

MEMORANDUM

**TO: LAWRENCE LUCAS
 COALITION FOR MINORITY EMPLOYEES**

FROM: CONCERNED USDA EMPLOYEES

**SUBJECT: ISSUES FOR THE COALITION TO ADDRESS
 WITH THE HONORABLE MARGO MCKAY**

DATE: NOVEMBER 15, 2006

It is our collective belief that the USDA Office of Civil Rights (CR) could and should be the federal “flagship” program in the metropolitan area for civil rights, and the model for other federal agencies to emulate. This is especially true in light of the fact that the USDA Graduate School is highly recognized and respected for its excellence in education. However, due to a long history of mismanagement, this is not the case.

As civil rights professionals, we take pride in the mission of CR, even though we are suffering as a result of CR management’s bullying and abuse. We are painfully aware of the negative reputation that CR has acquired during the last few decades. We would sincerely like to change this perception and have concluded that the overriding problem with CR has been in its management and vicariously its enforcement. In the last few years interested parties have issued report after report that have identified glaring deficiencies within CR. CR has a widely recognized and well-established pattern and practice of mismanagement, as demonstrated by the numerous substantiated reports of gross mismanagement. (Attachment 1)

Based upon the continuous feedback concerning CR performance that CR management has been given throughout the years by interested parties, one would think that responsible officials would have taken all the necessary actions to “fix the problems.” The problems identified in these reports pointed critically to CR management as being the largest part of the problem. It appears that CR management has instead, projected their own failures onto the CR employees and treats the employees as if they are the problem instead of looking inward. CR management is apparently unwilling or incapable of recognizing that as the leaders of this organization, they must bear the brunt of the responsibility for how CR is managed.

Based upon the foregoing, we have concluded that forming a Union, talking to the leadership of the Coalition for Minority Employees, and lastly going to Nancy Pelosi is our last refuge for obtaining fairness and equal opportunity in CR. It is our purpose and hope that through these actions, CR will someday become the organization that we collectively believe that it can be -- a shining example of fairness, equality and opportunity that is respected as a model program for all to follow.

The following issues underscore our previous assertions. While there are a number of other issues that need to be addressed within CR, the issues that we presently raise in this document deserve immediate attention and redress.[1/](#)

As an aside, on June 6-7, 2006, the Complaints Adjudication Division (CAD) and Program Complaint Division (PCD) held a joint retreat. On the last day of the retreat, management requested a list of concerns from the staff that they would address. This list of concerns was presented to management as requested, however despite management's representations; these concerns have never been addressed. (Attachment 2)

PERSONNEL ISSUES

CONNIE BAILS

Clyde Thompson hired Connie Bails as the Deputy Director for CR after he determined that Sadhna True was not as firm with the employees as he had hoped. Connie Bails was hired to "get the employees in line" because Clyde felt that the employees were "out of control." Clyde felt that Connie's "iron fist" management style was crucial to the accomplishment of this mission.

Shortly after Connie Bails arrived she had several discrimination complaints filed against her. Connie Bails quickly came to be known for her racist comments such as calling people "niggers," asking light-skinned employees if they think that they are better than other blacks because of the color of their skin, making public declarations that wheel-chair bound employees "know they can walk, why don't they stop trying to fool people", and she has also told employees to, "watch out for that white man he will do you in," when referring to Caucasian male employees. She has openly complained to employees about other employees who in her opinion are too fat, too dumb, too sneaky, or think that they are smarter than everyone else. She has commented several times about employees who smoke too much, thereby requiring frequent breaks, and has referred to women in the office who wear skirts that she deems to be too short as "hoochi-mammas."

Several employees who Connie Bails made these discriminatory remarks and comments to have provided statement and affidavits regarding these remarks. However, because these employees fear extreme retaliation and the No Fear requirements are ignored; these statements and affidavits were not included in this report. These discriminatory statements taken in conjunction with the actions taken against the persons who these statements were made clearly violate Title VII, which is ironically one of the very laws that the Office of Civil Rights is charged with enforcing.

