraisal rating.

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

I responded to the informal grievance in writing. Partial relief was granted in one specification and the other specifications and requested relief were denied.

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?

I was informed of this claim by being copied on an email from Helena Thompson to Dr. Pantoja dated November 25, 2008. I have no direct knowledge of the alleged threat by Dr. Pantoja.

51. Who is the designated EEO contact for the unit? Name and job title?

There are no specially designated EEO contacts for research units in PWA.

52. Complainant alleges she cc'd you after Dr. Pantoja alleged threatened her performance appraisal and job on August 28, 2008. What action if any did you take?

Dr. Winton cc'd me on an email to Dr. Pantoja dated November 28, 2008. Her email was in response to one from Dr. Pantoja to her regarding allegations from office staff that Dr. Winton was less than professional when responding to



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inquiries or providing requested information and that Dr. Winton's comments were causing an uncomfortable environment for the staff. The email from Dr. Pantoja to Dr. Winton made no threat or reference to performance appraisal.

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

No.

54. Can you identify any witnesses who have direct information related to the claims accepted for investigation? Name, job title, telephone number, and relevance?

No.

55. Do you have any relevant documents to submit as attachments to your affidavit? If so, please identify them for the record by placing your initials and date on the first page of each document.

No.

56. Do you have any additional relevant information?

No.

I have reviewed this statement, which consists of 10 pages, and hereby solemnly _____ swear _____ 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

[Signature]
(Signature of Deponent)

2/26/09
(Date)

Signed before me at (Street and City) 800 Buchanan Street, Albany

on this 26th day of February, 2009

Veronica Laird
(Signature of ~~XXXXXX~~/Witness)