

From: Ashley Gjovik ashleygjovik@apple.com

Subject: Re: ADA Medical Request for Full Remote Work - Accommodation Certificate Form Attached (PII)

Date: August 2, 2021 at 2:11 PM

To: Jenna Waibel jwaibel@apple.com, Meg Richardson meagan_richardson@apple.com, Antonio Lagares (ER) alagares@apple.com, Ekelemchi Okpo (ER) eokpo@apple.com

AG

Hello,

My doctor faxed his response to Sedgwick's follow up questions to them today.

Attaching for you below since I assume you'll ask them for it anyway.

Note: the questions about whether an air purifier could mitigate Superfund vapor intrusion (so severe that a land use covenant with the government prohibits elder care and day care on site) was particularly offensive, but so is the fact itself that you're forcing me to release medical info & fill out forms to not be poisoned.



Gjovik ADA
Reques...Qs.pdf

—
Ashley M. Gjovik

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On Jul 30, 2021, at 1:17 PM, Ashley Gjovik <ashleygjovik@apple.com> wrote:

Hi Meg,

Hope you're doing well.

This ADA Remote Work request was suggested by Apple ER in response to me raising concerns about the safety of my workplace. My office is an active EPA Superfund site with a long history of indoor air vapor intrusion with industrial chemicals above max industrial limits for human safety — and also a long history of Apple not actually testing/monitoring the air quality to ensure employee safety. I filed a workers comp claim for a fainting spell in 2019 that I believe was due to the chemicals in the air there.

EH&S refused to answer many of my questions about the building and their procedures, and now has refused to answer any more of my questions about it all. However, before shutting me down, EH&S recently noted there's cracks in the floor of the building (which is exactly how vapor intrusion can get into the indoor air) but is refusing to test the air before the fix the cracks. Due to my whistleblowing, the Federal EPA is now involved and sounds like met with them this week.

My doctor is working on the paper work you mentioned but we're both struggling to mentally process the fact that I have to fill out such invasive and intimidating paperwork to literally just not get poisoned. I've shared these concerns with ER as well — Antonio Lagares is overseeing my sexism & hostile work environment investigation, and his team was also playing PR agent for EH&S.

Also, FYI, these Sedgwick forms for this accommodation were Tweeted out by a coworker, who is a disability rights advocate, a couple weeks ago — and I also talking to NYT about this whole debacle ongoing. NYT quoted me last week about my concerns about another workplace safety issue — what I feel is inadequate safety protocols & policies around COVID exposure for employees being forced back into the office this fall in the midst of a global pandemic.

-Ashley

—
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On Jul 30, 2021, at 8:30 AM, Meg Richardson <meagan_richardson@apple.com> wrote:

Hi Ashley,

I work on the People team supporting the accommodations process for our team members in the US. I wanted to introduce myself and give you an update on the status of your accommodation request which is a request to work remotely through January 2023.

At this time, Sedgwick is working with your provider to clarify and more fully understand your limitations. I will contact you as soon as I have information from Sedgwick so that we can engage in an interactive discussion around your limitations and your accommodation request.

Since Apple has recently pushed its Hybrid Working Pilot and return to onsite work until October at the earliest, a Flexible Work Arrangement will continue for you.

If you have any questions regarding your request for accommodation or anything related to our accommodations process, please reach out to me directly.

Appreciatively,

Meg Richardson
Corporate Employee Relations
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iPhone 469-215-0361
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On Jul 27, 2021, at 9:02 PM, Ashley Gjovik <ashleygjovik@apple.com> wrote:

Hi Ekelemchi!

It was great to talk to you again today. I'm capturing our outstanding actions below.

Further, as mentioned previously and on going, I am requesting a long term solution to the hostile work environment and unsafe work conditions. At this point it is clear my team will not stop the sexism, harassment, discrimination, and retaliation — so I need to be removed from this situation. As mentioned, I refuse to quit or to take medical leave as a response to the hostility; this is on Apple ER to resolve, not for me to hide from. There are two options we've discussed. First, a new role at Apple that is not a hostile work environment and not in unsafe work conditions (and I mentioned that because I will not be at Apple after Dec 31 2022, I cannot find a new role to transfer to for such a short period of time, so I need your assistance with placement). The 2nd option is an exit package that will compensate me and provide benefits through that time. As mentioned this would only be a payment & exit to mitigate the current hostile work environment and unsafe work conditions and would not include any litigation/arbitration waiver agreements nor any non-disclosure agreements beyond what I've already signed as an employee. Any further contractual agreements beyond what I've already signed would need to be reviewed by my team of lawyers and the compensation for each would need to be negotiated by each new specific requirement.