The Connie Bails Clyde Thompson approved campaign of hostility, reaches all levels. She has openly attacked Administrative Support staff, Equal Opportunity Assistants, Equal Opportunity Specialists, Human Resource Specialists, Management Analysts, and even management. Connie Bails is known for pitting employees against one another, pitting managers against other managers, pitting managers against employees and employees against managers. Connie Bails

constantly reminds CR employees that she has a psychology degree, and her specialization is group dynamics, which results in her being well versed on how to manipulate groups.[2/](#)

The harassment and hostility against employees by Connie Bails has been exercised through individual meetings, group meetings, and hallway confrontations. Connie Bails has intentionally held up the work of the Administrative Support staff resulting in problems for the supervisors of the Administrative Support staff. Connie Bails has also on more than one occasion refused to sign or withheld the time and attendance reports (T & As), for the divisions where she has been an acting chief for no apparent reason. As a result, Betty Stiehm of Human Resources has often called and inquired as to the whereabouts of T & As.

Connie Bails takes and/or fails to take personnel actions in violation of the merit system principles found at 5 U.S.C. § 2301. These prohibited personnel practices consist of: discriminating against employees based on race, color, religion, sex, national origin, disability and marital status. Connie Bails gives unauthorized preferences and advantages to favored employees so as to improve the prospects of her favorite employees, and injure the prospects of other employees. (Attachment 3)

Connie Bails has strict requirements regarding time and attendance and employees leaving the building for breakfast and lunch that she does not apply equally across the board. Connie Bails looks the other way when her favorite employees are late or leave the building in the mornings for breakfast, or take long lunches. These favorite employees are also not required to fill out leave slips when arriving to work late or when leaving the building at 9:45 to go shopping.

We, the CR employees strongly feel that Connie Bails has been extremely bad for this organization. Her open discriminatory comments with respect to the race, color, national origin, economic status, familial status, weight, background and even personal criticisms against a number of CR employees is staggering and inappropriate for any office. However, it is even more unprofessional and inappropriate for CR.

The Office of the Assistant Secretary for CR began the implementation of 13 significant civil rights related initiatives in October 2003. The purpose of these initiatives among other things was to reduce complaints and to change the culture within CR. Initiative 12 is one of the 13 Initiatives slated for implementation by all of ASCR. Initiative 12 requires that CR and the Office of Human Resources Management revise and implement an Accountability Policy to ensure that personnel actions include specific corrective and disciplinary measures for any USDA employee who violates antidiscrimination laws. We are therefore asking for the removal of Connie Bails from CR. It should be noted Sadhna True has direct knowledge of these events and has done nothing to address the matter. (Attachment 4)

CAROL SANDERS[3/](#)

Carol Sanders is a bona fide beneficiary of the prohibited personnel practices of Connie Bails. Connie Bails arranged for Carol Sanders to be the Acting Team Leader for PCD from July 2005 to March of 2006. Connie Bails continued this arrangement despite the requests of several senior

investigators that the Acting Team Leader position be rotated to allow each of the investigators to receive the same developmental opportunity as Ms. Sanders. Connie Bails adamantly refused this request, stating that she wanted Carol Sanders to continue as the Acting Team Leader, because she did not like rotations.

Here, in violation of 5 U.S.C. § 2301, Connie Bails gave Carol Sanders, her most favored employee, an unauthorized preference and advantage, which improved the employment prospects of Carol Sanders, and injured the prospects of other employees. In addition, Connie Bails gave Carol Sanders an advantage in this employment recommendation based on factors other than personal knowledge or records of job related abilities or characteristics.

Connie Bails was not the selecting official for the Team Leader position, however she was deeply involved with the selection process, along with Kenneth Baisden (the at that time new Chief of Investigations) and Sadhna True. When the Team Leader position was announced and a selection made, it was no surprise to anyone that Carol Sanders was selected for the position since Connie Bails gave Carol Sanders an unfair advantage over other qualified applicants by allowing Carol to act in the position of Acting Team Leader for over a year. Under Sadhna G. True, Carol Sanders also served as Acting Team Leader for over one year. As a result of management's actions Carol Sanders' prospects for being selected for the position improved. Carol Sanders was given an unfair advantage over the other employees/applicants because she possessed more supervisory experience than the other qualified employees/applicants who had been denied the developmental opportunity of Acting Team Leader for the past two years. This is a prohibited personnel practice under 5 U.S.C. § 2301.

