



American Federation  
of Government Employees

June 25, 2024

The Office of the Special Counsel

Reference: Evidence, Findings, and Conclusions of the USDA Report on the Beltsville Agricultural Research Center (BARC) by the American Federation of Government Employees (AFGE) Local 3147

Thank you so much for providing the investigative report of the Beltsville Agricultural Research Center (BARC), a location of the Agricultural Research Service in the U.S. Department of Agriculture, to the Whistleblowers. We have been working very hard for over two years to bring awareness and resolutions to the multitude of issues facing BARC. We value the efforts and consideration given by the USDA Investigators, and we believe this is a good start to addressing the ever-deteriorating conditions at BARC. We want to be clear up front, employees of BARC have no desire to see our valued facility closed. For years, dedicated BARCers have kept the facility operating and research progressing to the best of their ability despite the severe and systemic failures in leadership and infrastructure.

The “R” in ARS gets lost in the administrative abyss (credit card ratifications, critical positions remaining vacant for years, decisions being made for the bottom line and not for the good of the research, etc.). We completely disagree with the assessment of the investigators that, “...*the unsafe and deteriorating conditions have [not] resulted in the loss and improper handling of scientific equipment, research, and data.*” It is not possible for essential functions (utilities, high turnover of human capital, lack of repairs and routine maintenance, etc.) to fail continuously and over several years with no impact to our mission, RESEARCH!

The whistleblowing that launched this investigation was not an impulsive decision. For over four years, the Whistleblowers, along with members of the AFGE Local 3147 Executive Board, met with the BARC Leadership team and brought issues relating to our allegations to the Labor-Management Relations Committee (LMRC). Critical issues were ignored month after month, year after year. When we began conducting targeted focus groups with Bargaining Unit Employees all over campus, we realized how pervasive and systemic the negligence, apathy, and incompetence really was.

More than anything, we are concerned about the things that are *not* in this report. Here are a few impactful subject matters that were not mentioned. This is VERY disconcerting.

We would impress upon the Department the need to examine these further.

- Position Descriptions (PD) are poorly aligned with the duties and responsibilities required by employees in order to carry out the mission of ARS. We are very concerned that these disparities and subsequent impacts were not investigated.
  - COR duties have been required of employees who were not hired to perform these functions and whose PD does not include them
  - Unqualified employees are continuously being required to perform higher level duties without the appropriate skills, support, and compensation.
- Merit Promotions and Career Ladders are severely underutilized, leading to costly turnovers, the loss of institutional knowledge, and decreased employee loyalty to the Agency and its mission.

- Hiring panels are time and labor intensive. A lot of time and resources are diverted from research in order to hire employees that do not stay in the positions because there is no promotional potential
- BARC's needs are high, but positions are filled at lower grades.
- BARC-wide Fire Watches
  - For months, employees have been walking around large buildings (100+ employees) for hours each work day because the parts of the fire suppression system are inoperable. At one point, there were over a dozen buildings on fire watch. This is a VERY serious safety concern! Unlike office buildings, research labs have loud equipment and flammable compounds. We are surrounded by the higher-than-average potential for a fire and explosion, yet many of our employees must rely on someone yelling "Fire!" in the hallways while employees work in areas with equipment that produce high decibels. In this telework/remote work environment, a fire watcher might not even know who is on site that day. In an emergency situation, they might endanger themselves to find an employee is not onsite, or not notify an onsite employee because they believe them to be teleworking.
- The lack of interviewing and obtaining documentation from the Wage Grade population. They work in the belly of the beast (so to speak). The boots on the ground NEED to be interviewed if the real issues are to be gleaned and addressed.

The WGs and how many were spoken to, on a 6,000 acre working farm with over 600 employees.

- Farm Crew (0)
- Animal Caretakers (0)
- Facilities (1)
- The investigators seem to primarily focus on interviewing managers, not the employees who deal with the systemic issues day after day, and find "creative" ways to continue our important mission with little to no upper leadership support. We call these "creative" ways "the work-arounds", and it is the ONLY reason BARC is still standing.

We feel a deeper investigation by the Inspector General is more than warranted. From our understanding, none of the investigators had this needed expertise (forensic financial investigation). The following are a few examples to support this.

