



Federal Emergency Management Agency
EEO COUNSELOR'S REPORT
29 CFR §1614.105

AGENCY CASE NUMBER:

HS-FEMA-02430-2024

Section I: INITIAL INTERVIEW

A. Aggrieved Person's (AP) Identifying Information

NAME/ TYPE OF EMPLOYMENT:	Max J. Meindl		
TITLE/SERIES/GRADE:	Emergency Management Specialist , GS-12		
PLACE OF EMPLOYMENT:	FEMA/CORE Tara-Office of Civil Rights	WORK PHONE: (include area code)	202-374-9426
HOME ADDRESS:	5 E. Austin St. Bellville, TX 77418	PHONE: EMAIL:	Cell: 832-293-3671 Max.meindl@fema.dhs.gov
OFFICE DISCRIMINATION OCCURRED:	DEPLOYED:		

B. Information on Aggrieved Person's Representative (if any)

NAME:	Brent Smith		
ADDRESS:	16516 EL Camino Real #406 Houston, TX 77062	Phone: Email:	832-548-0350 brent@bwsmithlaw.com
IS REPRESENTATIVE AN ATTORNEY?	__ NO __ YES		

C. Basis(es) of Discrimination Only check the boxes for the basis(es) alleged by the Aggrieved and fill-in specifics in the space to the right.

RACE:		SEX:	
COLOR:		<input checked="" type="checkbox"/> AGE (40+):	1951
RELIGION:		<input checked="" type="checkbox"/> DISABILITY:	physical
NATIONAL ORIGIN:		<input checked="" type="checkbox"/> REPRISAL:	No Prior EEO Activity
PARENTAL STATUS: (DEPARTMENT)		GENETIC INFORMATION:	
SEXUAL ORIENTATION: (DEPARTMENT)		OTHER:	

D. Issue(s) - Employment Related Matter(s) In Dispute Only check the boxes for the issue(s) alleged by the aggrieved.

X	APPOINTMENT/HIRE	EVALUATION/APPRaisal	<input checked="" type="checkbox"/>	REASONABLE ACCOMMODATION
	ASSIGNMENT OF DUTIES	EXAMINATION/TEST		REINSTATEMENT
	AWARDS	HARASSMENT/NON-SEXUAL		RETIREMENT [INCLUDING CONSTRUCTIVE DISCHARGE RETIREMENT]
	CONVERSION TO FULL-TIME	HARASSMENT/SEXUAL	<input checked="" type="checkbox"/>	TERMINATION [NON-DISCIPLINARY]
	DISCIPLINARY ACTION – DEMOTION	MEDICAL EXAMINATION	<input checked="" type="checkbox"/>	TERMS/CONDITIONS EMPLOYMENT
	DISCIPLINARY ACTION – REPRIMAND	PAY/INCLUDING OVERTIME [DENIAL OF WIGI]		TIME AND ATTENDANCE
	DISCIPLINARY ACTION - SUSPENSION -OVER 14 DAYS	PROMOTION/NON-SELECTION		TRAINING

	DISCIPLINARY ACTION – REMOVAL		REASSIGNMENT / - DENIED REASSIGNMENT		OTHER: (SPECIFY IN SPACE BELOW)
	DUTY HOURS	X	REASSIGNMENT – DIRECTED REASSIGNMENT		

E. Date(s) of Alleged Discriminatory Event(s):

DATE(S):	<ul style="list-style-type: none"> January 2, 2024 July 10, 2024 August 12, 2024,
45 th DAY AFTER EVENT(S):	<ul style="list-style-type: none"> January 2, 2024: 45th Day - February 16, 2024 July 10, 2024: 45th Day - August 24, 2024 August 12, 2024: 45th Day - September 26, 2024
Reason provided for delayed contact beyond the 45 th day, if applicable: N/A	

F. Name & Title of Involved Management Official(s) and other witnesses (if known).

NAME & TITLE:	Anthony In, Supervisory Emergency, (R RC-PA), 202-615-6165, anthony.in.fema.dhs.gov
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G. Precise description of the Aggrieved Person's Claim(s) and Initial Interview

Claim: Whether AP was discriminated against on the basis of age (1951), disability (physical) and reprisal by management when the following occurred:

1. On January 2, 2024, AP states he requested reasonable accommodation to telework.
2. On July 10, 2024, AP states his reasonable accommodation was denied.
3. On August 12, 2024, AP states he appealed the reasonable accommodation denial.