Because her true qualifications for the job were never adequately assessed, Carol Sanders via Connie Bails now employs Kathlyne Ramirez GS-9 and Donna Gaskins GS-12, to review the reports of investigation of the other investigators. Carol also uses Sidney Wiggins GS-13 to assign and review the reports of investigation. Carol Sanders employs Lolita Ellis to edit the work of the specialists. These are the duties and responsibilities of Carol Sanders as a GS-14. By utilizing other employees to do her work, Carol Sanders has circumvented her duties and responsibilities and has ample time to carry out the extracurricular harassment activities as designated by Connie Bails.

Per Connie Bails, Lolita Ellis^{4/} is currently absorbing the duties of other employees and thereby diluting the duties of valuable employees. It is widely recognized that when an employee's duties are diluted that it has somehow been orchestrated behind the scenes by Connie Bails.

EMPLOYEES ARE PLACED IN POSITIONS WITHOUT THE POSITION DESCRIPTION AND/OR POSITION BEING PROCESSED AND CLASSIFIED THROUGH HUMAN RESOURCES

Because employees are placed in positions without the vacancy announcements or required paperwork to detail or announce positions, opportunities are not openly available for all equally qualified applicants to compete and/or request details. The following employees are currently in positions where a vacancy announcement was not posted: Kirk Baylor, Susan Notar, Rhondi

Hammond Barbara Lincoln-Smith and Maurice Thompson. Because these positions were not advertised other qualified employees were not given an opportunity to compete for these positions. It should be noted that Sadhna True placed these employees in these positions. We want these prohibited personnel practices to cease and desist.

NON-SUPERVISORY GS-14s ARE CURRENTLY MANAGING AND SUPERVISING FOUR DIVISIONS

There are four non-supervisory GS-14s who are currently supervising employees: Maurice Thompson, Data Management and Customer Service Division; Calvin Gibson, Accountability and Resource Management Division; Kirk Baylor, Civil Rights Service Division, and Jean Parker and Anna Stroman, Equal Opportunity/Compliance Division (EOCD). These non-supervisory GS-14s are daily performing management functions

such as: signing T & A's and leave slips, denying leave, assigning work, rating employees, providing performance evaluations and disciplining employees. For the record Sadhna True placed these employees in these positions. (Attachment 5)

GS-9 EMPLOYEES ARE ASSIGNED AS TEAM LEADERS OVER GS-13 EMPLOYEES ON SPECIAL PROJECTS

Jeffery Carr who is a GS-9 is continuously placed in lead positions over employees who he has less seniority. Jeffery Carr is currently the Team Leader on the Complaints Special Project within PCD over Deborah Davis GS-13 and Rhondi Hammond GS-12.

Kathlyne Ramirez GS-9 was assigned as Team Leader for the "Parts" team that was designed to overhaul the intake process. Working under Kathlyne are Darrell Brown GS-13 and Shawntey Fox GS-13. These assignments were made with the full knowledge and approval of Sadhna True.

TRANSFERS

Certain CR employees have been allowed to transfer if they were experiencing difficulty within their division, their work and/or with their supervisor. These transfers were allowed for various reasons. However, the transfer requests of other employees are routinely denied. (Attachment 6)

The only employees who are allowed transfers are those employees who are management favorites. The following employees have been allowed transfers:

Barbara Lincoln-Smith was unofficially allowed by Sadhna True to be transferred from the Employment Complaints Division to the Data Management and Customer Service Division. Barbara Lincoln-Smith is currently permanently in the position and has been attending

management training presumably for the GS-14 position that will soon be announced. This vacancy was not announced.

Rhondi Hammond was unofficially allowed to transfer from the Civil Rights Services Division to the Program Complaints Division because she did not get along with her supervisor Larry Newell.

Sversha Kumar was allowed to transfer from the Equal Opportunity and Compliance Division to Outreach because she did not like the way that her supervisor Skip Day talked to her.

