

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: "Cindy Bower" <Cindy.Bower@ars.usda.gov>

Subject: Re: Position Review Notice (Bower)- action needed July 28

Date: Tue, July 27, 2010 7:16 am

To: "Pantoja, Alberto" <Alberto.Pantoja@ars.usda.gov>

Cc: "Hammond, Andrew" <Andrew.Hammond@ars.usda.gov>,"Matteri, Robert" <Robert.Matteri@ars.usda.gov>,"Whalen, Maureen" <Maureen.Whalen@ars.usda.gov>,"McLellan, Don" <Don.McLellan@ars.usda.gov>

Alberto,

I received your email that suggested my case write-up was non-compliant with ³RPES Case Writeup Preparation and Guidance for Panelists Manual 431.3-ARS, dated September 24, 2008². I assume you're referring to the manual's typographical error in Chapter 2 ³General Guidance²:

³No information is to be included in RPES case writeups mentioning prior, ongoing, or possible future Equal Employment Opportunity complaints, Merit System Protection Board appeals, position classification appeals, administrative grievances, or other similar complaint, grievance, or appeal processes. Such matters are irrelevant to RGEG application.²

Their statement is clearly false, since decreased resources (e.g. technical personnel, equipment purchases, collaborative agreements, and funding for travel), when combined with denied opportunities, very much affect how an RPES panel might judge a scientist's career. I'm surprised that this typographical error was not caught by alert ARS administrative personnel who are familiar with the number and variety of EEO complaints currently challenging the Agency's unlawful practices. If EEO matters were truly irrelevant in the RPES process, the Agency would not require all scientists to include the long, verbose paragraph in section E (Supervisory Responsibilities), which extols on the ³presumptive² virtues of even the most prolific of EEO offenders currently employed (and protected) by ARS. In any case, you're correct that I did not comply with the manual's false statement. I certainly hope that my case writeup will not be rejected on that basis.

Of note, Factors 1 through 3B describe the person on the job. We had this discussion back in 2007. The tone of your email suggests that we will continue to disagree.

PWA indicated that your job as RL is to review and certify case write-ups for accuracy and completeness. If you disagree on either accuracy or completeness, please address those issues specifically rather than just referring me to volumes of ARS regulations that may or may not be relevant. I have already offered proof that I have read the manuals more carefully than most, since I am perhaps the first scientist to detect the error, which (falsely) suggests that intentionally decreased resources for some scientists are irrelevant to the scientist's ability to compete fairly with other (more favored) scientists,

It's my understanding that this disagreement can be resolved through ARS Policy and Procedure (P&P) 431.3, which states, ³Disagreements on write-up content should be resolved at the lowest level possible. If agreement cannot be reached, the version submitted will appear as the AD directs, and a signed statement of disagreement from subordinate and/or supervisor may be attached.² Please request guidance from the AD and notify me of his decision so that I can begin preparing my signed statement.

To the best of my knowledge, my case write-up is accurate. If you find the truth about ARS discriminatory practices to be unflattering, please work with me to change the agency into an organization that we can both be proud of.

Cindy

On 7/26/10 8:55 PM, "Pantoja, Alberto" <Alberto.Pantoja@ARS.USDA.GOV> wrote:

> Cindy
>
> This message acknowledges receiving your Case write up (CWU).
> Instructions/guidance to complete the CWU were emailed on 5-04-2010 and
> 5-06-2010. The CWU, as received does not follow PWA and RPES guidance. As per
> ³RPES Case Writeup Preparation and Guidance for Panelists Manual 431.3-ARS,
> dated September 24, 2008², noncompliant CWU will not be accepted by the Area
> Office. Please review the CWU following Manual 431.3-ARS; page 7 of the manual
> provides details on the type of information considered irrelevant to the RGS
> process and RPES. Factors 1 through 3B constitutes the official position
> description; please review sections 1 through 3B, as per Manual 431.3-ARS and
> the official position description. If need, the unit's secretary, Juli
> Philibert, can provide an additional copy of your position description.
> Remember, undue detail, verbosity, and needless repetition will weaken rather
> than strengthen your CWU. The panel is looking for the incumbent documented
> contributions and accomplishments, not potential contributions.
>
> The deadline for receiving the CWU as per instructions detailed on emails
> dated 05-04-2010 and 05-06-2010 was July 23rd, 2010; please review Manual
> 431.3-ARS and provide a revised copy ASAP but no later than noon July 28,
> 2010.
>
> Let us know if you need assistance.
>
> alberto
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>
> From: Bower, Cindy
> Sent: Friday, July 23, 2010 11:36 AM
> To: Pantoja, Alberto
> Cc: Philibert, Juli
> Subject: Re: Position Review Notice (Bower)
>
> Alberto,
> As mandated by PWA, I have attached the files for my RPES writeup. Please let
> me know if you have any questions.
>
> Cindy
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> On 5/6/10 8:12 AM, "Pantoja, Alberto" <Alberto.Pantoja@ARS.USDA.GOV> wrote:
> Cindy
>
> RE: Request for Extension RPES, Case write Up