AP (Max Meindl) states he requested a reasonable accommodation January 2, 2024, but did not received a response until after requested assistance on July 10, 2024. AP states he filed previously several RA's which are still open. See below:

RAR0046761 has been open for 190 days

RAR0042452 open for 707 days

RAR0023278 OPEN FOR 985 days

RAR0023261 open for 986 days

AP states he was informed by management Mr. Anthony In, regarding the interactive process and the essential functions of his position, and his request for a reasonable accommodation (work from 100%) was denied.

AP further stated his Supervisor of Record (SOR) during the time of his complaint and current is Anthony In. Mr. Meindl's states he discussed with Mr. In resulted initially in acceptable and agreeable solutions regarding Mr. Meindl's placement/work duties and opportunities to contribute through a proposed physical deployment to Houston or continue to work on a virtual basis.

Management Response: Management was not interviewed. AP elected to participate in mediation.

Witness Interviews: None

H. Remedy Requested by the Aggrieved Person.

1. By reason of the foregoing, I want Virtual Deployment.
2. By reason of the foregoing, I want a position that correlates to my knowledge and experience.

Section II. EEO Counselor's Checklist

A.	Counselor issued Counselee the following: <ul style="list-style-type: none">• ADR Consent Form• Designation of Representative• EEO Counselor Checklist• Complainant's Rights and Responsibilities• Anonymity Form• EEO Process Form• Withdrawal Form	DATE:	Sent via email: September 17, 2024
		RECEIPT #	Received: September 18, 2024

B. Aggrieved Person Was Advised About Possible Elections (where applicable)


1.	COMPLAINANT WAS ADVISED OF HIS/HER RIGHT TO ANONYMITY DURING THE PRE-COMPLAINT STAGE.	Yes	ADVISED AND DOES NOT REQUESTS ANONYMITY
2.	IF THE MATTER IN DISPUTE IS APPEALABLE TO THE MSPB, WAS THE AGGRIEVED PERSON SPECIFICALLY ADVISED OF THE RIGHT TO FILE A MIXED-CASE COMPLAINT OR A MIXED-CASE APPEAL, BUT NOT BOTH?	Yes	ADVISED AND NOT MSPB MATTER
3.	IF THE AGGRIEVED PERSON IS COVERED BY A COLLECTIVE BARGAINING AGREEMENT, WAS HE/SHE SPECIFICALLY ADVISED OF THE RIGHT TO FILE EITHER A COMPLAINT OR A GRIEVANCE, BUT NOT BOTH?	Yes	AGGRIEVED ADVISED. DOES NOT HAVE A GRIEVANCE.
4.	IF THE AGGRIEVED PERSON IS ALLEGING AGE DISCRIMINATION, WAS HE/SHE SPECIFICALLY ADVISED OF THE RIGHT TO BY-PASS THE AGENCY COMPLAINT PROCESS AND FILE A CIVIL ACTION AFTER 30 DAYS NOTICE TO THE EEOC'S OFFICE OF FEDERAL OPERATIONS?	Yes	AGGRIEVED ADVISED AND IT IS NOT AN ADEA COMPLAINT
5.	THE AGGRIEVED PERSON WAS FULLY INFORMED ABOUT THE AVAILABILITY OF ADR.	Yes	AGGRIEVED ADVISED AND DID ELECT ADR

C. Aggrieved Person asserts basis(es) not covered by EEO regulations

DID THE AGGRIEVED ASSERT:	NO	YES	IF YES, THE FOLLOWING ADVISEMENT MUST BE GIVEN.
REPRISAL FOR MAKING WHISTLE-BLOWER DISCLOSURES?	X		REPRISAL FOR WHISTLE BLOWING DISCLOSURES IS NOT WITHIN THE PURVIEW OR JURISDICTION OF FEDERAL EEO COMPLAINT PROCESS. SPECIFIC PROTECTION IS AFFORDED UNDER THE WHISTLE BLOWER PROTECTION ACT THROUGH THE OFFICE OF SPECIAL COUNSEL AT THE MSPB.
REPRISAL FOR FILING A NEGOTIATED GRIEVANCE?	X		OBTAIN A COPY OF THE GRIEVANCE.
ANY OTHER NON-EEO ISSUE?	X		DESCRIBE:

Section III. Complaint Referred to ADR - RESOLVE Program - for pre-complaint processing

Date the Aggrieved Person elected to pursue mediation.	DATE:	October 24, 2024
Date Assigned to Mediator	DATE:	October 28, 2024
Date for pre-complaint counseling to conclude: [enter date 90 days from date of Initial Interview]	DATE:	N/A
Date advised by Mediator that ADR was completed	DATE:	December 4, 2024

