

House Oversight Committee on Government Reform Testimony
Presented By Dr. Carolyn Bohlen

Introduction and Overview:

Good Morning, Committee Chairman Jason Chaffetz; Ranking Minority Member, Elijah Cummings; and esteemed Congressional Committee Members.

I appreciate this invitation to speak before this illustrious committee to discuss my experiences with regard to violations of the Title VII Civil Rights Act of 1964 (which prohibits employment discrimination based upon race, color, religion, sex and national origin); the Americans with Disabilities Act of 1990 (which prohibits discrimination based on disability); and section 501 of the Rehabilitation Act of 1973 (which prohibits discrimination on the basis of disability in programs conducted by federal agencies). Unfortunately, I was subjected to these violations at the behest of the EPA Region 5 Administrator, Susan Hedman and her former Deputy Administrator, Bharat Mathur; the two highest level managers in the Region.

In God I trust, that my testimony today, along with that of my colleagues (present here this morning) will not result in further retaliatory measures. We have the courage to speak before you, acknowledging that we have undergone four years of turmoil and consternation, as a result of performing the requirements of our jobs. The actions waged against us, were indeed an infringement of our civil rights and an embarrassment to the Agency at large. I want to acknowledge and thank Mr. Waite Stuhl, my legal counsel, who is here with us today.

My testimony is not intended to diminish or tarnish the meaningful work that many Region 5 employees engage in, on a daily basis, to ensure that: the air that we breathe; the water that we drink; and the land in which we live, is safe for us all.

I have devoted my career and efforts as a manager to the mission of the EPA. I will note that I am the recipient of the Regional Administrator's Award for Excellence, which was presented to me by Susan Hedman on June 29, 2010, for outstanding achievement in Equal Employment Opportunity (EEO) through re-designing the Region 5 Mentoring Program. I have also received the national prestigious "Manager of the Year Award" from the Federal Managers Association, in 2010, as well.

Nevertheless, I will speak about the office bullying, mismanagement and retaliation that I was subjected to while serving to direct the Office of Civil Rights (OCR) from September 12, 2010 – July 31, 2011. My life and professional career was disrupted to the point that I had to file a formal discrimination complaint against the Agency in September 2011. The complaint was based upon the overt discriminatory practices that Mr. Bharat Mathur perpetrated against me (and my staff) while under his supervision, during this period. My complaint was based upon my sex as a female; my race as an African-American; my physical disability (as proven by medical documentation and Agency sanction) and retaliation for engaging in a protected activity regarding issues of sexual harassment in the workplace.

Background:

On August 23, 2010, I was selected by Ms. Hedman and Mr. Mathur to provide my leadership and assistance in restructuring and directing the Region 5, OCR. I was reassigned from a nationally recognized area which I developed and supervised in the Superfund Division, since 1991. As my personnel records indicated, I was reassigned as the Director of Region 5's OCR. Mr. Mathur, had been the 2nd line supervisor for the OCR for several years. That Office had been grossly mismanagement and Mr. Mathur specified the need for me to "clean it up". I pointed out that if Mr. Mathur wanted the office to move forward, the problem performers would have to be replaced with high performing employees. He stated that I would have to work with them for now and in a few weeks, we would revisit the staffing issue.

After 16 years as a GS-14 and with a firm commitment to EEO, I accepted the OCR challenge, after having the understanding with Mr. Mathur, that I was to obtain a GS-15 while in that position. I explained to Mr. Mathur that I was a person with a disabling condition and with documented agency reasonable accommodations, since 2000. He remarked that he had back problem as well. Both he and Ms. Hedman were eager for me to start the job and thanked me for accepting it.

The effective date for the start of the OCR job as OCR Director was September 12, 2010, but due to the backlog of late reports and impending deadlines, Mr. Mathur started giving me assignments in August 2010 (I worked two jobs simultaneously). During the first Quarter on fiscal year (FY) 2011, I worked along with Mr. Ronald Harris, EEO Officer for long arduous hours, developing overdue papers; end of the year 2010 Minority Academic Institutions (MAI); and the MD-715 reports. In addition, I was developing new MD-715 reports and preparing strategic plans 2011 - 2013; re-writing existing manuals; preparing for Special Emphasis Program (SEP) events while reorganizing and restructuring each of the SEP groups.