- Financial records/data missing and unaccounted for (as evidenced by the BARC Facilities Investments [FY 2011-2024]) and contained in this report, coupled with our conversations and documentation from numerous employees.
- Space charges were paid by laboratories for services that were never/poorly provided (potable/running water, sufficient electrical supply, dumpster contracts lapsing, broken elevators for months/years, etc.)
- Road Salt was not purchased for three years, though the money was apparently in the ARMPS package for those years. This was a major public safety issue. This road salt is used to treat and make the public roads maintained by BARC safe for commuters, employees, and tenants (thousands of people each day). These roads are traversed by commuters in order to access the Baltimore-Washington Parkway, Route 1, and Edmonston Road.
- Contractors were hired when Federal employees were already performing the duties and were denied requests to continue to perform those duties. Questions about the association between the manager(s) and the contractors that were hired were repeatedly brought up by subordinates, but never investigated

by the BARC leadership.

- Contracts were poorly written or not maintained:
  - Landscaping contract did not include mulch, so the Agency supplied the mulch to contractors doing the same work on the West side of the campus that was being done on the East side by Federal employees
  - Building renovation contracts were written for the warranty to begin at installation and not turnover

The following pages outline our evidence, findings, and conclusions as it concerns this report. In some instances we cite specific examples, but in others we only have general conclusions we can draw based on extensive conversations with employees.

Please feel free to flow up with us with any additional questions and/or concerns. We are committed to restoring BARC to its previous status as a world leader for agricultural innovation and problem solving. We believe healthy and ongoing collaborations between Agency leadership, Union representatives, and employees are essential for making this happen.

Sincerely,

[Redacted Signature]

[Redacted Name]

President, AFGE Local 3147

[Redacted Signature]

Vice President, AFGE Local 3147

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## **Comments by Category:**

### **RESEARCH IMPACTS**

We could not disagree more with the investigators' assessment that, *“Based upon review of the evidence, the final allegation that unsafe and deteriorating conditions have resulted in the loss and improper handling of scientific equipment, research, and data is not substantiated.”*

We understand, but wholeheartedly disagree, why the Department would state that research was not impacted by the lack of leadership and adequate infrastructure. They do not want to call into the question the validity and repeatability of past data, discoveries, and publications. Though a valid concern, this is no reason to continue the farce at the expense of taxpayer money and trust. REAL issues require REAL experimentation that lead to REAL solutions. Food is the basis for our life on this planet, and there is no room for Kabuki Theater when it comes to research on such a serious need.

It is unconscionable that ANY impacts on research are trivialized. ARS is the research arm for the entire Department, and as such we must have the most up-to-date resources because, by definition, research is on the cutting edge. Our mission is NOT diagnostic or distributive in nature. WE conduct the research that writes the textbooks.

- Some examples cited by the investigators that support our allegations of research impacts and the wasting of taxpayer money:
  - *One example where a comprehensive approach to space management is **placing research at risk** is the mycology sample storage room in the basement of Building 10A which presently houses years' worth of research samples in an underground room **not designed for** secure, archival, and transactional storage and use of critical research samples in the correct environmental conditions for long term storage.*
  - *According to the Acting BARC Assistant Director, the collection is housed in that space because it was the only space available (Ex. 37-9). Lack of clear space management plans is creating a situation where at every facility or operational business failure, scientists are **left scrambling to move their research to new, also inadequate, spaces.***
  - *The Acting BARC Center Director confirmed the disruption to research caused by power losses to facilities, and the damage to and evacuation of Building 007 (power failure, equipment failure, water damage) (Ex. 37-7). She acknowledged that lack of power has caused animals to be too cold and therefore **unusable for data collection**; the nuance of this position is that there is not irretrievable loss of data, but **loss of the ability to collect data.***
  - *Interviews with BARC leadership acknowledged that **scientific research progress has been negatively impacted by the condition of facilities** (Ex. 37-9,23,20,8). Although the Inquiry Team found no evidence of irretrievable research loss, it was clear that the condition of the facilities has **damaged scientific equipment, derailed and delayed research studies, and resulted in increased costs to research operations** at BARC (Ex. 39-1 through 88).*
  - *The Research Leader **spoke of research being lost or damaged** because contracting takes so long (month to get a final contract in place). When asked if he has lost research or had research*