The following employees were denied transfers without explanation:

Gayle Petersen

Molly Cortez

Rosetta Davis

CAD SPECIALISTS WORK ON A PRODUCTION BASIS BUT ARE NOT GIVEN CREDIT FOR 50% OF THE WORK THEY COMPLETE WHICH PROHIBITS THEM FROM SATISFYING THE QUOTAS SET FORTH IN THEIR PERFORMANCE STANDARDS

Ted Gutman announced in a January 2006 staff meeting that CAD Specialists would no longer receive credit for 50% of the work that they are required to perform. Thus, CR management is allowing Ted Gutman to set up a system presumably designed for CAD Specialists to fail. By disallowing credit for 50% of the work CAD Specialists are required to perform the likelihood increases that employees will receive low performance evaluations.

CAD Specialists are NOT given credit for:

HUD Closures

Withdrawals

Settlement Agreements

Civil Actions

AJ Decisions

Compliance Final Agency Decisions

CAD Specialists are ONLY given credit for:

Program Final Agency Decisions

Employment Final Agency Decisions

When queried about the new performance evaluation method, Ted Gutman emphatically announced that he felt that the work involved in reviewing and writing Non-compliance Final Agency Decisions, AJ Decisions, Civil Actions, Settlement Agreements, HUD Closures and Withdrawals was straightforward and uncomplicated. As such, he stated that it was his decision that this work did not merit being counted. This is an unfair labor practice, which CAD employees would like to see discontinued. Sadhna True is aware of this and supports this action because it will allow Ted Gutman to rate employees low and that is a goal of Sadhna True.

The CAD Specialists strongly object to this practice and would like to see a return to a fair and balanced method of calculating the production level. In the past, CAD Specialists were given credit for EVERYTHING they completed. If, under this system credit for one Final Agency Decision were given for every five AJs completed, it would be a vast improvement over the current system. CAD specialists would like to be given credit for ALL the work that they perform. (Attachment 7)

It should be noted that Ted Gutman is known as a chronic complainer who spends the balance of his time harassing employees by sending derogatory e-mails regarding the incompetence of their work, the incompetence of other CR staff, CR managers, temporary personnel and it never ceases. Ted Gutman does not have a background in Title VI or Title VII, and attempts to discredit the work and ability of others so as not to draw attention to his own deficiencies, incompetence and lack of managerial skills.

Based on this behavior Ted Gutman has had several hostile work environment complaints filed against him by women and minorities. These complaints were filed against him at his previous agency Animal Plant Health Inspection Service, and in his current position in CR.

MAXI-FLEX POLICY OF TED GUTMAN

On June 19, 2006, Ted Gutman, Chief of CAD announced to his staff that they would now be able to use Maxi-Flex. Ted Gutman's announcement was based on a March 21, 2005, memorandum from Clyde Thompson. In Mr. Thompson's memorandum he informed ASCR employees that they would now be able to use Maxi-Flex, and that the morning core hours for ASCR begin at 6:30 a.m.

Ted Gutman has overridden Mr. Thompson's policy (with the full knowledge of Sadhna True) and has denied the request of some employees to begin their tour of duty at 6:30 a.m., (even though these employees are in the office everyday at 6:30 a.m.). Ted Gutman is treating his staff differently from other employees within CR. Other employees and managers are currently allowed to arrive at 6:30 a.m. In addition, two employees were previously approved and had been working the 6:30 a.m. to 3:00 p.m. schedule prior to Mr. Gutman coming on-board. We would like to be allowed to follow Mr. Thompson's policy regarding core hours. (Attachment 8)

TELE-WORK POLICY

Under the former Director of CR David Winningham, employees whose jobs were deemed portable were allowed to work from home one to two days per week. Under Clyde Thompson, USDA's Tele-Work Champion, (according to USDA News), Tele-Work was discontinued so that "employees could devote their time and efforts to the Inventory/Backlog Reduction Initiative." CR employees have not been allowed to Tele-

Work in the three years that Mr. Thompson has been the Associate Assistant Secretary for CR. Since CR "no longer has a backlog" CR employees are requesting the return of Tele-Work. (Attachment 9)

TRAINING

There is a pattern and practice of management disapproving training requests from CR employees. For the last three years management has requested the staff to fill out Individual Development Plans (IDP) and to also request any desired training. The overwhelming majority of training requests are denied. As a result a large number of CR employees have elected not to fill out IDPs or to request training. It should be noted that some managers are allowed to take up to two or three expensive training courses, often not in their field

Employees who have been working in the Intake Division of PCD are now required to perform assignments in the Investigations Division of PCD. These new assignments entail conducting investigations, which includes interviewing witnesses, taking sworn statements and preparing reports of investigation. All of these duties are required to be completed without formal training. The CR employees are requesting management to honor reasonable requests for formal training for every qualified employee.