During the first months on the job the work was grueling. The OCR was clearly understaffed and lacking resources. I had four employees (one on a detail) and two were out of the office for extended periods (due to sick leave, personal issues, use or lose, and holidays etc.). The bulk of the OCR work, at all levels, rested upon my shoulders and those of my EEO Officer, Ronald Harris. I informed Mr. Mathur of the staffing needs routinely, during face to face meetings and via weekly reports. I stated the need for additional resources and he repeatedly denied my requests. On October 20, 2010, I presented Mr. Mathur with a "Proposed Staffing Chart" that I had developed and used it as a visual aide to explain the urgent need for additional staffing. Finally, I asked for him to approve someone for a detail in the OCR, even for a short time, but to no avail.

Eventually, Mr. Mathur stated that I could post a full time GS-11 position; a GS- 13 detail position; and to solicit for an Administrative Program Assistant (APA). He later went back on his word and when asked for the reason for his decision, he vehemently stated "You are not getting any more staff. So work with what you have!" Please note that there was no hiring freeze at this time. Finally, was able to post a GS-11 position and I did so immediately.

Since Mr. Harris was the only high performing employee in the OCR, he and I, routinely dedicated 12 - 16 hour days, in efforts to resuscitate the failing office. I repeatedly asked Mr. Mathur for more and better qualified staff and resources. He repeatedly denied my requests. Yet, he continued to give me assignments, some related to the OCR and others, like writing speeches for him to deliver at the Dr. Martin Luther King Day Ceremony and for Susan Hedman to present at the Women's History Ceremony. Being made to prepare such speeches for them was very odd especially since they had two speech writers dedicated to them. I completed all of the tasks and restructured the office, but not without consequence. All of the arduous work physically harmed me. The work in the OCR was unrelenting and with unending hours of computer work and writing, I began to experience excessive pain in my neck, shoulders and back. I informed Mr. Mathur.

In January, 2011, the rapid pace of the office continued and the SEP's monthly and bi-monthly events were upon us. I appreciated that Ms. Cynthia Colquitt, an OCR employee on detail assignment to another Office, volunteered to assist the OCR from time to time. Thankfully, she returned to the OCR in January 2011 and did an excellent job providing attention to her duties as the EEO Assistant. In April 2011, Ms. Colquitt went on to receive the Region 5 Administrative Professional Award.

Sadly, on three different occasions, from October 28, 2010 to January 20, 2011, the two highest level managers in the Region cancelled EEO meetings with the OCR staff because they were not interested in discussing EEO issues. These senior managers, staged a show of support publically for the OCR, but did not take the time to discuss the 2010 Regional Workforce Status and Analysis Report which illustrated the participation rate for General Schedule (GS) grades by race/ethnicity and sex. It also showed the full and part time employment trends, which demonstrated and impacted the racial make-up of the Region, as compared to EPA nationally, along with the national Civilian Labor Force.

On January 20, 2011, when Ms. Hedman canceled the third meeting with us, the ORC staff was outside of her office with a PowerPoint presentation and workforce analysis in hand. I asked Mr. Mathur when the meeting would be rescheduled. He laughingly responded to Mr. Harris and I saying, "This meeting is canceled indefinitely" as he walked away from us and closed the door. It was apparent that these managers, who set the tone for the Region, failed to embrace diversity and the principles of EEO in their leadership roles. The chances of addressing upward mobility initiatives and the advancement of qualified minorities to higher graded positions, was a moot point with them. I was appalled! But, the writing on the wall was clear, that the Region would not advance in these areas under their leadership. While Mr. Mathur and Ms. Hedman gave lip service to the notion of an effective and meaningful EEO entity within the EPA's Region 5, their actions clearly demonstrated otherwise.

Sadly, in the past 28 years I have seen little in the way on minority advancement in the Region past the GS-12 level. To my knowledge, there have only been three African-Americans to have been promoted to the GS-15 level (outside of the Office of Regional Counsel) and even fewer of

the other races. And, because Mr. Mathur's antics, he did not keep his word, and I did not receive my GS-15.