Date Notice of Right to File a Discrimination Complaint Issued to the Aggrieved Person who elected ADR: Check one			
ADR was unsuccessful.		DATE:	December 4, 2024
ADR has been completed.			
Section IV. Summary of Informal Inquiry/Information Gathered			
A. Documents Provided, Requested, and/or Reviewed:			
<p>The following documents were provided by AP:</p> <p>The following documents were submitted by Management: N/A</p> <p>The following documents were requested during informal counseling and are pending receipt: N/A</p> <p>The following documents were reviewed during informal counseling: N/A</p>			
Section V. Summary of Attempted Resolution			
Section VI. Chronology of EEO Counseling Effort (as applicable): N/A			
Date of initial contact to request EEO Counseling:		DATE:	September 3, 2024
Date Initial Interview Conducted and Aggrieved received Intake Forms and Rights and Responsibilities package:		DATE:	September 18, 2024
Date Aggrieved Submitted Intake Forms and Rights and Responsibilities package to EEO Counselor:		DATE:	Oct 17, 2024
Date of Extension Agreement (if any):		DATE:	September 17, 2024
If an extension is agreed to, note the not-to-exceed date:			
Date of election to use ADR:		DATE:	October 15, 2024
Date notified that ADR completed:		DATE:	December 4, 2024
Date of Final Interview:		DATE:	December 5, 2024
Date Notice of Right to File a Discrimination Complaint Issued (E-Mail)		DATE:	December 5, 2024
Date Filed Formal Complaint		DATE:	December 20, 2024
Date EEO Counselor's Report submitted:		DATE:	January 7, 2025.
Section VII. EEO Counselor's Submission of Report			
NAME OF EEO COUNSELOR:	Janet Kelley		
OFFICE ADDRESS:	Office of Civil Rights 500 C Street, SW 4SW-0915 Washington, DC 20472-3505		
PHONE NUMBER:	202-802-6485		
SIGNATURE OF EEO COUNSELOR:		DATE:	January 7, 2025
Section IX. Prior EEO Activity N/A			
Case Number:		Basis and Claims:	

RMO/DMO:			
Prior EEO Activity			
Case Number:		Basis and Claims:	
RMO/DMO:			

ATTACHMENTS

- 1) Notice of Rights and Responsibilities
- 2) Designation of Representation
- 3) Intake Form Showing Notification of Right to Elect ADR and AP's Response
- 4) Notice of Right to File Formal Complaint
- 5) AP Submitted Documents

ATTACHMENT 1

NOTICE OF RIGHTS AND RESPONSIBILITIES



FEMA

NOTICE OF COMPLAINANT'S RIGHTS AND RESPONSIBILITIES

1. The time limit for contacting the Federal Emergency Management Agency's (FEMA) Office of Equal Rights (OER) or an Equal Employment Opportunity (EEO) Counselor is 45 days from the alleged discriminatory incident.

Initials

2. Complainant has the right to be informed of the administrative complaint or Alternative Dispute Resolution (ADR) process and the time frames involved in each process.

Initials

3. Complainant has the right to choose between participation in the administrative complaint process or ADR (when offered by the Agency).

Initials

4. Complainant has the right to anonymity in the counseling phase of the complaint process unless waived. The identity of the Complainant *does not* remain confidential in the formal complaint process, or if Complainant elects to use any ADR process.

Initials

5. Complainant has the right to be informed that if s(he) agree to participate in ADR, the pre-complaint processing period may be extended up to ninety (90) days. If the dispute is not resolved within this timeframe, Complainant must be advised of the right to file a formal complaint and the administrative complaint process will continue.

Initials

6. Complainant has the right to representation throughout the complaint process including counseling and ADR. Complainant must provide the name of the representative to OER when a formal complaint has been filed.

Initials

7. Complainant has the right to receive in writing within 30 calendar days of the first counseling contact, (unless the Complainant agrees in writing to an extension), or within 90 calendar days if using ADR, a notice terminating the counseling and informing him/her of the right to file a formal complaint.

Initials

8. In the event Complainant wishes to file a formal complaint, the complaint must be filed within 15 days of receipt of the counselor's *Notice of Right to File a Discrimination Complaint*.

