
Subject: FW: An untenable situation in Alaska
Date: Wednesday, August 4, 2010 2:57 PM
From: Bower, Cindy <Cindy.Bower@ars.usda.gov>
To: <ckbower319@gmail.com>
Cc: <bower@sfos.uaf.edu>

From: Hammond, Andrew
Sent: Wednesday, August 04, 2010 2:51 PM
To: Bower, Cindy
Cc: McLellan, Don; Whalen, Maureen; Pantoja, Alberto
Subject: FW: An untenable situation in Alaska

Cindy:

You may submit your case write-up directly to Maureen Whalen, Assistant Area Director, for review and Area Director approval. My office will not require review by your supervisor, Alberto Pantoja, and we will not include Dr. Pantoja on the Indepth Reviewer Contact List, ARS-570.

ANDREW C. HAMMOND
Area Director
USDA, ARS, PWA
800 Buchanan St.
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Voice: (510) 559-6060
Fax: (510) 559-5779
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E-mail: andrew.hammond@ars.usda.gov

From: Bower, Cindy
Sent: Wednesday, August 04, 2010 8:59 AM
To: Pantoja, Alberto
Cc: Hammond, Andrew; McLellan, Don; Leonard, Joe; McNeil, Mary
Subject: An untenable situation in Alaska

Alberto Pantoja, Ph.D.
Research Leader
USDA Agricultural Research Service
362 O'Neill Building
P. O. Box 757200
Fairbanks, Alaska 99775
(907) 474 - 7536

Dr. Pantoja,
The ARS Pacific West Area (PWA) has put us in an untenable situation by requiring that we work together on my RPES (promotion) write-up, despite the extreme conflict of interest in such an arrangement. As you recall, I submitted six grievances before filing two EEO complaints, which listed you and PWA administrative personnel as Respondents.

Now, on my third attempt at this write-up, I am still being pressured to falsify the truth of my situation working for ARS here in Alaska. If I refuse, then you will be placed in a position to acknowledge the unflattering (and unlawful) events surrounding the discrimination, retaliation, and harassment that prompted so many present (and past) ARS scientists in Alaska to file EEO complaints. Clearly, PWA has made this a lose-lose situation for both of us.

I have continued to make (some) editorial changes to my RPES write-up as you suggested, although I have always believed the

write-up to be in compliance with ARS manual 431-3M. My Contact Sheet (ARS Form 570) was correct as previously submitted, so it will remain unchanged. To avoid further conflict, I recommend that we send the attached version of the write-up to PWA to meet their August 10th deadline. We can both submit signed statements to the Area Director noting our disagreements, in accordance with ARS Policy and Procedure (P&P) 431.3.

For whatever reason, PWA has chosen to fan the flames of conflict currently smoldering here in ARS's Alaska unit. Let's not play into their game.

Cindy

Cindy Bower, Ph.D.
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Kodiak, AK 99615
(907) 486-1534
Email: Cindy.Bower@ars.usda.gov

On 8/2/10 10:45 PM, "Pantoja, Alberto" <Alberto.Pantoja@ARS.USDA.GOV> wrote:
Cindy

The CWU as received does not follow the RPES manual (Manual). Please review and follow the Manual regarding what is included in each section; the CWU is about your research achievements and must be written in a professional manner. Additional comments and guidance on

how to prepare a CWU was provided on emails dated 05-04-2010, 05-06-2010, 07-26-2020, and 07-30-2010.

Attached comments to CWU; see areas highlighted in red on attached PDF file. Identify new accomplishments since last RPES review; currently accomplishment #2 is identified as new, but both exhibits were published before your last panel review; please confirm is that is correct. Review section E. Publications; there is a reference to a patent under accomplishment #1, but it was not listed under Republications- "Peer-reviewed journals articles and patents". Avoid use of acronym in accomplishments. SCA code numbers and titles are duplicated under accomplishment and others; I suggest leaving the information under others as per RPES Manual. The information under additional accomplishment is duplicated under accomplishment #4; follow Manual instructions.

Add the Lead Scientist and NPL contact information to ARS form 570; either the Area Director, the Assistant or the Associate Area Director contact info should be added to ARS 570.

Let me know if you have questions; Juli can also assist if you have difficulties with RPES Manual instructions.

alberto

From: Bower, Cindy
Sent: Fri 7/30/2010 4:04 PM
To: Pantoja, Alberto
Cc: Philibert, Juli; Contento, Janis; McLellan, Don; Hammond, Andrew
Subject: RE: Position Review Notice (Bower)

Alberto,

I have attached a revised version of my RPES case write-up, with the EEO issues consolidated into one paragraph and listed under "Other Significant Information", although the wording in

your email suggests that the AD will have the option of deleting my paragraph.

No changes were made to the other files (Exhibits, cover sheet, and IDR contacts), which were sent to you on July 23rd.

As previously mentioned, I believe that my writeup is accurate. I appreciate that you are willing to review the document for completeness. Thank you.

Cindy

From: Pantoja, Alberto
Sent: Friday, July 30, 2010 8:31 AM
To: Bower, Cindy
Cc: Whalen, Maureen; Philibert, Juli; Contento, Janis; Pantoja, Alberto
Subject: FW: Position Review Notice (Bower)

Cindy

After consulting with PWA, you are directed to summarize all EEO ideas into a single paragraph under the Other significant information section. Any mention of EEO issues elsewhere in the case write up should be removed. PWA office will determine if the paragraph under the Other Significant information section will be allowed in the case write-up that is submitted to RPES.

The RPES manual must be closely followed regarding what is included in each section and for space requirements. The case write-up is about your research achievements and must be written in a professional manner.

Please submit you CWU ASAP for timely submission to PWA.

alberto

From: Bower, Cindy
Sent: Tue 7/27/2010 9:16 AM
To: Pantoja, Alberto
Cc: Hammond, Andrew; Matteri, Robert; Whalen, Maureen; McLellan, Don

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

Alberto,

I received your email that suggested my case write-up was non-compliant with "RPES Case Writeup Preparation and Guidance for Panelists Manual 431.3-ARS, dated September 24, 2008". I assume you're referring to the manual's typographical error in Chapter 2 "General Guidance":

"No 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."

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 "presumptive" 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, "Disagreements 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." 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 "RPES Case Writeup Preparation and Guidance for Panelists Manual 431.3-ARS, dated September 24, 2008", 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 RGES 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

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

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

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, "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."

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.
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Phone: (907) 474-6732
Email: Cindy.Bower@ars.usda.gov

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 found 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 first 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

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: "The incumbent has freedom to apply for extramural funding in support of research program objectives." 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

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