*compromised, he responded that he has been impacted: greenhouses that get too cold (problems with the steam system); lost freezer (due to power outages); and general disruption (having to come in and move materials to safe, functioning locations, or bring in space heaters when rooms get too cold; having other rooms be 85 degrees Fahrenheit all summer and need to continue work) (Ex. 37-20). However, he maintains that his research is more negatively impacted by poor contracting than facility deficiencies.*

- This report DID substantiate severe impacts on research and its cost for taxpayers, as evidenced by their own observations. Issues at BARC could/can take months/years to address (if ever). The constant redirection of resources (money, personnel, etc.) and delays in implementation costs taxpayer's money.
- Only two Research Leaders were interviewed among the sixteen at BARC. The research at BARC encompasses a wide variety of disciplines, expertise, and resources. Two brief perspectives out of sixteen does not give an accurate picture of how detrimental the conditions have been/are on our research goals and mission. Taxpayers send us their hard earned money so that we can find solutions for the multitude of agricultural challenges. ANY delays and/or diversions to our mission, incur additional costs to taxpayers.
- The report states, "*The Acting BARC Assistant Director has not personally experienced research loss*"
  - As Research Leader, the Acting BARC Assistant Director had/has a team of extremely dedicated employees who ensured that her research was minimally impacted by the substandard working conditions at BARC. Research Leaders have had to be creative over the years by paying top-dollar for outside services because of the lack of in-house expertise and sufficient infrastructure (i.e. DNA sequencing, etc.)
- Lack of temperature maintenance in many of the buildings (42° F - 97° F) has severe impacts on the effectiveness of the workforce and has caused malfunctions and shortened life-spans for sensitive equipment. Many research projects must be done on an open benchtop and can be impacted by the temperatures in the buildings (i.e molecular studies, chemical reactions). Validity and repeatability cannot be obtained when the temperatures are different from day to day, or consistently at temperatures not previously published.
- Water/moisture damaged equipment (caused by continuous leaks and high humidity) are costly to repair and/or replace. Taxpayer money is being wasted while waiting for repairs and replacements. Without operable equipment, many experiments and projects are stopped.
- Greenhouses provide surrogates to replicate field conditions, but with the advantage of being able to control specific factors and measure the impact of these changes. Greenhouse Studies have been negatively impacted for years as a result of the poor maintenance, lack of experience, and inability to order, repair, and replace parts for years. A few examples include:
  - Louvers to adjust temperature and ventilation have been broken for months and years.
  - Legacy equipment and outdated infrastructure are fast becoming irreparable. Equipment is so old, parts can no longer be procured and the knowledge about how to maintain them is disappearing.
  - The Operations and Maintenance Unit (OMU) Manager terminated contracts that maintained vital aspects of the greenhouse while simultaneously leaving positions vacant that were essential for maintaining many of these greenhouses
- Field Studies negatively impacted:

- Heavy/large farm equipment is going without maintenance and repairs due to lack of in-house expertise and appropriate funding.
  - Weather stations vital for monitoring research conditions over the course of experiments are old (early 1940s). These create ongoing data for numerous vital research projects.
  - Time, money, and resources are invested in large research plots, only for data to be compromised and potentially usable due to poor irrigation, broken tractors, understaffing, etc.
- Unstable and/or unreliable electricity in buildings and generators have led to the destruction of sensitive equipment that can cost thousands of dollars in repairs and/or replacement (HPLC, Microscopes, computers, greenhouse environmental controllers etc.). Without properly calibrated and operational equipment, research stops.
  - Scientists and collaborators have changed how they conduct their research because of the substandard conditions at BARC. This is “short-changing” the taxpayers who are investing in real long-term solutions, not short-term band-aids.
    - BARC Postdocs are conducting experiments in other locations because there is no adequate space available for them on campus. Supplies and resources must be shipped to their offsite location for their use.
  - Water down on the East side - employees hauled 5,000 gallons of water over from the West side to keep the animals hydrated.
  - Quality of the research **is** impacted when the facility experiences constant interruptions and neglect. Scientists tend to focus on the low-hanging fruit of research projects, focusing on whatever can be performed under the existing conditions. So if ANY data (good, bad, other) is obtained, it can appear that research is not impacted. It’s hard to prove the decay in quality, the increased cost for the taxpayer, and the delay in innovation that can cause a cascading effect.
  - Chemical fumes that move around buildings with little to no control, which are supposed to be vented directly to the outside via an air handling/fume hood system, continue to create research environments where accuracy, validity, and repeatability are in serious question. Scientists are publishing data on research conducted in substandard conditions and in laboratories where researchers are not able to consistently protect experiments from unknown, and potentially impactful, factors.
  - From conversations Union Reps have had with credit card holders, potentially millions of research dollars (money slated specifically to fund research projects) has been used to maintain the facility. Over many years this cannot **NOT** have an impact on research, innovation, and our ability to compete on the world stage.
  - Employees hired to conduct research spend days each week reconciling credit charges, figuring out which vendors we can order from (NDAA requirements), tracking down packages, figuring out how to order infrastructure needs by credit card without getting into trouble, etc, when they should be conducting research. YES! This has a HUGE impact on research.