Sexual Harassment Allegations:

On March 17, 2011, three ladies reported sexual harassment allegations to the EEO Officer, Mr. Ronald Harris, regarding the Great Lakes National Program Office (GLNPO). I notified Mr. Mathur, Mr. Ross Tuttle, Human Capital Officer and his Deputy Ms. Juanita Smallwood of the claims. I visited Mr. Mathur's office to learn that he had just left for vacation. The sexual harassment complaint involved a female intern. And, an EPA scientist, was named as the alleged perpetrator. After engaging in fact finding, Mr. Harris found that multiple female employees had been involved and that such harassment by this scientist and it had been ongoing for the better part of a decade. Incredibly, the conduct was allowed to go on, unabated with full knowledge of management. Mr. Harris and I addressed the alleged sexual harassment complaint, along with the Mr. Tuttle and the Office of Regional Counsel attorney, Ms. Debra Smith. Mr. Harris and I developed a 12 page fact finding summary and e-mailed it to Mr. Mathur, Mr. Tuttle and to Ms. Smith on April 1, 2011. The OCR asked for a meeting with Mr. Mathur to discuss the 12 page document.

When Mr. Mathur returned from vacation on April 4, 2011, he met us and he was livid. He yelled, cursed at us and stated continuously, "Why did you notify headquarters?" Mr. Harris stated that this is the OCR procedure when sexual harassment and discrimination is reported to a Regional office. Mr. Mathur reviewed each recommendation (and not the allegations provided) in the 12 page summary and referred to the recommendations as "bull expletive".

I then reaffirmed a few of the recommendations and reiterated that all Regional personnel are required to take annual EEO training. When I stated the need for Regional training on Sexual Harassment, Mr. Mathur emphatically stated, "I don't want 1200 people going to hear that four letter "s..." word expletive."

He stood up pounding on the table, and said he then stood up, leaning over his desk, pointed his finger in Mr. Harris' face and yelled; "This will not be the Ron and Carolyn show!" So, get somebody else to do the training." Ronald and I were both baffled and amazed at his offensive response. I felt intimidated by his unnecessary outburst.

Retaliation:

April 19, 2011 was my last one on one meeting with Mr. Mathur. I apprised him of my medical issues and my need to attend physical therapy. After having had a few medical tests and visits with my doctor, coupled with the excessive work in the office (with most week-ends working at home in the bed due to back pain), my doctor removed me from the workplace. Again, I asked Mr. Mathur for additional assistance, and once again he said no! I asked Mr. Mathur if I could work Medical Flexiplace in order to complete some of my portable assignments and on May 4, 2011, he denied my request and told me that he wanted me to use my personal leave. He

refused to justify his reason for denying me this workplace benefit and privilege. However, I am aware that he had previously allowed a white male supervisor to work from home after suffering an injury.

I continued to keep Mr. Mathur apprised of my condition and of my doctor's visits while on sick leave. On May 31, 2011, Mr. Mathur forwarded an e-mail that I had sent to him, containing my medical information to Mr. Tuttle, Ms. Vasquez and others (without my consent). My medical privacy was invaded because he sent my medical information to several individuals who did not have the right to know. This fact is verified in affidavits given by Mr. Mathur, Mr. Tuttle and Ms. Vasquez.

In June 2011, I formally requested Episodic Flexiplace and he denied my request. Mr. Mathur repeatedly denied granting me these employee benefits and privileges by his refusal to allow me Medical and Episodic Flexiplace, and I was eligible for both programs. He purposely told me that he wanted me to use my sick leave. I was also harassed by Mr. Mathur's calling me at home while on sick leave and instructing others to do so as well, which resulted in over 90 calls during my illness.

Mr. Mathur did not provide me with an award for my accomplishments while in the OCR nor did he adequately recognize the accomplishments of Mr. Harris or Ms. Colquitt. Despite the numerous communications that he made with me during my illness, he did not confer with me on the issue of awards.

On July 7, 2011, I submitted a Leave Bank Application to Mr. Mathur. On July 8, 2011, he called me at home while I was on sick leave, to inform me that since my back injury was worse than his, he, Susan Hedman, and Rick Karl, the Superfund Director had decided to "move me back to Superfund." He provided no further explanation for his actions and referred me to Mr. Karl for an explanation.

