

November 28, 2016

Gayle M. Petersen
USDA/OASCR Employee/Whistleblower
Letter to the
United States House of
Representatives
for the December 1, 2016
Hearing before the Committee on
Oversight & Government Reform

I am a "Whistleblower" and as such retain the rights and protections of whistleblowers under the Whistleblower Protection Act.

For decades, the United States Department of Agriculture has been referred to as, "The Last Plantation." As an observer with a front row seat, I am providing my observations and am also requesting that the following letter be entered into the record for the Government Oversight Committee hearing scheduled for December 1, 2016.

President Barack Obama was made aware of the oppressive conditions at USDA and did nothing to address the issues. The Honorable Carolyn Lerner, the Special Counsel wrote to the White House on May 18, 2015, outlining the serious mismanagement problem in USDA's Office of Civil Rights, and nothing was done by President Obama, or the Secretary of Agriculture, Tom Vilsack. There have been numerous articles written in major newspapers such as the New York Times, and television programs, i.e., the November 22, 2015, "Full Measure" episode entitled, "Burned" outlining in explicit detail the issues of sexual harassment in the USDA Forest Service. On March 16, 2016, The Huffington Post published an article entitled, "Out Here No one Can Hear you Scream," further describing the sexual harassment in the Forest Service, and still nothing was done.

I, and other members of the USDA staff note that these **issues** are no longer being ignored, and welcome the bipartisan effort undertaken in the examination of these issues. Moreover, ***It is our hope that ALL of the current management officials (absent a few) be removed from their positions to bring integrity back to the USDA civil rights complaint program and process.***

BACKGROUND

The information contained herein has previously been submitted in some format to either the White House, the Secretary of Agriculture, the USDA Office of General Counsel, or the USDA Office of the Inspector General and no actions have been taken, or the findings have been cosmetically minimized. For example, there have been many internal investigations and audits by the USDA, please see, Office of Inspector General Review of Expenditures made by the OASCR, Audit Report No.: 50099-0001-12, dated September 2015.

Prior to 2009/2010 and continuing to the present, the USDA Office of the Assistant Secretary for Civil Rights (OASCR), has been deluged with civil rights complaints, complaints of sexual and

gender harassment, retaliation and various other complaints. In response, the USDA Office of the General Counsel with the full knowledge of Tom Vilsack began operating to control and stem the voluminous amount of complaints filed against USDA including the Forest Service Agency complaints. The serious complaints against USDA management officials have been closed, manipulated, ignored or have not been resolved, due to various practices within USDA – and orchestrated by the Office of General Counsel (OGC). The major driving force for this activity is Arlean Leland the USDA Associate General Counsel, Civil Rights, Labor and Employment Law Division, and her subordinates Tami Trost, USDA/OGC Assistant General Counsel, and Steven Brammer, Assistant General Counsel, Civil Rights, Labor and Employment Law Litigation Section. On April 6, 2016, Ms. Leland has gave a speech to the OASCR staff about her fervent desire to “*win cases at any cost!*” thereby *encouraging* the civil rights staff to go along to get along¹. In her speech, Ms. Leland made no mention of ensuring that the civil rights of employees and customers were not violated. The unprecedented public encouragement and approval of the manipulation of valid complaints is a violation of Federal statutes, laws, rules and regulations, which have persisted under the leadership and direction of Winona Lake Scott, the current USDA Associate Assistant Secretary for Civil Rights, who is not a political appointee.

The existing uptick in complaint manipulation has been conducted with the full knowledge, consent and approval of Joe Leonard, the USDA Assistant Secretary for Civil Rights, and Frederick Pfaeffle Arana, his Deputy Assistant Secretary for Civil Rights, Candace Glover, Chief of the Conflict Complaint Division formerly known as the Corporate Services Division (CSD), David King, the current Deputy Director of the Office of Compliance, Policy and Training, and Bobbie Moore, Chief of the Compliance Division. I, and others urge you to look into the amount of discrimination complaints sent by Ted Gutman, Chief of the Forest Service Agency to Kirk Perry, Chief of the Employment Complaint Division, (who handled the budget for several years), and review and examine the Forest Service Final Agency Decisions issued. Some are complaints by women of sexual harassment. All of the above named individuals have engaged in the abuse of power in their various USDA positions, and violated numerous statutes, rules, laws and regulations, because they believe that neither Republicans or Democrats care about civil rights.