## **FACILITIES**

- We noticed that the investigative team had trouble obtaining records. The Union has been faced with this same challenge over the last several years. We have requested information and help through:
  - Informal conversations/meetings with BARC and NEA leadership
  - The Labor-Management Relations Committee (LMRC) with BARC Leadership (4 years)
  - Information Requests (formal and informal) that would help assess and advocate for employee

safety and health (chiller maintenance, potable water surveys, etc.)

- The lack of a qualified Industrial Hygienist to comply with Workers' Right to Know laws (unidentified exposures to chemicals, physical hazards, biologicals, etc)
- Water and wastewater treatment
  - Employees alleged fraudulent submission of records to state/Federal authorities from 2017-20.
  - Alarm systems designed for employee safety and water quality have been inoperable for years.
  - Employees were punished (suspended) when they spoke up about these conditions and falsified records. They were angry and may have not verbalized their concerns and issues in the "correct" and "professional" manner, but NO ONE in leadership listened to the facts. Another example of the failure to utilize bidirectional conversations to solve issues before they escalate.
- Fume hoods are still not functioning properly in several buildings (ex. B. 010A, B. 001, etc.). This is creating a safety and health issue for employees as well as exposing sensitive research to unknown compounds that could impact data. How can data published under these conditions be repeatable?
- Research experiments can be impacted by temperature. Certain chemical and biochemical processes are extremely temperature sensitive and cannot be conducted inside of an incubator or growth chamber. Poor environment controls within our structures can lead to lower quality data, undue mental/physical stress on employees, increased sick/annual leave, etc.
- Non-Facility Services employees have been reprimanded and forced to take additional training due to card suspensions for making purchases that Facility personnel could not after THEIR credit cards were suspended.
- No potable water for employees in most buildings since 2018 and it has not been made clear *which* buildings have had water testing conducted and been cleared and which ones have not. Employees are paying out of their own pockets for their potable water after being "told" the building water was fine so the Agency would no longer cover the cost of providing water. However, when results of water testing were requested, no clear indications of its potability have been provided so employees continue to pay for drink
- Building 229 - tarp covers the top of the building because the roof has needed to be replaced for over two years. We were told by an employee that the cost to change the tarp every few weeks is \$33k. The building is barely 20 years old.
- BARC has been operating in a state of emergency for so long that management has added a line item in the budget for emergencies. Proactive processes are not being conveyed to employees. Real and workable/modifiable Standard Operating Procedures are not established, but employees are being held accountable for not implementing these unknown/unestablished protocols and procedures.
- Planning, preventive maintenance, life-cycle preparation and replacement, are just a few of the many areas of deficiency in BARC Facilities services.

## **MANAGEMENT/LEADERSHIP**

- The investigative team recognized the failures, over many years, of the BARC leadership to properly maintain the facility for the safety and health of personnel and the integrity of the research. We have heard from Management and Leadership on many occasions that, "We are frustrated too." We have no idea what they are frustrated about. Our issues and concerns seem to get drowned out with *their* frustrations, so they can't hear what's really going on.

