

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)

PART 4 (of 5)

Dr. Pantoja states he is complainant's immediate supervisor. Complainant has been under his supervision since her arrival to SARU in October 3, 2004 and he has a professional working relationship with her. As of January 12, 2009, he directly supervises fourteen (14) employees. He maintains a professional relationship with all employees in the Unit. ARS in Alaska is co-located with the University of Alaska Fairbanks. The working environment is very professional with ample opportunity for professional and social interaction between ARS and University employees and students. ARS has a friendly environment with frequent professional and social gatherings. SARU personnel are scattered in various buildings and in two localities (Fairbanks and Palmer).

FALSE

Dr. Pantoja states complainant's allegation that he treats females differently for her male counterparts has no merit. He states he performs all duties in a manner which consistently demonstrates professionalism, fairness, cooperation, and respect toward co-workers. All scientists in the Unit are treated equally regardless of their gender.

FALSE

Dr. Pantoja states the first time complainant mentioned alleged discriminatory harassment was during a series of meetings during December 2007 and January 2008 regarding her Research Position Evaluation System (RPES) scores and conversion to GS-12. During a meeting on December 13, 2007 to discuss the RPES scores, complainant was emotional, agitated, and disappointed with the RPES panel results and outcome. Complainant accused him and others in the administration office of falsifying the documents in her case write-up. Complainant also argued that the RPES panel scored her low because she was a female. He tried to explain the RPES policies and procedures to her but she was agitated. He told her that they should continue the discussion once she calmed down and he left the room. Following his conversation with complainant, he e-mailed the PWA office on the incident and contacted a possible candidate for RPES training (Exhibit 11a). On January 3, 2008, he visited again with complainant to re-visit the December 2007 discussion on RPES scores and a strategy to strengthen her case write-up. During the visit complainant was emotional, agitated, and had difficulty articulating her ideas. They further discussed the alleged "falsification of documents". He left the room after indicating to her that they should revisit the topic once she calmed down. On an e-mail sent from complainant to him dated January 4, 2009 she referred to her emotional state (not calm) during the January 3rd meeting (Exhibit 11b).

his

Whether the agency subjected the complainant to discriminatory harassment based on sex (female) and limited her career advancement when:

Claim 1: "On July 2, 2004, after she accepted the verbal offer of the Research Food Technologist position, GS-13/14, her supervisor said that he position had to be re-evaluated by the RPES panel." This is one of USDA's non-claims

Dr. Pantoja states he did not offer complainant a job. During July 2004, he contacted complainant and informed her that she was selected by the Evaluation Committee as the top candidate for the Research Food Technologist position in Fairbanks. He also

informed her that a Human Resources Specialist (HRS) would contact her with a job offer. He states he made it clear that he did not have authority to offer jobs. Franky Reese, HRS, made the job offer pending the ad hoc panel review (Exhibit 11c). In complainant's e-mail dated September 17, 2004, she confirmed that it was Ms. Reese who made the job offer (Exhibit 11d).

Dr. Pantoja states he did not tell complainant about the need of the RPES evaluation. Ms. Reese informed complainant about the need of an RPES panel evaluation (Exhibit 11e). He states he did discuss the RPES evaluation process with complainant but it was after Ms. Reese informed complainant.

Since RPES does not use objective measurable criteria, the goal of reviewing scientific positions is clearly not to ensure classification accuracy.

Dr. Pantoja states the RPES provides for review of ARS Category-1 positions on a cyclical basis to ensure classification accuracy. The RPES is based on the "person-in-the-job" concept. Under this concept, research scientists have open-ended promotion potential based on their personal research and leadership accomplishment which can change the complexity and responsibility of their positions.

Dr. Pantoja states the operation and management of the RPES falls under the Research Position Evaluation Staff, ARS, Human Resources Division (HRD) in Beltsville, Maryland. He does not have information on the constitution of RPES panels. Merle T. Cole, Head Research Position Evaluation staff, ARS HRD, telephone 391-504-1563, e-mail Merle Cole@ars.usda.gov can provide that information. All Category-1 positions in ARS hired at the GS-13 level and above are evaluated by an RPES panel. Policies and procedures for RPES panel are available online at <http://www.afm.ars.usda.gov/ppweb.PDF/431-3M-ARS> (P&P) and <http://www.afm.ars.usda.gov/ppweb/PDF/431-3M-ARS.pdf> (Manual)

RPES results are determined subjectively (i.e. the process is biased). ARS statistics demonstrated that recruitment, promotion, and retention of women scientists in the ARS is lower than for their male peers.

Dr. Pantoja states on August 24, 2004 the PWA forwarded to him the results of the RPES panel classifying complainant as GS-12 level (Exhibit 11e),

Claim 2: "On September 16, 2004, her supervisor offered her he re-evaluated Research Food Technologist position at the GS-12 level."

Dr. Pantoja states he did not offer complainant the job. The job offer was made by Ms. Reese. Research Scientists have open ended promotion potential based on their personal research and leadership accomplishments. The enter on duty date letter (Exhibit 11f) and job offer indicates the Grade/step level and salary. The announcement at the GS-13/14 level was not cancelled. The position was re-announced as GS-12.