Initials

9. Only matters raised at the counseling stage, or matters like or related to those presented at the counseling stage, may be the subject of a formal complaint. Nothing said or done during attempts to resolve the complaint through ADR can be made the subject of an EEO complaint. Likewise, an Agency decision not to engage in ADR, or not to make ADR available for a particular case, or an agency failure to provide a neutral, cannot be made the subject of an EEO complaint.

Initials

10. Complainant has the right to go to U.S. District Court 180 days after filing a formal complaint or 180 days after filing an appeal.

Initials

11. In an age discrimination complaint, the Complainant has the right to bypass the administrative complaint process and file a civil action directly in U.S. District Court. Complainant must first provide the Equal Employment Opportunity Commission (EEOC) with a written notice, not less than 30 days, of intent to sue under the *Age Discrimination in Employment Act* (ADEA) of 1967. FEMA Labor Agreements provide that allegations of discrimination may be raised in the negotiated grievance procedure. Therefore, bargaining unit employees covered by such agreements are required to elect to process their formal complaint through (1) the EEO administrative process; *or* (2) the negotiated grievance procedure. The allegations may not be addressed under both. Complainant must inform the counselor that s(he) is a bargaining unit employee. The counselor will inform Complainant of whether or not the labor agreement covering the unit contains an EEO provision.¹

Initials

12. Complainant must elect to file a mixed case complaint through the EEO administrative process, or to file a mixed case appeal with the Merit Systems Protection Board (MSPB). The Complainant has 15 days from the date of a counselor's *Notice of Right to File a Discrimination Complaint*, or 30 days after the initial EEO counselor contact, to file a formal mixed case EEO complaint. A Complainant has 30 days from the date of the alleged discriminatory act to file a mixed case appeal with the MSPB. (A mixed case complaint is an employment discrimination complaint filed with a Federal agency based on race, color, religion, sex, national origin, age, handicap, or reprisal relating to, or stemming from, an action that can be appealed to the MSPB.²

Initials

13. Complainant has the right to request a hearing before an EEOC Administrative Judge in a non-mixed case after 180 days or after completion of the investigation, whichever comes first.

Initials

14. Complaint has the right to be informed of the identity and address of the EEOC field office to which a request for a hearing must be sent in the event the aggrieved person files a formal complaint and requests a hearing pursuant to 29 C.F.R. 1614.108(g).

Initials

15. Complainant has the duty to mitigate damages, that is, interim earnings or amounts which could be earned by the individual with reasonable diligence, generally must be deducted from an award of back pay.³

Initials

16. Complainant has the duty to keep OER informed of his/her current mailing address and to serve copies of appeal papers on the Agency when an appeal is filed directly with EEOC or MSPB.

Initials

17. Individuals who are dissatisfied with the processing of a complaint are to bring this dissatisfaction to the attention of the official responsible for the complaint, whether it be an investigator, the agency EEO manager, an EEOC administrative judge, or the EEOC's Office of Federal Operations on appeal.

Initials

Complainant (Print)

Complainant's Signature

Counselor

Date

Date

¹ Does not apply to Local Hires, Reservists, and Cadre-On-Call-Response Employees.

² Does not apply to LHs, Reservists, and CORE Employees.

³ Does not apply to LHs and Reservists.

ATTACHMENT 2

DESIGNATION OF REPRESENTATION



FEMA

DESIGNATION OF REPRESENTATIVE

Agency File No. _____

Pursuant to Title 29 Code of Federal Regulations (C.F.R.) Section 1614.605(a), at any stage in the processing of a complaint, including the EEO counseling stage under 29 C.F.R. § 1614.105, the complainant shall have the right to be accompanied, represented, and advised by a representative of the complainant's choice. However, in cases where the representation of a complainant would conflict with the official or collateral duties of the representative, the agency may, disqualify the representative. See 29 C.F.R. § 1614.605(c).

Those aggrieved persons/complainants who may later be entitled to reasonable attorney fees cannot receive fees for services, prior to the official notice in writing to the Agency that counsel has been retained.

It is the aggrieved person/complainant's duty to immediately inform the Agency if representation is retained. Failure to notify the Agency can affect any entitlement to fees or costs associated with such representation.

Please complete the information below and provide this form to the Director, Office of Civil Rights, Federal Emergency Management Agency:

I (do ^x) (do not) have a representative at this time.

