

[Department of Homeland Security]

FORMAL COMPLAINT OF EMPLOYMENT DISCRIMINATION

Department Case Number: 02430-24

Complainant: Max Meindl

Date of Submission: December 20, 2024

STATEMENT OF FACTS\

I. Introduction

- a. I, Max Meindl, hereby lodge this formal complaint alleging employment discrimination on the grounds of disability, under the Department of Homeland Security (DHS) policies and relevant federal anti-discrimination statutes.

II. Background:

- a. Position: Emergency Management Specialist, Public Assistance Branch
- b. Tenure: Over 7 years of service
- c. Previous informal telework/remote work service: Covid 3/31/2020 –
- d. Previously approved for virtual deployment/telework on the following dates:
- e. 11/22/2022 – 11/22/2023
- f. Original job description includes the following statement:

i. Remote job

Yes - This position is eligible for remote work arrangements consistent with applicable FEMA policy. Remote work arrangements may be approved at the time of selection and the duty station will be determined based upon the negotiated worksite location. For this position, remote work arrangements will be considered from Remote Worksites in FEMA Region 6 States; including New Mexico, Oklahoma, Texas, Arkansas, or Louisiana.

III. Nature of Discrimination:

- a. Disability Discrimination: My health conditions require virtual deployment as previously provided by FEMA, which is now being denied.

IV. Specific Incidents:

- a. Ongoing Issue Since December 2023: limited to virtual deployment only due to my health limitations

- b. January 2, 2024: Formal submission of a request for Reasonable Accommodation (RAR) to continue remote work duties.
- c. Employee was directed to apply for medical retirement.
- d. Reasonable Accommodation Request Outcome:
- e. The aforementioned RAR was denied by my Supervisor of Record (SOR) and his superior officer.
- f. No undue hardship was provided.

V. Dispute Resolution:

- a. An attempt to mediate through the Equal Employment Opportunity (EEO) office's Alternative Dispute Resolution (ADR) process yielded no satisfactory resolution.

VI. Chronology of Events

- a. November 2022 – renewal of 100% telework approved for 1 year.
- b. December 2023 – renewal of 100% telework agreement approved for (no end date listed).
- c. December 2023: Initial recognition of deployment issues due to health constraints.
- d. January 2, 2024: Submission of RAR for continued remote work arrangements.
- e. July 8th, 2024: 190 days after the Employee filed RAR, the employee followed up with leadership.
- f. July 10th, 2024: Supervisor directed to stand down, and await further instructions.
- g. July 22nd, 2024: communication with EEOC begins
- h. August 4th, 2024 – The employee received email stating that per the Remote Work Manual remote work is not considered a reasonable accommodation, which is in direct conflict with 2021 guide to telework and Remote Work in the Federal Government, which states:
 - i. *"Allowing an employee to work at an alternative worksite may be a reasonable accommodation where, for example, commuting every day is demonstrated to be aggravating to the person's disability and the job, or parts of the job, can be performed from an alternative worksite without causing significant difficulty or expense."*(pg 37)
- i. August 16th, 2024 – employee's RA request is denied, under the claim that the employee can no longer accomplish their essential functions.
- j. September 3rd, 2024: formal acknowledgment of informal complaint by EEO office received.
- k. Informal ADR was performed, wherein no alternative was given, and no other position was offered.

VII. Impact on Employment

- a. Workload and Opportunities: employees' capacity to work has been unduly restricted, with opportunities for deployment withheld despite their prior successful remote work tenure.
- b. Perceived Retaliation: Following the employees' statement of concerns, Supervisor of Record was directed to "stand down," implying an attempt to suppress further discussions on accommodations.
- c. The final recommendation from the agency is medical retirement.

VIII. Request for Action

I respectfully request that the Department of Homeland Security:

1. Undertake a comprehensive investigation into these allegations of discrimination.
2. Reassess and adjudicate my previously denied Reasonable Accommodation Request with due diligence.
3. Ensure that no further discrimination based on my disability ensues.
4. Rectify any retaliatory actions, safeguarding my employment status and career advancement.

IX. Conclusion

This complaint underscores a series of incidents that have adversely affected my professional capabilities within DHS. I seek a resolution that upholds principles of equity, non-discrimination, and professional integrity.

Signature: Max Meindl



Date: December 20, 2024

Note: This document is prepared and presented in strict adherence to DHS procedures for lodging employment discrimination complaints, with an expectation for confidential and diligent handling.