MANIPULATION OF COMPLAINTS

Ms. Scott since 2009/2010 has held some of the following positions; Director of Accountability, Planning and Performance, Special Assistant to Dr. Leonard, Chief of Staff for Dr. Leonard, Acting Director of the CSD, COTR for various USDA contracts, and Associate Assistant Secretary for Civil Rights.

¹ A March 29, 2016, email to all employees read, “Mandatory OA TRAINING FOR ALL OA EMPLOYEES THIS WILL BE A VERY INTERACTIVE TRAINING SESSION. LIGHTS, CAMERA, ACTION: EFFECTIVE COMMUNICATION = SUCCESS. As professionals or people in general we must understand that the communication we have every day with other professionals whether verbal or non-verbal is crucial to developing a mentoring culture. This leads us to the take away lesson of learning the basics of believing “Everyone is capable of being a Mentor; however, not everyone knows how to communicate effectively”. If we can bridge the gap then we have effective, motivated and/or self-motivated individuals as we become more aware of our communication skills with others around us. To accomplish this goal, we will have several interactive group activities along with a dynamic speaker!! If you have never heard Ms. Arlean Leland speak you are in for a treat!!

While in these positions and currently, Ms. Scott has continuously abused her authority. The following employees (Candace Glover, Anika Patterson, Anita Pitchford, Debbie Lopez, Corliss Patton and Mary Thomas (retired)) allegedly at her instruction, manipulated and or removed key and critical documents from complaints against USDA management officials (Joe Leonard, Fred Pfaeffle, Kirk Perry, Candace Glover, David King, Ms. Scott, and their friends who are also management officials throughout the organization).

The rights of these employees found in the Civil Rights Act of 1964, Title VII, Title VIII, Section 504 of the Rehabilitation Act, the Age Discrimination Act, and 29 CFR Part 1614, cannot be guaranteed if their complaints and complaint files are tampered with. The majority of complaints that Ms. Scott has "overseen" were well over 180 days old in violation of 29 CFR Part 1614.106 (2).

LOW PERFORMING USDA ALTERNATIVE DISPUTE RESOLUTION (ADR) PROGRAM

Under USDA regulations ADR should be offered at the lowest level possible. However, because this rarely happens cases that have been resolved go to the Equal Employment Opportunity Commission, (EEOC) or Federal Court. Most employees feel that EEOC is just as lethargic as USDA/OASCR and will simply drop their complaints or opt to go to Federal Court. When cases are settled in court, the cost to the tax payer is higher because these cases have dragged on for years and accumulate more payment, due to the continuing violations, continued harassment and retaliation. ADR was designed to avoid this.

USDA employees do not trust USDA's EEO complaint process as guided by OASCR leadership. With increasing frequency employees are deciding the financial and emotional toll of filing an EEO complaint is more than they can bear, and is a waste of time and money. USDA employees (and farmers) are aware that when a discrimination complaint is filed, it will likely get dismissed by OASCR on some alleged procedural ground. If not, then the process ahead will be long, expensive, and will usually result in OASCR saying that no discrimination was found. Then, the only way complainants can get a fair hearing is to appeal to the Administrative Law Judges or to the EEOC to reverse USDA's decision.

In its September 2014 report the EEOC stated that they reversed 46% of the EEO complaints that were dismissed by USDA. According to the EEOC report, USDA's reversal rate exceeds the government wide reversal rate.

The Assistant Secretary Joe Leonard claimed the following as a civil rights accomplishment - "Developed an alternative dispute resolution procedure that has been highly successful in resolving complaints in a manner satisfactory to both Complainants and Agency management at the earliest possible point in the process." A look at how this procedure operates will reveal that it is not so highly successful in resolving complaints in a manner that is satisfactory to the complainant or to the agency.

How many USDA customers were coerced through strong arm tactics to accept a settlement that did not resolve the discrimination that they complained about? How many USDA customers were denied an opportunity to participate in ADR because the resolving management officials did not conduct ADR in good faith, thereby forcing them to go to federal court?