I, Max J Meindl, hereby designate
Complainant

<u>Brent Smith</u>	<u>16516 El Camino Real #406</u>
Representative Name	Street Address
<u>Houston, TX 77062</u>	<u>832.548.0350</u>
City, State, Zip	Telephone

, to act in

my name as my representative in all matters pertaining to my complaint filed with the
Department of Homeland Security - Federal Emergency Management Agency (FEMA), on
09/18/24

Date

^x **My representative is an attorney.** I understand that agencies are not required to pay attorney's fees for services performed during the pre-complaint process, and I understand that all time frames associated with the processing of my complaint will be calculated from my attorney's receipt of correspondence. 29 C.F.R. §§ 1614.501(e)(1)(iv) and 1614.605(d).

 My representative is not an attorney. I understand that all time frames associated with the processing of my complaint will be calculated from my receipt of correspondence.

I understand that:

Unless I state otherwise in writing, since I have designated a representative, all official correspondence shall be with the representative with copies to me. Also, although I have designated a representative, I am at all times responsible for proceeding with the complaint. Additionally, if I choose to have representation or make a change in representation, I must immediately notify the Agency. Finally, there is no entitlement to attorney fees or costs for discrimination under the Age Discrimination in Employment Act (ADEA) or the Equal Pay Act (EPA), as amended.

Complainant's Signature

09/18/24

Date

ATTACH ATTACHMENT 3

INTAKE FORM SHOWING NOTIFICATION OF RIGHT TO ELECT ADR AND AP'S RESPONSE

**FEMA**

FEDERAL EMERGENCY MANAGEMENT AGENCY
Equal Employment Opportunity Unit
Office of Equal Rights

INFORMAL COMPLAINT INTAKE FORM**Aggrieved Person (AP) Information**

Aggrieved Person (AP) Name: _____

Agency/Type of Employee: _____

Date of Initial Contact: _____

Type of Initial Contact: ☐ Phone ☐ Email ☐ Mail ☐ Fax ☐ In person ☐ Referred by _____

Date of Intake Form: _____

Job Title, Series, Grade: _____

Email Address: _____

Home Address: _____

Home Telephone: _____

Cell Phone Number: _____

Work Phone: _____

Work Address: _____

Aggrieved Person's Representative

Name of Representative: _____ Representative's Phone: _____

Representative's Address: _____

Is your representative an Attorney? Yes ☐ No ☐

Responsible/Designated Management Official's (RMO's/DMO's) Information

RMO(s)/DMO(s) Name	Position/Grade	Relationship to AP	Phone	Email

Alleged Basis / Check all that apply

<input type="checkbox"/>	Race	<input type="checkbox"/>	Mental Disability
<input type="checkbox"/>	Color	<input type="checkbox"/>	Physical Disability
<input type="checkbox"/>	Age (DOB: _____)	<input type="checkbox"/>	Genetic Information
<input type="checkbox"/>	National Origin	<input type="checkbox"/>	Reprisal
<input type="checkbox"/>	Sex (Gender Expression)	<input type="checkbox"/>	Sexual Orientation
<input type="checkbox"/>	Sex (Gender)	<input type="checkbox"/>	Political Affiliation
<input type="checkbox"/>	Religion	<input type="checkbox"/>	Marital/Familial/Parental Status
<input type="checkbox"/>	Other: _____	<input type="checkbox"/>	Did not specify basis



FEDERAL EMERGENCY MANAGEMENT AGENCY
Equal Employment Opportunity Unit
Office of Equal Rights

Claim(s) / Check all that apply			
<input type="checkbox"/>	Appointment / Hire	<input type="checkbox"/>	Disciplinary Action
<input type="checkbox"/>	Assignment of Duties	<input type="checkbox"/>	Duty Hours
<input type="checkbox"/>	Awards	<input type="checkbox"/>	Examination / Test
<input type="checkbox"/>	Equal Pay Act Violation	<input type="checkbox"/>	Evaluation / Appraisal
<input type="checkbox"/>	Demotion	<input type="checkbox"/>	Harassment (Non-Sexual)
<input type="checkbox"/>	Reprimand	<input type="checkbox"/>	Sexual Harassment
<input type="checkbox"/>	Suspension	<input type="checkbox"/>	Pay (Including Overtime)
<input type="checkbox"/>	Termination	<input type="checkbox"/>	Promotion / Non selection
<input type="checkbox"/>	Other (Specify): _____		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Reassignment - Request Denied
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Reassignment (Directed)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Reinstatement
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Retirement
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Time & Attendance
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Training
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Terms / Conditions of Employment
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Reasonable Accommodation

Brief description of claim(s):