- The same people who oversaw years of decline and failures, not only maintained their positions/grades, some got promoted. This is not only a waste of taxpayer money (they are occupying a position that a qualified employee should), but it also diminishes the drive and morale of the employees who remain and are dedicated to the mission. The leadership we trusted to fix the deplorable conditions, are the very ones who were contributing to the problems with their incompetence and apathy.
- Acting, detailing, and new hires encompass most of the current leadership team. BARC has not completely imploded due ONLY to the dedicated career employees who retain the institutional knowledge of the facility. This is being continuously threatened by the increasing use of contractors instead of filling vacant positions with qualified Federal employees.
- Leadership has failed to support managers in key positions. BARC could greatly benefit from hiring qualified WS and GS positions in areas such as Farm Ops and Animal Caretakers. Heavy administrative duties are leading to poor research oversight and assessments by these key people. WSs, vital to research integrity, are spending time on contracting, employee issues, ARMPS, etc, instead of supporting scientists with their research designs and implementation.
- Research Leaders at BARC were told by upper management to tell their subordinates “how” to fill out the FEVS so that BARC will look better. The upper leadership continuously blamed the Research Leaders for the systemic issues and wanted them to take the heat for the dereliction at the top. Meanwhile, the BARC Director who oversaw the vast majority of BARC’s decline, was promoted to the Area level while the dedicated employees at BARC struggled to keep research afloat in an ever-present unsafe and unhealthy environment.
- Incompetence and bad behavior are rewarded, while employee sacrifices go unnoticed, and even punished:
  - For years, the BARC Director was indifferent to concerns and evidence of the poor workplace conditions brought to his attention on many platforms and through multiple levels. Some of the well documented complaints include:
    - Ignored lack of accountability in Facilities
    - Work orders open for months/years
    - Work orders closed/deleted when issues were still not addressed
    - Blamed building occupants for the two whole-building floods. Occupants complained and submitted work order requests for years prior to either of the two floods. For years, the BARC Manager for the Operations and Maintenance Unit (OMU) allegedly mismanaged funds, took work/duties away from his own subordinates and gave them to contractors he knew, destroyed government property, unauthorized occupation of a Federal facility, falsifying financial documents, etc.
- One-way emails to employees about issues or instructions *are* “communication”, but BARC is in *desperate* need of continuous **conversations** between and among all levels. Information, suggestions, and feedback should have well-defined avenues and levels of accountability. Currently, this is not happening.
- After years of “communication” from the BARC leadership, the conditions continued to decline. As the rhetoric about “improving communication” increased, the conditions at BARC continued to decrease exponentially. Bidirectional conversations **MUST** be implemented and sustained in order for BARC to get out of this mess. The leadership did nothing in any meaningful manner when serious issues were “communicated” to them clearly and often. A few of the many examples include:
  - Repeated complaints about work orders not being filled and/or unanswered requests for services

and repairs, including but certainly not limited to, Building 007 before/during/after the two floods,

- Repeated complaints about unidentified odors, substances in vents, water leaks, non-working elevators, temperature regulation, etc
  - Repeated complaints about water issues (pipes bursting, toilets inoperable, brown water, flooded animal pens, etc.)
  - Repeated complaints about electrical issues and insufficient power in rooms already overpopulated with employees and/or supplies
- Official Time, by statute, is afforded to the Union in order to properly represent Bargaining Unit Employees and further the Agency's mission. Since the Whistleblowers spoke up in March 2023, Union representatives and other employees who verbalized concerns about the conditions at BARC have experienced various levels and forms of retaliation, including, but not limited to:
    - Halting contract negotiations after statements were made in reference to emails and verbal interactions being retaliatory in nature
    - Union representatives were denied the use of Official Time in lieu of their Annual Leave in order to continue to prepare for negotiations.
    - Employees were harassed, reprimanded, and terminated when they verbalized the challenges they were/are facing with the working conditions at BARC.
    - Because of the fear of denial of Official Time and Credit Hours, and the impact on our performance, the Whistleblowers reviewed the entire report and drafted these responses on our own time.
  - The BARC and NEA Leadership seems to be focused on things that do not get BARC out of this mess. Their energy would be better served on substance rather than the optics, but this is not/has not been the case.
    - One of many examples occurred on Monday, June 10, 2024, when seven high-level BARC and NEA leaders spent three hours following Union Representatives around the campus as we took Congressional staffers to meet Bargaining Unit Employees and see their poor working conditions. While BARC is crumbling and research is being delayed and/or failing altogether, the leadership wasted resources and time watching, and perceivably intimidating, the Union and the employees we represent for three hours, on a hot day in the middle of June.
    - There were Congressional visits to BARC, and the Union was not invited to attend any of these visits, hence we made our own request to Congressional staffers. The Agency tried to take over the visit we set up with staffers, even after establishing their own visits with no Union attendance.
    - Committees are formed just for the sake of saying a committee was formed. Some of the numerous examples include:
      - Water committee - after the water at BARC was deemed undrinkable (2018)
      - ARS Project Sync - Retention Team
      - Engagement Committee
      - Year of the RL