As the Local Reasonable Accommodations Coordinator, Mr. Harris made an appointment to meet with Mr. Mathur to discuss my accommodations and the National Reasonable Accommodation Program (NRAP). Mr. Harris showed Mr. Mathur my request and the NRAP forms, he stated to Mr. Harris, with all of these medical issues, I am sending Carolyn back to Superfund and I will let Doug Ballotti, Superfund Deputy Division to deal with this! Mr. Harris visited Mr. Ballotti, as instructed by Mr. Mathur. On July 27, 2015, I sent an e-mail to Mr. Mathur for answers to five questions which related to his decision to reassign me. On August 4, 2011, he responded to my e-mail message and answered only one question. He stated that stress caused my physical problems and he decided to move me. He deferred me to Mr. Ballotti for answers to the decisions he had made. But in the end, Mr. Ballotti could not provide me with that information. Mr. Mathur's decision to remove me from the OCR was not based on any medical information or recommendation from my doctors.

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Mr. Ballotti for answers to the decisions he had made. Mr. Ballotti could not provide me with that information.

It is disturbing to know that same regional managers, who had assigned me to the OCR, Director's position, waged disability discrimination against me and denied my request for "Temporary Medical Flexiplace" for my disabilities.

In addition, using sleight-of-hand to after-the-fact change my permanent reassignment to the OCR to a "detail" in order to terminate my OCR work and then, ultimately, remove me from that office and punitively place me in a position, back in my former division, with unclassified duties and no supervisory responsibilities. The actions to which I was subjected, namely, the denial of my ability to use even Episodic Flexiplace and removing me out of the OCR while I was out on sick leave were indeed "adverse" actions and retaliatory to me for addressing and bringing to light an absolutely outrageous, longstanding pattern of sexual harassment in an Office of the EPA's Region 5.

I served as director of the OCR from September 12, 2010 – July 31, 2011. I was removed from my position while still on sick leave. I was also removed from supervision and reassigned to unclassified duties in my previous Division. When I accepted the reassignment as OCR Director, I had been a manager in Superfund with an office and supervisory responsibility. I supervised a staff of 17 employees and contractors. When Mr. Mathur threw me out of the OCR, I was placed back in Superfund to work in a cubicle with no staff or supervisory responsibilities. I was given so-called "unclassified duties" which meant that there were no established duties to for me to perform. Bear in mind that the year before, I was named, as I've said, Federal Manager of the Year by the Federal Manager's Association. To achieve this, I believe Mr. Mathur likely violated personnel regulations by ordering the back-dating and changing of my 2010 official personnel records from a permanent reassignment to the OCR Director's position to a detail.

Intimidation and office bullying were major factors that I experienced while directing the Regional OCR. While I did not suffer a reduction in grade or salary in connection with my movement back to Superfund, it was done in such a manner as to be considered "adverse." While I was away on sick leave, my materials and personal property were boxed and shipped to my new cubicle in Superfund. As I expressed in my investigative affidavit, many of those things were damaged or were missing.

I was given unclassified duties which consisted of a few sentences, something the agency has deemed a "position description." My supervisory duties had been taken away. Because of my disability and for doing my job. I was tossed aside and treated like "damaged goods." After 25 years as a dynamic supervisor and manager, I was devastated that I had no supervisory duties anymore; which is something that the Committee may appreciate as not only prestigious, but also beneficial to one's career.

I submit, and expect that a reasonable person would find, that my displacement into this position was degrading and humiliating and amounted to a significant negative alteration of my

work environment. I suffered a qualitative change in the terms and conditions of my employment.

To add insult to my misery, as my supervisor for 10 months out of the year, Mr. Mathur did not meet with me at the end of the year, as required by the Performance Appraisal and Recognition System, to give me my rating. He asked someone else to provide me with a "Fully Successful" rating for my work in the OCR. Once again, I was retaliated against, because my work in the OCR was outstanding and certainly commensurate to my ratings of outstanding and/or exceed expectations that I have received for the past 27 years. I might add, that Mr. Mathur received an award as a result of the work that my staff and I did in the OCR, as did Ms. Vasquez. They also used my "Proposed OCR Reorganization Structure" to gear up five more positions for Ms. Vasquez; the very proposal that Mr. Mathur refused to grant to me. He did not amply reward Mr. Harris or Ms. Colquitt for the outstanding services that they performed in the OCR.

Conclusion:

In conclusion, I express my disappointment with the Agency and the above mentioned Region 5 senior managers. They failed to keep their word on many occasions and failed to support the OCR Region 5. These senior managers staged a show of support for the OCR, yet impeded the overall progress of the Office by repeatedly canceling meetings that related to workforce status, analysis and trends which impacted the racial make-of the region as compared to EPA nationally, as well, compared to the civilian labor force. These managers also repeatedly failed to address upward mobility initiatives, higher graded positions for people of color and other notable achievements the OCR accomplished.