Other Active EEO Cases Formal and Informal (To be completed by OER)
Case Number: _____
Basis and Claim(s): _____
RMO/DMO: _____
Case Number: _____
Basis and Claim(s): _____
RMO/DMO: _____
Comments

ATTACHMENT 4

NOTICE OF RIGHT TO FILE FORMAL COMPLAINT



NOTICE OF RIGHT TO FILE FORMAL COMPLAINT

December 5, 2024

Via email at: maxmeindl@fema.dhs.gov

Max J. Meindl
5 E. Austin St.
Bellville, TX 77418

RE: Agency File No.: HS-FEMA-02430-2024

Dear Max J. Meindl:

This serves as the Notice of Right to File a formal complaint required by the Equal Employment Opportunity (EEO) complaint process implementing regulations at 29 Code of Federal Regulations, Section 1614.105, on the above-referenced informal EEO complaint.

Your complaint was not resolved during the informal complaint process; thus, I am required to issue you this Notice of Right to File a formal EEO complaint. If you wish to file a formal EEO complaint, please send your formal complaint to the Office of Equal Rights (OER) within 15 calendar days from the date you receive this letter to following address by mail or email:

Office of Equal Rights (OER)
ATTN: Angela McGonigal, EEO Chief
Federal Emergency Management Agency (FEMA)
U.S. Department of Homeland Security
500 C Street, SW
4th Floor – 4SW-0915
Washington, DC 20472-3535

Email: Angela.McGonigal@fema.dhs.gov
FEMA-OCR-EEO@fema.dhs.gov

The formal complaint must be sufficiently precise to identify the aggrieved individual and the agency and to describe generally the action(s) or practice(s) that form the basis of the complaint. It must contain only the issues specifically raised in the informal complaint process or like or related to those discussed. The complaint must state if you have filed a grievance under the

negotiated grievance procedures or an appeal to the Merit Systems Protection Board (MSPB). The complaint must contain a telephone number and address where you can be contacted.

Please refer to the "Notice of Rights and Responsibilities" you received for specific information about EEO complaint process, including your rights when alleging age discrimination, a violation of the Equal Pay Act, or raising a claim that is appealable to the MSPB.

If you have further questions regarding this letter or the EEO complaint process, please contact me at (202) 802-6485.

Sincerely,

A handwritten signature in cursive script that reads "Janet Kelley".

EEO Specialist
Office of Civil Rights
Federal Emergency Management Agency

Enclosure: Formal Complaint Form

ATTACHMENT 5

AP SUBMITTED DOCUMENTS

From: [Meindl, Max](#)
To: [Kelley, Janet](#)
Cc: brent@bwsmithlaw.com
Subject: FW: Meindl, Max: Request to consider Reassignment - Reasonable Accommodation of Last Resort
Date: Thursday, October 17, 2024 11:02:54 AM
Attachments: [image002.png](#)
[image005.png](#)
[image006.png](#)
[FEMA Informal Intake Form.pdf](#)
[New EEO Poster 2024.pdf](#)
[Know Your Rights and Responsibilities FEMA OCR.pdf](#)

From EEO, see below...

“Thank you for contacting the EEO Branch via email on 8/22/2024. “

Thank you for your assistance.

Max J Meindl, PMP
Emergency Management Specialist | PDTFL
DHS | FEMA | Regional Offices | Region Six | Recovery Division | Public Assistance Branch | Field Ops Team
Duty Station: ROR | Region 6
Mobile: 202-374-9426
max.meindl@fema.dhs.gov

Federal Emergency Management Agency
www.FEMA.gov



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From: FEMA-OCR-EEO <FEMA-OCR-EEO@fema.dhs.gov>
Sent: Sunday, September 1, 2024 9:36 PM
To: Meindl, Max <max.meindl@fema.dhs.gov>
Cc: FEMA-OCR-EEO <FEMA-OCR-EEO@fema.dhs.gov>; Maxwell, Sheri <sheri.maxwell@fema.dhs.gov>; McGonigal, Angela <angela.mcgonigal@fema.dhs.gov>; Jamal, Carmen (CTR) <carmen.jamal@associates.fema.dhs.gov>
Subject: Meindl, Max: Request to consider Reassignment - Reasonable Accommodation of Last Resort

Good afternoon,

Thank you for contacting the EEO Branch via email on 8/22/2024. Employees, former employees, and applicants who believe they have been discriminated against or subjected to harassment because of a protected category must consult with and initiate an informal EEO complaint with an EEO counselor. Employees, former employees, and applicants must contact an EEO counselor within

45 calendar days of the matter believed to be discriminatory, or in the case of a personnel action, within 45 calendar days of the effective date of that action.