## **SAFETY, HEALTH AND SECURITY**

- Despite the Agency claiming that the OSHA-required Occupational Medical Surveillance Program (OMSP) is operational (after being inoperational for four years) the logistics are not in place for employees to utilize this program in order to monitor their exposures, health, fitness for duty, physicals for certifications, etc. The previous onsite OMSP location is now a vacant and unusable building, and there are no other suitable buildings on the 6,000+ acre, 400 structure campus. Employees must fill out 13 pages, submit them to the SOHU, access the link sent back from SOHU for signing additional forms, make an appointment with one of three clinics, all located an hour away from BARC (Washington D.C. and suburbs). At a time when understaffing and insufficient expertise is impacting the employees and research, this entire process can take an entire day or more to complete.
- Employees do not trust that their medical records will be secured because of previous unauthorized releases of personal information, the onsite storage conditions at BARC, the apathy seen by leadership, and the lack of accountability as it concerns employee workplace conditions.
- Employees do not feel safe at BARC. A few examples include:
  - The U.S. Park Police won't come to BARC because they are afraid they will not get paid.
  - The Fire Department will not respond to some emergencies at BARC because of the lack of water pressure on the campus and alarms that continuously sound because of faulty installation, wiring, or age.
  - Multiple buildings are on fire watch at any given time (see the previous section about concerns that were not addressed in the report).
  - The secured back gate was wide open for over five years. (recently "repaired", but still glitchy)
  - Lack of visible security all over campus.
- BARC Management appears to lack the knowledge and expertise to implement and adhere to established OSHA regulations;
  - Potable water
  - Confined space training - which has still not been conducted because of the age of the equipment. The contractor that management hired to conduct this training indicated that the training could not be adequately performed because the equipment was decades old.
  - Proper maintenance of fire suppression systems all over the campus
  - Right to Know Law - Employees have been and continue to be exposed to numerous unknowns all over the facility. We have years of documented requests for assistance in identifying exposures in multiple buildings, with no response/data/procedures. The onsite "Industrial Hygienist" would not respond to any requests for help for many years. We had no one knowledgeable to go to. We are still not sure if the recently hired safety person is able to assist or not on issues such as these, or even how we go about requesting their help.

## **VACANCIES/PERSONNEL/HR**

- The Whistleblowers have lived through several Agency reorganizations. Employees get misinformation and incorrect information about how to properly function during/after these reorganizations. Leadership changes are not clearly defined and explained to employees so that a uniform understanding of how to properly carry out their duties is conveyed. Processes, points-of-contact, timelines, and levels of responsibility are poorly defined, and employees have faced reprimands for not adhering to unknown policies and procedures.
- Vacant positions are being used to offset costs for multi year contracts. In order to continue to fund these contracts, the positions need to be kept vacant. It's an endless loop that will be difficult to end. This is yet another example of what an Inspector General could investigate.

- The hiring process is not designed to bring in qualified employees in a timely manner:
  - We are not-competitive, or even on par, with comparable job series outside of BARC (ex. WGs at BARC are paid less than private/public sector employees who are performing the same duties).
  - HR does not appear to maximize available technology to expedite the hiring process (i.e. negotiating a signing bonus/salary with a potential candidate via Zoom/Teams using the breakout rooms for privacy concerns)
  - Not utilizing Career Ladders to retain employees within the Agency
- The number of scientific employees has dwindled over the past 10 years and this impacts research. The number of qualified scientific support staff who remain at BARC has severely dwindled as well. Positions are filled at a GS-7, with little to no promotional potential or Merit Promotion positions advertised.
- Top level positions are filled, but not with qualified and experienced people who know how to run a facility such as BARC. Vital boots-on-the-ground positions are going vacant for years, partially due to the financial obligations inherent in the multi-year contracts.
- Per Article XII of our CBA, we are able to observe hiring panels for Bargaining Unit positions. We have been on several panels tasked with filling the same position vacancy. Over the past several years, many employees have left BARC after only a few months (sometimes weeks) because of the conditions and lack of leadership. This leaves the remaining employees overworked, overstressed, and less efficient.