In addition, the Administrative Support staff would like to request formal training in subject matters that would broaden their horizons and allow them to excel in their careers. Specifically the Administrative Support staff would like to request training on the RUMBA Travel Database System (not informal training). Connie Bails has instructed Diane Davis-Wright, the one Administrative Support staff employee who is familiar with RUMBA not to train or assist the other Administrative Support staff level employees who are requesting her guidance. Sadhna True approved this action.

TUITION REIMBURSEMENT

The Administrative Support staffs that are the most in need of training have routinely been denied requests for college courses. On the other hand, the similar requests for tuition reimbursement and regular training courses of management and employees favored by management have consistently been approved. Sadhna True has approved this action. The CR employees are requesting management to honor reasonable requests for tuition reimbursement for every qualified employee.

LACK OF NECESSARY EQUIPMENT

The employees in the Employment Complaint Division (ECD) do not have the necessary equipment to perform their jobs. The ECD employees are forced to work with outdated software, dilapidated monitors, printers, copiers, fax machines and telephone equipment. There is also a lack of adequate conference room space and furnishing.

CAD does not have a working Xerox machine.

The employees in the Data Management and Customer Services Division do not have a functioning fax machine, copier or shredder.

In addition, CR employees are subject to verbal abuse and scrutiny by management when requesting the necessary supplies and tools to adequately perform their duties. This is contrary to the conditions of the other Divisions per Sadhna True.

EMPLOYEES ARE STILL REQUIRED TO E-MAIL UPON ARRIVAL

The employees are constantly attacked regarding their T & A(s) as approved by Sadhna True. Although management denies this fact, some employees in EOCD and EEOD are still required to e-mail the Team Leader Anna Stroman and/or Connie Bails upon their arrival. We would like to see and end to this practice. (Attachment 10)

In closing, the employees would like to say that this was a nice place to work prior to the current group of managers. Because of their incompetence and corruption the environment has changed. This is a rogue group of managers who have no respect for laws, rules, regulations, attorneys or unions.

As stated earlier, Clyde Thompson is the author of this current confusion and he should be removed. Clyde Thompson's adventures and misconduct in his previous position at the Forest Service and his misconduct in his current position are well documented. The reason for his extreme disdain for CR employees is unknown. However, what we do know is that this very powerful man has done a lot of damage to a good organization, and if he is kept around any longer recovery may not be possible.

1/ all of the planned management actions stated herein have been conducted at the direction and consent of Clyde Thompson, Associate Assistant Secretary for Civil Rights, and Sadhna G. True, Director, Office of Civil Rights, and presumed to have been conducted with the full knowledge and approval of Annabelle Romero, Deputy Assistant Secretary for Civil Rights.

2/ it should be noted that since the Union has filed grievances against Connie Bails, and several employees have filed complaints against her, she now conducts her prohibited personnel practices under a veil of secrecy. Several employees have expressed that they are experiencing ongoing harassment by Connie Bails via Carol Sanders GS-14, Carmen Velasquez GS-14, Michelle Eiland GS-14, Maurice Thompson, Ted Gutman, and other CR managers.

[3/](#) it should also be noted that CR management has for many years circumvented USDA's Merit Promotion policies to the extent that merit principles and policies are non-existent within CR. Instead, CR management has created a hostile environment that is wholly dependent upon a system of "favoritism," i.e., in order to obtain training, promotions, etc., employees must literally conform to the whims and nuances of managers, without question, even if they are asked to perform or witness unethical or illegal tasks. These individuals are usually the least talented CR employees and because of this system of promotion they are continually promoted to the chagrin of the truly talented employees, and subject matter experts.

[4/](#) this is especially disturbing in light of the fact that Connie Bails allowed Carol Sanders to be the Acting Team Leader in PCD from July 2005 to March of 2006.