My "h index" (an objective measure of scientific impact) was over twice that of my GS 15 supervisor. Clearly, I was offered a GS 12 position because I was a woman, not because of my scientific accomplishments.

Dr. Pantoja states complainant fails to mention that a hiring incentive (up to \$55,357) and GS-12 Step 3 was approved based on superior qualifications. The hiring incentive included a \$10,000 hiring bonus paid in cash upon arrival to the unit (Exhibit 11f). **Men scientists also received a hiring bonus of equal (or greater) value.**

Claim 3: "Since she began her supervisor has not promoted her."

RPES does not evaluate scientists using objective measurable criteria. In fact, this biased RPE System allows the ARS to maintain an agency where women scientists are not recruited, promoted, or retained at the same rate as their male peers.

Dr. Pantoja states on December 12, 2007 complainant was evaluated by an RPES panel following applicable policies and procedures. The requirements to convert a Category-1 research scientist from a GS-12 to a GS-13 are defined in the RPES manual. The panel arrived at a consensus score and resulting classification decision of GS-12 (Exhibit 11a),

He states to ensure complainants success as a supervisor he ensured a smooth transition from her previous assignment into Alaska. He secured hiring incentives and hired her at GS-12 Step 3. He provided complainant with resources (funds, equipment and space) and guidance similar to other scientists in the Unit. Early upon complainant's arrival to the Unit he arranged for her to visit the Process Foods Research Unit and the Bioproduct Chemistry and Engineering Research Units at the Western Regional Research Center (WRRC) in Albany, California. He personally contacted the research leaders (Bill Orts and Tara McHugh) to arrange a long term visit to the WRRC. As a result of this interaction, the complainant has co-authored six abstract posters and presentations and published three peer reviewed articles in collaboration with WRRC scientists (Exhibit 11i). The research conducted by complainant and collaborators was also featured in the ARS magazine. Although not formally required by the agency (Exhibit 11j) he arranged for a mentor for complainant. The mentor, Tara McHugh, is a Research Leader and well known food technologist (Exhibit 11k).

FALSE
The "transition" required over three months of unanticipated delay and resulted in a lower salary than the job had advertised. Accepting employment with the ARS was anything but "smooth".

FALSE
No documents were ever presented to support Alberto Pantoja's statement that Peter Bechtel had been asked to provide any form of assistance (let alone mentorship or collaboration). Peter Bechtel only supported the careers of his male post-docs, allowing them both to achieve the same GS 12 rank as the Complainant, despite the lesser responsibilities of a post-doc (being told what to do) as compared to those of a woman research scientist, who must independently set up research programs, while forging collaborations, and supervising employees.

Actually, Alberto Pantoja specifically denied my access to Dr. Tara McHugh as a mentor in 2006, thereby allowing his attacks on my career to continue under the guise of "mentorship".

He states he also asked Peter Bechtel, Leading Scientist of the Aquaculture program to mentor and assist complainant to develop an aggressive research program. Under the mentorship/collaboration with Dr. Bechtel, complainant has published seven peer reviewed manuscripts and has been involved in seven presentations in national/international meetings (Exhibit 11i). Both Dr. Bechtel and he have assisted and personally intervened with the Dean of the School of Fisheries to secure an Affiliate Faculty appointment at the University of Alaska (UAF) for complainant.

Actually, I was expected to develop my own research program (which I did without any mentorship or collaborative opportunities from Peter Bechtel).

He states in an effort to support complainant's early research efforts, he has personally traveled with complainant to evaluate and follow up on a collaborative research projects at Oklahoma State University. Additional activities in support of complainant's professional development include participation on the PWA New SY training (January 25-27, 2005 at WRCC, Albany, CA). Since 2004, he has organized six training sessions with external groups or resources to include Classification and Staffing, Creativity and Diversity, Teambuilding, Transitions, Conflict Management, Crucial Conversations EEO/Sexual Harassment, Violence in the Workplace, and RPES Panels and Promotion.

Actually, he was on his way to Puerto Rico for personal reasons, and attached himself to my business trip so that agency funding would cover most of his airline ticket. His presence was unexpected and diminished my authority, resulting in no future collaboration with Oklahoma State.

He states complainant has attended all training sessions since her arrival to the Unit. In an effort to discuss and solve communication difference with complainant, in 2008 he arranged a conflict resolution meeting, but complainant refused to participate.

All three women research scientists reported that Alberto Pantoja consistently acted to DECREASE the strength of their case writeups.

He states he also assisted complainant in reviewing and strengthening the case write-up for both the 2007 and 2004 RPES panels (Exhibits 11l and 11m). He has funded and supported complainant's participation in a Conflict Management Skills for Women seminar (April 2006) and a leadership training to be held in May 2009 (Exhibit 11n). He also has assisted by identifying possible new projects for complainant (Exhibit 11o). He also has recognized complainant's research efforts with Superior Appraisals and cash awards in 2007 and 2008 and a \$500.00 spot award in August 2005 for her contribution to the SHEM committee (Exhibits 11p, 11q).