The program (farmer) ADR has no Departmental regulations, policies, and procedures relating to the use of ADR for program complaints. The program is operated by skirting applicable government regulations and without the administrative structure that ensures all USDA customers are treated the same, and given equal opportunity to resolve their complaints. This has resulted in arbitrary treatment of USDA customers. For example, ADR employees have reported that there are no standards for determining which complaints are suitable for Program ADR. There is no strategic or performance plan for the ADR Program so there are none of the performance indicators that Federal government programs use to judge the performance of the program or how it is meeting its goals.

OFFICE OF GENERAL COUNSEL AND WINONA SCOTT INTERFERING WITH COMPLAINTS IN ORDER TO PREVAIL BY EXERCISING UNFAIR ADVANTAGE

The conflict of interest complaints handled in the Conflict Complaint Division (CCD), via the Chief Candace Glover are **NOT** being handled properly because Arlean Leland of OGC and Winona Scott are silent partners in CCD and the delay, removal and closure of complaints continues. This is an abuse of power, a serious conflict of interest, and in violation of MD-110 IV Avoiding Conflicts of Interest, A-E, but specifically section B.2., since Joe Leonard, as the Assistant Secretary for Civil Rights serves as the EEO Director for USDA. There is no firewall between OASCR and CCD, since Ms. Scott is the supervisor of Candace Glover and has unlimited access and is privy to complaints against any responding management official because of Ms. Scott's super user capabilities in iComplaints, the files.

There is also no existing firewall as required between OGC and the OASCR. Arlean Leland, Tami Trost, Steven Brammer and Ms. Scott all have unlimited access to information pertaining to complaints against Joe Leonard, and his immediate staff, and other USDA managers. The previous manager of the Employment Complaint Division Vi Hall also had unlimited access to information and was on the "team." Each of these individuals have access to complaints filed against them, and other high ranking management officials including managers from the Office of the Secretary. This is a violation of MD-110, and an abuse of power.

Furthermore, in violation of MD-110 IV-D, Winona Scott has routinely and regularly provided the USDA OGC with the internal CCD reports, commonly referred to as stop light reports. The stoplight report has pertinent information about the conflict complaint caseload and inventory. Ms Scott provides OGC with reports of investigation for the conflict complainants, and other confidential information.

INTERFERENCE WITH COMPLAINT RECORDS BY DATA MANAGEMENT DIVISION

In violation of DR 3080-001, 13, Records Management, Office of the Chief Financial Officer Safeguarding Records, Winona Scott allegedly directed Mary Thomas (retired), the former Chief of the USDA/OASCR Data and Records Management Division (DRMD), and her staff (Corliss Patton) to delete a number of complaints against USDA management officials. After employees became aware through various requests for information, of the deletion of complaints from the iComplaints tracking system we asked Mary Thomas, Corliss Patton, and Michelle Washington about the removal of these complaints and they all claimed they had no knowledge about the disappearance of any complaints from the system.

THE REWARD SYSTEM FOR ENGAGING IN ILLEGAL ACTIVITY IN USDA/OASCR

In violation of MSPB 5 USC Section 2302 (b) (6), Favoritism is rampant in USDA/OASCR. Employees who are willing to falsify records, delete complaints, and tell lies about the work or their fellow co-workers are rewarded with an array of unfair merit based decisions, e.g., competitive, and non-competitive promotions, quality step increases, within grade increases, bonuses, extra effort awards, and unlimited luxury travel to various destinations, and other frivolous educational trips to Harvard University Kennedy School of Business with no supportable benefit to the federal government. Winona Scott, David King, Candace Glover, Kirk Perry, Bobbie Moore, Archie Crawford, Tysan Williams, Anika Patterson, Pilar Velasquez and others are highly favored and consistently and continuously rewarded while honest and humble civil servants -- employees with integrity, are routinely sidelined, overlooked, given minimal performance ratings and/low or no bonuses or rewards, moved out of their jobs in order to make space for the favorites, or sent home on trumped up charges, or indefinite administrative leave and/or telework.