I have attached some additional information pertaining to the EEO process and other resources available. If you would like to contact the FEMA Office of Civil Rights to file an EEO Complaint, you may do so by phone at 202-212-3535 or by returning the attached intake form via email to FEMA-OCR-EEO@FEMA.DHS.GOV.

Respectfully,

Tara

Office of Civil Rights – EEO Branch

Federal Emergency Management Agency

www.FEMA.gov

From: Meindl, Max max.meindl@fema.dhs.gov

Sent: Thursday, August 22, 2024 10:06 AM

To: FEMA-OCR-EEO <FEMA-OCR-EEO@fema.dhs.gov>

Cc: Saucedo, Leslie <leslie.saucedo@fema.dhs.gov>; Adamcik, Carol Ann <CarolAnn.Adamcik@fema.dhs.gov>

Subject: FW: Request to consider Reassignment - Reasonable Accommodation of Last Resort

Copy for visibility/information.

In process.

Thank you for your assistance.

Max J Meindl, PMP

Emergency Management Specialist | PDTFL

DHS | FEMA | Regional Offices | Region Six | Recovery Division | Public Assistance Branch | Field Ops Team

Duty Station: ROR | Region 6

Mobile: 202-374-9426

max.meindl@fema.dhs.gov

Federal Emergency Management Agency

www.FEMA.gov



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It may contain information exempt from public release under the Freedom of Information Act (5 U.S.C. 552).

From: Meindl, Max

Sent: Thursday, August 22, 2024 8:45 AM

To: Myers, Anna <anna.myers4@fema.dhs.gov>

Cc: Ortiz, Alejandro <alejandro.ortiz@fema.dhs.gov>; Dyson, Alisa <alisa.dyson@fema.dhs.gov>; Hershey, Jodi <jodi.hershey@fema.dhs.gov>

Subject: RE: Request to consider Reassignment - Reasonable Accommodation of Last Resort

Anna,

I do not believe that I am no longer able to perform the essential functions of the specified position. I am limited in my ability to "physically" deploy, obviously due to health issues.

*This may impact the preferred way or process that my SOR and second line SOR utilize, so, out of a sense of professionalism, I will defer to their preferred process.

I was blissfully unaware that the position required 50 weeks physical deployment per year. I don't recall that information being provided during the interview.

If you can access the job interview transcript, it is very clear that I was not aware of that requirement.

When told that information by SOR in first conversation, well.. we started discussing how to unwind the situation because I couldn't physically deploy.

The only "interactive process" I had was one formal conversation with SOR and RA personnel.

Hence, here we are.

This specific RAR was opened on 01/02/2024 and after contacting leadership, it was moved up to expedited.

This happened after being in the queue for 190 days.

So, I do appreciate the absurdity of the note to "reply no later than" sort of stuff after experiencing no response to 5 RAR over the years.

This RAR sits for months and then gets turbocharged in mere days, all to the detriment of my position, or at least that is how I currently feel.

Ignored, abused, dismissed.

Is this really the purpose of the program?

This snippet was taken around 02/24/24, so add days as appropriate.

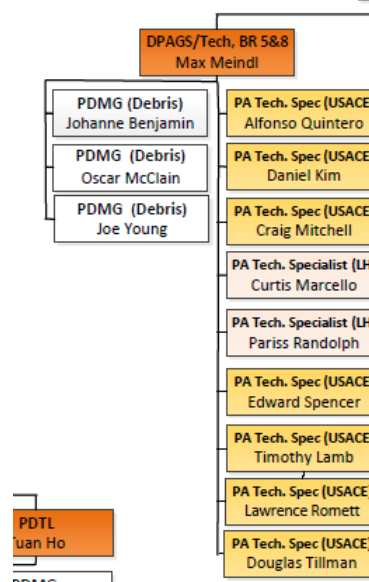
The RA requests, never get adjudicated.