>
> After Examining the RPES schedule, PWA has amended the deadline for the first
> draft. The new deadline at PWA would be August 10th for the first draft. The
> final draft would still be due to the area office on September 3rd.
>
> Please provide your first draft to me, copy to Juli, by COB July 23rd, 2010.
>
> Thanks
>
> alberto
>
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>
> From: Bower, Cindy
> Sent: Tuesday, May 04, 2010 5:55 PM
> To: Pantoja, Alberto
> Cc: Whalen, Maureen; Sichel, Fran
> Subject: Re: Position Review Notice (Bower)
>
> Alberto,
> According to the documents you sent me, ³The first draft is due to the Area
> office August 3, 2010. Any request for extension to the first draft due date
> must be submitted through the
> supervisory chain to Maureen Whalen, Assistant Area Director.²
>
> A number of factors (including my research program's impending move to Kodiak
> Island) will cause a delay in production of the first draft. Could you please
> submit my request for extension up the supervisory chain to Dr. Whalen. I will
> have the first draft ready for you and the Area by the middle of August, which
> should provide adequate review time to meet the Area's September 3rd deadline
> for the final draft.
>
> I truly regret that so many adverse actions have been inflicted on me, thereby
> resulting in this delay.
>
> Cindy
>
> Cindy Bower, Ph.D.
> USDA Agricultural Research Service
> PO Box 757200
> Fairbanks, AK 99775-7200
> Phone: (907) 474-6732
> Email: Cindy.Bower@ars.usda.gov
>
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>
> On 5/4/10 10:18 AM, "Pantoja, Alberto" <Alberto.Pantoja@ARS.USDA.GOV> wrote:
> Cindy
>
> Attached Position Review Notice from the PWA. The RPES manual can be fiend at
> the AFM web page below
> http://pubsearch.arsnet.usda.gov/search?q=431-3m-ARS&site=AFM&client=afm_frontend&proxystylesheet=afm_frontend&output=xml_no_dtd
>
> Please send your firsts draft to me with copy to Juli, by COB July 15, 2010.
>
> Please acknowledge receiving this email.
>
> Let me know if I can be of help.
>

> alberto
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>
> From: Sichel, Fran
> Sent: Tuesday, May 04, 2010 9:55 AM
> To: Pantoja, Alberto
> Cc: Philibert, Juli
> Subject: FW: Position Review Notice (Bower)
>
> Attached please find the Position Review Notice from the RPE headquarters
> staff for Cynthia Bower. The attached forms: PWA RPES P & P 1st Draft Notice;
> and the Reviewers Guide contain important information from the Area office for
> everyone involved in preparing and reviewing Dr. Bower's case write-up. Please
> be sure to use and make available the most current RPES Manual 431.3, updated
> September 24, 2008.
>
> The first draft is due to the Area office August 3, 2010. Any request for
> extension to the first draft due date must be submitted through the
> supervisory chain to Maureen Whalen, Assistant Area Director. As with any
> administrative deadline, submission of the final version to the area office by
> the stated due date is an expectation.
>
> *Please note: the following item is a new RPES case write-up requirement:
>
> 1. New to Reviewer's Guide:
>
> a. Per email dated December 21, 2009 from Andrew Hammond, the following
> statement will be included under Factor 2, A, Assigned Authority: ³The
> incumbent has freedom to apply for extramural funding in support of research
> program objectives.² This change is reflected in the Reviewer's Guide.
>
>
> Feel free to contact me if have any questions.
> Regards,
> Fran Sichel
> Fran Sichel
> Executive Assistant to the Assistant Area Director
> USDA, ARS, Pacific West Area 800 Buchanan Street Albany, CA 94710
> Phone: (510) 559-6063 Fax: (510) 559-5634 Email: fran.sichel@ars.usda.gov
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Attachments:

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