Quality of work, years of experience, leadership potential and extensive backgrounds in EEO law and Civil Rights are considered a negative and therefore overlooked, and incompetent employees who lack character, the basic information, skills, and knowledge necessary to adequately perform in positions are routinely groomed, promoted and advanced through the system by Joe Leonard, Winona Scott, David King, and their managers. Please look into all of the hires during Joe Leonard's tenure and you will see a pattern of certain managers consistently getting quality step increases and being rewarded for NOT properly processing complaints.

2014 FEDERAL EMPLOYEES VIEWPOINT SURVEY

On the 2014 Federal Employees Viewpoint Survey (FEVS) OASCR scored the lowest or next to the lowest of all of the USDA agencies and staff offices on the three major indices of the FEVS. On the FEVS Engagement Index that focused on employees' perceptions of leadership's integrity as well as leadership behaviors such as communication and workforce motivation; interpersonal relationship between worker and supervisor, including trust, respect, and support; and employees' feelings of motivation and competency relating to their role in the workplace, OASCR scored 61, next to the lowest score. On the Global Satisfaction Index, which measures

employees' satisfaction with their jobs, their pay, their organization, and their willingness to recommend their organization as a good place to work, OASCR scored next to the lowest of all USDA agencies and staff offices. On the Human Capital Assessment and Accountability Framework index, which focuses on leadership and knowledge management; the extent to which employees hold their leadership in high regard; the extent to which employees believe their organizational culture promotes improvement in processes, products and services, and organizational outcomes; the extent to which employees think the organization has the talent necessary to achieve organizational goals; and the extent to which employees are satisfied with their jobs, OASCR scored the lowest of all USDA agencies and staff offices – at the very bottom.

Below is a sampling of complaints and the management officials whom they are against for your review:

Carol Sanders, complaint number xxxxxxxx. This complaint is against Joe Leonard, Fred Pfaeffle, Carl Martin Ruiz and Winona Scott.

Rosetta Davis, complaint number xxxxxxxx. This complaint is against David King, Deputy Director, Office of Compliance, Policy and Training.

Karen Cleaver Bascombe, complaint number xxxxxx. This complaint is against David King. Settled.

Lawrence Albert, complaint number xxxx. This complaint is against Joe Leonard.

Gayle Petersen, complaint numbers xxxxxx. These complaints are against Pearlle Reed, Lloyd Wright, and Geraldine Herring. At EEOC, and also Federal Court

Nadine Chatman, complaint numbers xxxxx. These complaints are against Bobbie Moore, Joe Leonard and Winona Scott.

Queen Victoria Kavanaugh, complaint number xxxxx. This complaint is against Candace Glover, Cyrus Salazar, Joe Leonard, and Winona Scott.

Torri Curley Jones, complaint numbers xxxxx, Candace Glover, Kirk Perry, and Joe Leonard

Akio Watson, complaint numbers xxxxx, Joe Leonard, Candace Glover, Kirk Perry and Lisa Wilusz

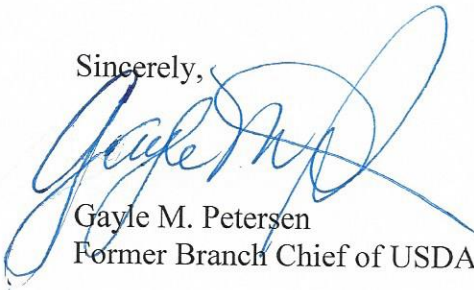
Sheila Bryant, complaint number xxxxx. This complaint is against David King.

Demetrius Rios, complaint number xxxxx. This complaint was against Joe Leonard, Brian Garner and Bobbie Moore. Settled.

Charles Smith, complaint number xxxxx. This complaint is against Joe Leonard. Settled.

Please enter this statement into the record for the Congressional Hearing on these matters scheduled for December 1, 2016, so the Government Oversight Committee can examine these issues as soon as possible.

Sincerely,



Gayle M. Petersen
Former Branch Chief of USDA/OASCR/CSD

cc: The Honorable Jason Chaffetz, Chair Government Oversight Committee
The Honorable Elijah Cummings, Ranking Member, Government Oversight Committee