The OCR has a direct impact over the Regions awareness of workforce analysis and development. It is deplorable, that out of a work force of approximately 1,230 employees in Region 5, there are so few qualified people of color afforded the opportunity to advance to higher level positions. It is through strong unbiased senior leadership, that issues that plague the Regional workforce can and will be addressed.

As a result of our performing the duties of our jobs, Mr. Harris, Mr. Tuttle and I were taken to task. Attorney, Debra Smith, later she served as the Agency's attorney defending my discrimination charges once they were before the EEOC. And, to my knowledge, the supervisor in GLNPO, who received the sexual harassment allegations, remains unfettered.

As I stated above, I accepted and successfully completed the challenge that these senior administrators asked of me and fulfilled my duties of refurbishing the failing OCR. I dedicated several months of my time, efforts, talents and skills to rectify that situation and to build a thriving well trained OCR. However, to my dismay, I became a victim of the very same dysfunctional system that I was to eradicate. And, all at the hands of the two highest ranking Regional managers.

Biography
Dr. Carolyn D. Bohlen

Carolyn Bohlen was born and raised in St. Louis, Missouri where she attended elementary and secondary Catholic schools. Her educational background includes a Bachelor of Arts degree in Biology/Chemistry from Fisk University; a Master of Science degree in Biology/Ecology from Tennessee State University; and a Doctorate degree in Adult Education from Northern Illinois University.

She was a biology and reading instructor at Talladega College, Talladega Alabama, where she directed the Cooperative Education Program. She was employed as a pharmaceutical sales representative for Eli Lilly and Company, Indianapolis, Indiana. She taught classes at Malcolm X College in Chicago, Illinois prior to starting a career at the United States Environmental Protection Agency, Region 5 in Chicago. During her 28 year tenure at EPA, she served as a Life Scientist in the Safe Drinking Water Branch in the Water Division and she has provided high quality service, primarily to the Superfund Division (SFD), throughout her career. For 19 years she served as Chief of the Documents Management Section; acted as Chief of the Innovative Systems and Technology Branch and the Program Management Branch; and served as the Environmental Justice Coordinator for the Division. In addition, she directed the Regional Office of Civil Rights.

Dr. Bohlen is spiritually driven has received countless awards for exemplary service. In 2010, she received five significant awards. As one of the founding members on the Federal Managers Association, Chapter 375 in Chicago. She assumed a variety of leadership roles with in the Association over the year. She served as the 1st and 2 Vice president of her Chapter for 8 years. Combined with her selfless charity work and dedication to federal service she received the Associations' prestigious "Federal Manager of the Year Award" in 2010, for her efforts on behalf of the Association and the American public.

Dr. Bohlen has enhanced the opportunities for staff and managerial training, skills development, career advancement, and diversity for the betterment of the organization through her outstanding achievement in redesigning and rewriting the Region 5 Mentoring Program, its application form, and the Region 5 Mentoring Manual. She took the initiative to expand upon the original mentoring program and develop an up-to-date model, for the use of all regional staff, supervisors, and managers, which incorporates all regional programs at grade levels GS-3 through GS-15. This effort went well beyond the responsibilities of her immediate position.

She has dedicated herself to improving the quality of services the American people expect and deserve from the Environmental Protection Agency. She has earned the respect of her supervisors as well as her subordinates with her robust leadership style and unique combination of skills and abilities. Dr. Bohlen has also received the Regional Administrator's Award for Excellence for outstanding achievement in Equal Employment Opportunity (EEO) in 2010.

She currently serves as Chief of the Enforcement Services Section #2, in the Enforcement Compliance and Assurance Branch in the Superfund Division. She has a wealth of knowledge and 25 years of valuable experience in supervision and program management. She is a stellar performer and the recipient of countless regional and national awards. She has varied experiences and a unique blend of skills, as she provides every effort to support the Agency's mission, its management and EEO.

In all endeavors, she demonstrates strong leadership and organizational skills; implements innovative and creative ideas; and imparts a great deal of knowledge and experience. She teaches elements of mentoring; team building; motivation; and staff empowerment; along with giving her support to her colleagues. She has proven flexibility and commitment toward excellence in this ever changing work environment.

She is happily married and resides in a south suburb outside of Chicago.