

AFFIDAVIT OF CYNTHIA K. BOWER, Ph.D:

Cynthia K. Bower, Ph.D., being first duly sworn upon her oath, states:

1. I made repeated efforts to resolve discrimination claims within the Agency.
2. On 27 December 2007, I provided the Pacific West Area (PWA) an Informal Grievance in which I cited the Research Leader's gender discrimination, and alerted the Area to the original classification error, which I was able to do only then because of files that had recently been made available to me and which had not been made available to me previously.
3. On 7 January 2008 I sent a request to the Area for RPES re-evaluation.
4. On 21 January 2008 I sent another Informal Grievance to the Area concerning AD 332 errors on recent RPES paper work.
5. On 24 January 2008 the Area responded but it provided no relief.
6. On 4 February 2008, I submitted a Formal Grievance concerning the hostile work environment for women and requested a transfer as relief.
7. On 24 March 2008, I received a Response to my Formal Grievance, in which PWA administrators claimed a "zero tolerance policy for discrimination of any kind", while simultaneously ruling that a "hostile work environment for women" and "career-damaging events" were non-grievable.
8. On 26 March 2008, I grieved the Final Agency Decision to Dr. Knipling.
9. On 20 April 2008, I submitted to the Area an Informal Grievance upon my discovery of administrative errors in my supervisory status.
10. On 4 May 2008, I transmitted to the Area a "Letter of Conscience", prompted by information that another female scientist would soon be joining the Alaska ARS Unit, and by my view, as a matter of conscience, that the Area should inform her of the discriminatory circumstances that awaited her.
11. On 16 May 2009, PWA responded to my Informal Grievance by misinterpreting the issue and ruling it to be non-grievable. The response, as I perceived it, included a threat of reprisal against me if I were to continue to engage in the protected activity of discouraging discrimination.

12. On 27 May 2008 ARS Administrator Knipling issued a Final Agency Decision. It resolved nothing. Moreover, although supposedly confidential, it was inappropriately e-mailed to an ARS-Alaska support staff member who was instructed to print it out and give me a copy.
13. On 2 June 2008, I sent a Formal Grievance to PWA challenging the non-grievable status assigned to my Informal Grievance, and providing relevant entries from ARS Policies and Procedures manuals as evidence.
14. On 9 June 2008, I had initial contact with the EEO office for informal EEO counseling.
15. On 9 June 2008, I filed an informal EEO Complaint with ARS.
16. On 11 June 2008, I had initial contact with an EEO Counselor.
17. On 7 July 2008: ARS issued a Notice of Right to File a Formal EEO Complaint with USDA.
18. On 14 July 2008, PWA responded to my Formal Grievance in a document that classified as "granting relief", what I perceived to be a written threat of reprisal against me for engaging in a protected activity.
19. On 20 July 2008, I sent another communiqué to PWA noting errors in its reply to my Formal Grievance and requesting that those errors be corrected; in the communiqué, I also notified PWA that I would not be sending the grievance on to Dr. Knipling since the ARS internal grievance process was proving ineffective at resolving disputes.
20. On 25 July 2008, I filed a formal EEO complaint with the Director, Employment Complaints and Adjudication Division, USDA Civil Rights.
21. On 17 November 2008, my formal EEO complaint was accepted and referred for investigation, without mention of any so-called "untimeliness".

DATED at Fairbanks, Alaska, this 13th day of September, 2009.

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(Cynthia K. Bower)