Almost all the women in Dr. Pantoja's unit (not just the women research scientists) attended the Conflict Management training in direct response to the unethical (and/or illegal) activities being perpetrated against ARS employees in Alaska.

Claim 4: "Since she began her supervisor actively excluded her from mentoring and other career building opportunities.:

Dr. Pantoja states SARU provides a wide range of career building opportunities available online at the Administrative and Financial Management web site <http://www.afm.ars.usda.gov/hrd/staffing/recruit/student/studexp.htm>). Some examples of career building and mentorship opportunities were discussed above. Every year employees have the opportunity to request training and career building opportunities through the Individual Development Plan (IDP). He has approved all training and travel requests presented to him by complainant through her IDP. On August 24, 2007, the PWA Area Director created a mentorship program for new SYs at PWA (Exhibit 11r).

ARS evidence conclusively proved that Alberto Pantoja refused to appoint a mentor for Complainant in 2006. The Pacific West Area administrators had suggested a mentor (in response to complaints of discrimination from ARS women in Alaska against Dr. Pantoja).

He states complainant has not been excluded from mentoring activities. She has had access to all activities and opportunities in the unit. Furthermore, he has actively looked for additional mentoring opportunities for complainant. Complainant was the first scientist for which he has formally appointed a mentor. He states complainant has not been denied career building opportunities at SARU.

FALSE

Claim 5: "Since starting her research programs, her supervisor has damaged her reputation, devalued her work, actively sabotaged her program by placing various behind-the-scenes impediments in the way of her progress, and eventually caused her programs to be shut down by disrespectfully:

- Tying up her technician 20% of the time;
- Interfering through disallowed Current Research Information System relevant projects and curtailed collaborations;
- Negatively impacted her credibility with co-workers and peers

Dr. Pantoja states complainant is assigned to conduct research under CRIS Project Titled "Converting Alaska fish by-products into value added ingredients and products"; CRIS #5341-2000-003D. In addition, complainant has Specific Cooperative Agreements (SCA) or collaborative projects with Oklahoma State University, the University of Alaska Fairbanks, the Fisheries Industrial Technology Center (FITC) in Kodiak Island, AK and the School of Natural Resources and

Ms. Cynthia Bower
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Agriculture (SNARS). Details on the names and affiliation of collaborators can be found in Exhibit 11w.

He states complainant's allegation that he has damaged her reputation has no merit. He has supported, recognized, and promoted complainant's research program. His activities in support of complainant's research program were discussed in claim 4.

He states complainant's allegation that he has devalued her work has no merit. He has recognized complainant's contribution to the Unit's research program with Superior Appraisals and cash awards for the 2006 and 2008 rating periods and a spot cash award in 2005. He has also assisted and promoted complainant's research program with other institutions and units.

He states complainant's allegation that he actively sabotaged complainant's program by placing various behind-the-scenes impediments in the way of her progress has no merit.

He states complainant's allegation that eventually her programs were shut down has no merit. The CRIS project Converting Alaska fish by-products into value added ingredients and product is still active in the ARIS AND CRIS Systems. Complainant has active Specific Collaborative Agreements and collaboration with several scientists in several state in USA (Exhibit 11w). All of complainant's projects SCA and collaborations are active and have yielded results as evidenced by a February 25, 2009 ARIS report (Exhibit 11w),

He states complainant's allegation that he shut down her programs has no merit. He states he has not shut down any program at SARU.

He states complainant's technician, Katie Hietala, is the designated in house SHEM manager, in charge of the Environmental Management (SHEM) Program for the Unit. SHEM activities represent up to 20% of official duty time. The technician had previous SHEM training and demonstrated interest performing in the vacant SHEM duties. He states he consulted with both the technician and complainant before formally assigning the collateral SHEM duties to the technician. He states he was not disrespectful in this request. He states he asked the technician if her SHEM duties interfered with the research support to complainant and she feels there is no interference and that complainant had not mentioned any negative feedback (Exhibit 11s). Additionally complainant has recognized the technician's work with superior appraisals and cash awards in clear indication that she is satisfied with the research support too her program.

He states he did not interfere or disallow complainant's Current Research Information System projects. He has always supported complainant's research projects. All projects presented by complainant on whom she follows approved policies and procedures have been entered and approved in the Agricultural Research Information System (ARIS). It is a central repository that holds project research information to

Dr. Pantoja approached the male scientist with respect, but undermined the authority of the woman scientist. This is merely a documented incidence of what was a common occurrence for the women who were frequently disrespected by Dr. Pantoja in Alaska's ARS unit.

Alberto Pantoja approached a male scientist first (Dr. Joe Kuhl) concerning SHEM duties for his technician. Dr. Kuhl did not allow the tech's appointment, so his tech was never told about the opportunity. Next, Dr. Pantoja approached the technician (Katie Hietala) of a female scientist (Dr. Bower) and discussed the SHEM position with only the technician. A meeting was set up (after the fact) to ask Dr. Bower for her approval.