### **WHISTLEBLOWER-SPECIFIC CONCERNS**

- The lack of a financial expert on the team of investigators. Many of our allegations and problems we have seen at BARC could have very strong ties to the mismanagement of funds and lack of financial accountability. Missing important financial data points in this report support this concern. Credit card ratifications, hiring under-experienced employees, and poor contracting have run rampant for the past several years, leading to severe impacts on employee safety/health and research integrity
  - Example - The roof on Building 229 [Poultry building] has needed to be completely replaced for more than two years. From verbal information given to the Whistleblowers, the tarp covering the entire roof so that the leaks into the building are minimized costs approximately \$33,000 every six to eight weeks. This has been going on for almost two years.)
- Denial of Official Time to advocate for improving conditions at BARC and for Bargaining Unit Employees. All comments for this report were performed on our own (personal) time. **No Official time was requested or given to review and respond to this report** Because of emails indicating that no work could be performed outside of set hours and Credit Hours would be denied, we were concerned about requesting any Official Time for the purpose of reviewing and commenting on this document. We have heard of instructions being given to supervisors of when to deny Official Time irrespective of any conflicts with workload (specific situations). Which has caused quite a bit of confusion for Union Reps and supervisors of Union Reps. Official Time has initially been denied for other legal representation functions because supervisors did not understand what the Agency was asking them to do or what the statute covered. Threats of disciplinary actions if personal time is utilized are documented.
- From our understanding, the **official** time-keeping system for the Department does not have the ability for Union representatives to request **Official Time** for lawful representational functions. To our knowledge, this is the only duty-related time that cannot be requested and approved in the Department's official time-keeping system. Union representatives are still required to submit and maintain inefficient paper requests and copies for lawful representational functions.

- We are concerned that there have been no discernible consequences to the Agency’s leadership for not maintaining proper records and documentation. The Union has requested records “which [are] is normally maintained by the agency in the regular course of business,” (5 CFR § 7114) both verbally and in writing, that were not provided. This report shows that the investigators faced the same challenges in obtaining important records and documentation. Lack of access to these records erodes the Union’s ability to lawfully advocate for our Bargaining Unit Employees, and therefore can impact the efficiency of the Agency, the safety/health of its employees/tenants/visitors, and the products and services provided to its shareholders and stakeholders.
- Attempts by leadership to systematically degrade the hard-fought relationship between the Union and middle-management (Research Leaders, Scientists, etc) have been made very clear over the past few months. Conversations have begun with middle/upper management, only to be quashed a few days later ( example .. established regular meetings with Safety and Union reps to see what issues can be addressed jointly).
- Years of past practices removed. These practices were embraced by middle-management over several years because it provided support and guidance to supervisors about how to avoid conflicts with our CBA when the BARC Leadership was silent.
  - Ex. Cease and Desist attending hiring panels to provide information for Bargaining Unit Employees, Hiring Officials, and panel members. Many potential conflicts with the CBA were avoided because we were able to discuss issues with the panel in real time.
- Continuous accusations of delaying the negotiation process despite unfulfilled and repeated requests to the Agency negotiators for policies, information, and subject matter experts for almost a year. Many documents we requested months ago have still not been provided.
- The Whistleblowers provided the Investigators with a list of employees who had first-hand knowledge of serious issues on campus. To our knowledge, only two were interviewed.
- Employee work-life balance and personal mental well-being were not clearly tied to the deplorable conditions. Mental health is not a subject to be ignored. The lack of investing in an environment that supports mental health and well-being has become a serious safety concern for all employees.
  - Employees with health conditions are forced to work in environments that come with potentially very serious health concerns. OMSP is not readily available to monitor their health and well-being. Employees are potentially exposing their families and friends to these hazards when they work unprotected and these substances are transported home on their clothes. These are not things they work with, these are substances borne out of neglect and mismanagement.
  - Exposure to unknown and potentially dangerous substances on a regular basis is both physically and mentally stressful. Employees have no idea what they and their families are potentially being exposed to, and even more importantly, have no support to help them identify (Industrial Hygiene) and monitor their exposure (OMSP)
- Tenants and other agencies to which we provide service, indirectly generate revenue for our mission. To our knowledge, none of the tenants and service recipients were interviewed. These tenants/service recipients can help the facility offset some of the infrastructure costs, especially at a time when we are told that funding is a big issue. Again, this could be further supported with an in depth investigation by financial experts (OIG).
  - Current Tenants/Service receivers:
    - APHIS, EPA, NRCS
  - Departed Tenants/Service receivers:

■ U.S. Treasury, USGS, MDA, NRCS, FDA

- We are very disappointed that we met with the Department investigators only once. Because of time constraints and the vast amount of information/evidence/documentation we accumulated over the past three-four years, one six-hour session was insufficient.
- Managers and supervisors who have overseen numerous disasters and made many of the decisions leading to such disasters, are not seemingly held accountable. Some continue to serve in leadership positions, either at BARC or transferred to other USDA locations. This is not REAL accountability, and employees are very aware. This not only erodes the morale of employees within the Agency, it calls into question the competence of Agency leadership in the eyes of stakeholders, shareholders, and end-users.

### **WHISTLEBLOWER QUESTIONS**

- Will the Office of the Inspector General FOLLOW THE MONEY? We are VERY concerned that none of the Dept Investigators had financial expertise. We cited “Gross Mismanagement” and “Gross Waste of Funds” in our Whistleblower complaint. We don’t see indication in this report that this was investigated, as evidenced by the lack of a forensic financial analyst (or the like).
- The proposed Tiger Teams seem to be another committee designed for the “optics”.
  - Will they work cooperatively and meaningfully with the Union and all BARC employees to address systemic and ongoing issues?
  - Will employees be able to anonymously provide feedback and updates to the Tiger Teams?
  - Will they address the lack of law/rule/regulation/policy knowledge and understanding within the BARC leadership?
- Did the investigators examine the potential high turnover rate for employees at BARC and the impacts this continues to have on the Agency’s mission, employee morale, and the safety and health of employees, visitors, shareholders, and stakeholders?
- Maximo is a comprehensive program! A previous Facilities Manager called it “The Cadillac” of ticketing and inventory software. Will Maximo be utilized at or close to its full potential so that actual issues can be addressed?
- Will our Facilities staff be expanded to include critical occupational series (i.e Facilities Operations - GS-1640, Building Management - GS-1176, etc.)that are currently not present or not in a sufficient number?
- ***What ELSE can we do to help bring BARC back to the world-class facility it used to be?***

## **IN CONCLUSION**

The Whistleblowers spoke up because of our never-ending passion for BARC and the work we can do, and have done. Our combined service time to ARS/BARC is 97 years. Almost a century of dedication and passion for all things ARS/BARC, its research, innovation, and especially its people. We could not stand by and watch the sacrifices and hard work of so many people who came before us, burn to the ground, along with future innovation and ground-breaking discoveries.

BARC's deterioration did not occur overnight, and we acknowledge that substantive and sustainable improvements will not be made overnight. However, they will not be made *at all*, if the leadership is only interested in checking boxes and excluding Union Representatives and dedicated employees from conversations and solutions. Since the Department launched its investigation of BARC, we have seen some attempts to improve the conditions, and we want to give credit where it is due. "Attempts" is the key word though. A bandaid on a bullet-hole is an "attempt" to repair the wound, but it doesn't mean it's actually fixed. We are seeing a lot of band-aids (i.e. quick "fixes" like the fire suppression systems, the lack of an on site/operational OMSP, or accountability within the leadership not just with the boots-on-the-ground employees), but not many sutures.

BARC/Agency leadership continue to fail to recognize that the Union is here to help. We only blew the proverbial "whistle" because years of meetings, discussions, Information Requests, emails, grievances, etc. were overseeing a continued decline in the conditions at BARC. Our traditional efforts were not helping to change the course of the downward spiral. We had to change tactics if we were going to contribute in any meaningful way to bringing it back.

The Whistleblowers have adopted the motto, "NO MORE COMMUNICATING!" **We MUST have meaningful CONVERSATIONS, where all sides are FULLY invested in making BARC fully functional again!** Conversations are multi-directional, and when used openly and honestly, can become an avenue for ideas/resources/expertise to troubleshoot and implement real solutions. Leadership, Union, employees, shareholders, experts, investigators, Department leadership, Congress ... We aim to bring to the table ANYONE who wants to help!

On behalf of all the dedicated employees of BARC, the Whistleblowers wish to thank all who responded to our cries for help and guided us on this daunting journey. Thank you for taking the time to read and assist us.