Here's our outstanding to dos. See you tomorrow!

On Jul 16, 2021, at 6:21 PM, Ashley Gjovik <ashleygjovik@apple.com> wrote:

P.S my Sedgwick/Apple accommodation follow up question form is indeed the form circulating on Twitter today. I told Cher she could share it publicly after expressing my own frustration and the responding eruption on Slack about it.

I also shared the ER Medical Release form I had concerns about on Slack earlier this week (I never got a response from y'all) and it appears that form or one like it was referenced in The Verge article about Apple's poor behavior around disabilities yesterday. The Verge writer also retweeted my chemical exposure follow up question form too. I'm glad public pressure might influence Apple to correct & improve its employee policies.

Figured you'd find out eventually, better you hear it from me directly.

-A

Sent from my iPhone

On Jul 16, 2021, at 10:46 AM, Ashley Gjovik <ashleygjovik@apple.com> wrote:

PS - I created a new folder on Box called "2021 - ADA Violations" and added that form and this email to it.

<PastedGraphic-2.png>

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On Jul 16, 2021, at 10:43 AM, Ashley Gjovik <ashleygjovik@apple.com> wrote:

Hi Tony,

As previously discussed at length, I have serious concerns about work place safety of my building, and Apple's other buildings on chemical release sites. At least for my building, from what I've seen, Apple appears to have been negligent with properly managing the vapor intrusion from the three toxic groundwater plumes under the building. Also, as mentioned, I believe I have already been injured by the vapor intrusion in 2019 (the workers comp claim I filed).

The last time we talked, when I mentioned Jenna offered me remote work to satisfy my personal concerns about having to go back to an office on chemical release site after what already happened there and what happened last to me last year causing the seven months of disability. When you and I talked, you reassured me that medical records wouldn't be requested and that Sedgwick wouldn't do more than simply confirm a doctor said I need an accommodation and then would approve.

I also expressed concern that my HR Biz Partner Helen already implied my request would be denied and was bullying me about even requesting it. You said you would talk to her and Jenna.

I wanted to let you know, Sedgwick sent me this very long list of follow up questions this morning for my doctor to answer. They also required me to sign a medical release form. As mentioned, I was extremely uncomfortable signing the form Jenna sent me which released all my records to "Apple Inc" but Jenna refused to provide a revised form that only said Sedgwick. Sedgwick provided me a better form and I did sign it, because she said if I didn't my request couldn't be processed.

Can you please provide some clarity on all this? Does my doctor really need to answer all of these questions Sedgwick is asking for? Or is there a way to reign this all in and do what you said the process would / should be, and as long as a doctor says I need a medical accommodation of full remote work, then that should be approved?

Thank you!
<1128942.pdf>

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On Jul 13, 2021, at 9:58 AM, Ashley Gjovik <ashleygjovik@apple.com> wrote:

There's definitely a disconnect here.

Also, as mentioned, I won't sign that medical release form until it's revised to say I'm only releasing to Sedgwick, not to Apple Inc.

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On Jul 13, 2021, at 9:56 AM, Jenna Waibel <jwaibel@apple.com> wrote:

Hi Ashley,

Tony is aware of this process. Using Nurse Case Managers to understand the medical necessity and help determine if we can approve the accommodation is a standard part of our process, which I shared when we first discussed this. Lisa is reaching out in part because you haven't signed the release for Sedgwick to talk to your doctor. She needs that before she can discuss the accommodation with your doctor.

When we last met, I did say that you don't need to share a diagnosis with me and that is still true. We do need Sedgwick to confirm the medical necessity of the request before we can get approval, which is consistent with any other accommodation process. The form you completed is the first step- I explained previously that this is an interactive process, and filling out the form starts that process. I hope your call with Lisa will help move the process forward.

Thanks,
Jenna

Sent from my iPhone

On Jul 13, 2021, at 9:38 AM, Ashley Gjovik <ashleygjovik@apple.com> wrote:

Hi Jenna,

When I talked to Tony last week he told me confidently that no medical staff from Sedgwick would be getting involved in the request, and Sedgwick would simply contact my doctor to confirm he is a doctor and he did sign the paper before approving the request. You might want to sync with Tony before you have the Nurse reach out.