My Service Requests - 4 results found	
Reasonable Accommodation Request - RAR0046767	Requested for: MEINDL, MAX Opened: 53d ago
Reasonable Accommodation Request - RAR0042452	Requested for: MEINDL, MAX Opened: 570d ago
Reasonable Accommodation Request - RAR0023278	Requested for: MEINDL, MAX Opened: 848d ago
Reasonable Accommodation Request - RAR0023261	Requested for: MEINDL, MAX Opened: 849d ago

Respondent comments

1. My understanding, at this time, is that the “essential function” impact identified is “deployment”.
2. I can and do provide the essential functions and elements of the PDTFL position assist, PDTFL duties and responsibilities.
3. The majority of my time with FEMA has been in a virtual status.
4. Primarily due to declining health
5. For the past few years, a proactive SOR and assistive leadership sought out and provided an effective accommodation process that enabled me to enjoy the privileges and benefits of employment.
6. I have been virtually deployed (03/2020-05/2023), 38 months (add 9 months for temporary duty with limited assignments since 12/2023, when I could have been deployed virtually to assist practically anywhere)
7. I have physically deployed (09/2017-06/2018 (+/-) and 05/2023-11/2023. 15 months
8. In office guess (06/2018-03/2020). 21 months
9. I do acknowledge limitations due to various conditions as stipulated in the appropriate documents and these do impact my physical ability to deploy.
10. It does not impact my ability to deploy virtually as I have been doing since 03/2020.
11. There was a short field deployment (05/23-11/23) to 4705DR, which was a problematic with a medical event being tossed into the mix.
12. I was under the assumption we were exploring options for accommodation, maybe short term if appropriate, and Tony and I were developing an accommodation that might work, a discussion to deploy to Houston was had on 05/29/24.
13. When asked by my SOR on 05/29/24 if I could deploy to Houston, I concurred and 9 minutes later he called back and told me he was overruled.
14. In subsequent conversations with my SOR, discussing my being under-utilized and the deployment option to Houston being dismissed I asked why, and the response was that he was told to stand down on this issue.
15. From my perspective, my SOR, at that time and maybe still is, the “deciding official” was working with me, both of us trying to work something out, which we did, and his decision was overruled.
16. Why?

17. I would like to assume it was because of a concern over my health.
18. If so, why not a virtual deployment option?
19. I have spoken with SOR many times about my concerns over being underutilized and how I could do more for the mission.
20. I was deployed, virtually, to 4611DR, (09/2021-05/2023) as a PDTFL.



21. I worked virtually from 03/2020-09/2021.
22. One 6-month deployment since 03/2020, which was problematic

Much of the following has not been addressed in the denial.

The denial must clearly state the specific reasons for the denial, which shall include, where applicable:

Why the requested accommodation would not be effective;

Why the requested accommodation would result in undue hardship to the Agency;

Whether medical documentation provided was inadequate to establish that the individual has a disability and/or needs a reasonable accommodation.

Whether the requested accommodation would require the removal of an essential job function; or

Whether the requested accommodation would require the lowering of a performance or production standard.

Thank you for your assistance.

Max J Meindl, PMP

Emergency Management Specialist | PDTFL

DHS | FEMA | Regional Offices | Region Six | Recovery Division | Public Assistance Branch | Field Ops Team

Duty Station: ROR | Region 6

Mobile: 202-374-9426

max.meindl@fema.dhs.gov

Federal Emergency Management Agency

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From: Myers, Anna <anna.myers4@fema.dhs.gov>

Sent: Friday, August 16, 2024 10:33 AM

To: Meindl, Max <max.meindl@fema.dhs.gov>

Cc: Ortiz, Alejandro <alejandro.ortiz@fema.dhs.gov>; Dyson, Alisa <alisa.dyson@fema.dhs.gov>; Hershey, Jodi <jodi.hershey@fema.dhs.gov>

Subject: Request to consider Reassignment - Reasonable Accommodation of Last Resort

Good morning, Max,

After the interactive process considering your position description (attached), the essential functions of your position, and your request for an accommodation (to work from home 100%), management has denied your reasonable accommodation request for the reasons indicated in the attached 256-02 form.

If you believe that you are no longer able to perform the essential functions of your position, you may request that the Agency consider reassigning you if there is a funded, open position, consistent with page 19 of the attached FEMA Instruction on Reasonable Accommodation. Please note that all FEMA positions require the ability to deploy and other positions may not be able to facilitate an accommodation that requires 100% work from home without the ability to deploy.

If you would like to go this route, **please respond by COB no later than August 23, 2024.**

Respectfully,

Anna Myers

EEO Specialist, Reasonable Accommodation (RA)

Disability Support Branch | Office of Civil Rights (OCR)

Federal Emergency Management Agency (FEMA) | U. S. Department of Homeland Security (DHS)

Phone: (202) 803-1756 | Email: anna.myers4@fema.dhs.gov

FEMA-OCR-RA@fema.dhs.gov | FEMA-SLI-CART@fema.dhs.gov



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