This was in line with what you originally told me at the beginning of this process, when you offered the form — that there doesn't need to be a diagnosis and I only need a doctor signature.

I can talk to the nurse if I need to, and I do actually have a diagnosis, but it sounds like there's a disconnect on your approach for this.

—
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On Jul 13, 2021, at 9:33 AM, Ashley Gjovik <ashleygjovik@apple.com> wrote:

Hi Tony,

Last time we talked you mentioned there wouldn't be a nurse case manager involved in my remote work request. I just wanted to let you know that Jenna is now telling me there will be a nurse involved and that nurse will be calling me today. Looks like there was a disconnect — and my concerns about Jenna misrepresenting this process appear to now be confirmed.

-Ashley

—
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On Jul 13, 2021, at 8:40 AM, Jenna Waibel <jwaibel@apple.com> wrote:

Hi Ashley,

Lisa from Sedgwick will be calling today to talk about your accommodation request- she asked me to give you a heads up that she will call around 1:30pm. She is a Nurse Case Manager who will assist in the medical side of this conversation that Apple is not directly involved in, to respect your medical privacy.

Thanks,
Jenna

Sent from my iPhone

On Jul 7, 2021, at 11:03 AM, Ashley Gjovik <ashleygjovik@apple.com> wrote:

Hi Jenna! Thank you so much.

FYI - I also have a request in the pipeline through the normal channels for 100% remote work. I do think my role meets the "rare exception" as I'm an EPM that doesn't work directly with hardware or software, and there's no reason real I'd need to be in the office. I talked to Helen about this and she suggested we pursue both requests (ADA and "telecommuting exception") in parallel. I'm waiting to hear for next steps from her on that. She said the previous "telecommuting" request process doesn't exist anymore in HWE after Deirdre's video last month and that HWE is building a new process. Not sure of the timeline though. So just heads-up.

—
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On Jul 6, 2021, at 8:55 PM, Jenna Waibel <jwaibel@apple.com> wrote:

Received- thanks for providing this Ashley.

I will reply with next steps in the next few days.

Jenna Waibel

Apple Corporate Employee Relations
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On Jul 2, 2021, at 1:38 PM, Ashley Gjovik <ashleygjovik@apple.com> wrote:

Hello,

Hope you're well.

Per conversation with Jenna last month, my doctor just completed the medical request form for me to request ADA accommodations of full remote work (work from home).

The form is attached.

My doctor is prepared to provide supporting documentation if needed, including diagnosis & medical records. Please let Sedgwick know they can also reference my existing medical documentation and claims in Sedgwick disability claim #302048282250-0001 (2020 chemical exposure) and Sedgwick worker's comp claim #302174831070001 (2019 chemical exposure).

I look forward to the discussion on next steps for this medical request. Jenna kindly said she'd direct this form to the correct contacts.

Thanks!

<Gjovik ADA Remote Work Request.pdf>

—
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On Jun 10, 2021, at 3:51 PM, Jenna Waibel <jwaibel@apple.com> wrote:

Hi Ashley,

Thanks for our call today.

I shared with you the option to escalate your concerns of my investigation not being thorough to my supervisor, Tony Lagares. I am confident in my findings, and always welcome an additional conversation or review to ensure I have not missed anything essential. You said you would like to move forward with that, so I sent an intro email to ask Tony to contact you.

You said you were concerned that Dave was not coached on gender discrimination: as the investigation did not find any policy violations, the ongoing support for you and Dave to work effectively moving forward is to improve communication between the two of you. I also highly recommended connecting with Helen, as she can help to facilitate clarification of your job description.

I committed to share your continued concerns with EHS about workplace safety, specifically vapor intrusion in Stewart 1, since they are the appropriate parties to respond.

Finally, we talked about the Accommodation process, in response to your concern about the safety of your building with the expectation of returning in September. I advised that now is the right time to begin that process to discuss your accommodation request to continue to work remotely, and pursue documentation from your physician to support that request. Please see the below form to meet with your doctor and begin this process. Since this process can take a while, I recommend we start it now to ensure we have plenty of time in the interactive discussion.

Best,

Jenna Waibel

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