



## **Decision on Request for Reasonable Accommodation**

Date: **November 26, 2024**

To: **Max Meindl**

From: **Anthony In**

Copy: Office of Civil Rights (OCR), Disability Support Branch

Re: Reasonable Accommodation (RA) Request – **RAR0046767**

---

### **Background**

On January 2, 2024, you requested a reasonable accommodation of “remote/virtual/teleworking.” At that time and currently, your position was as a Direct Charge Core (DCC), Emergency Management Specialist (Recovery). After receiving your request for reasonable accommodation, an RA Specialist was assigned on or about June 12, 2024. We engaged with you in interactive discussions with the guidance of an RA Specialist on the following dates: July 10, 11, 12, 24, and 31; August 5.

### **Decision**

From January 2024 until August 2024, before the denial of your accommodation request, I, Anthony In, as your First Line Supervisor of Record (SOR) worked to ensure your safety by providing 100% telework and marking you as unavailable for deployment in the DTS system, as necessary.

During your onboarding, I engaged in interactive discussions with you, asking for more detailed information about your limitations and reminding you of your responsibility to physically deploy, as it is a key essential function of the job.

In January 2024, I acknowledged your medical issues and reminded you of your obligations to be deployed but marked you unavailable in the DTS system while we continued to discuss your status and when you would be able to return to regular duties.

In May 2024, I continued having interactive discussions with you to remind you of your obligations to deploy. You advised that you had a pending accommodation, and I continued to

support by providing telework and alternative work assignments while a final determination had been reached.

On August 5, 2024, I, your First Line Supervisor of Record, denied your request for virtual/remote/telework as it would require the agency to remove the following essential functions of your position as a DCC, Emergency Management Specialist (Recovery):

- That you serve as a front-line employee and the primary point of contact and interface with the public for technical support, program delivery, and advise of grant opportunities.
- That you must be ready to deploy physically anywhere in the United States or its territories at any time on a 24-hour notice.
- That frequent Temporary Duty (TDY) travel is required.
- That you are assigned to an emergency team designed to perform essential functions during an actual or impending crisis or declared national emergency, subject to recall during non-duty hours in the event of emergencies.
- That you are required by emergency assignment to be available to report to an emergency duty station during duty and non-duty hours by the fastest means available and be prepared to operate at the emergency duty station for an indefinite period.
- That deployments include working more than eight (8) hours a day or more than forty (40) hours per week, including weekends and holidays.
- Specifically, your Position Description states as a Condition of Employment that “The work is normally performed in an office setting. However, this position requires that the incumbent train, maintain a state of readiness, and be deployed into the possible high-risk environment of a disaster site. Conditions in some disaster environments may include irregular diet or rations; limited rest; uncomfortable sleeping conditions; extensive overtime; an environment with unsanitary conditions; and related risks, such as reoccurrence of the disaster event (e.g., general hazards, or additional flooding). Travel may be required on short notice, during poor conditions. Extreme caution must be exercised to assure personal safety, as well as safety of co-workers and members of the public who look to the employee for guidance.”

Following this decision, you submitted a request for appeal to your Second Line Supervisor of Record, Jodi Hunter.

On August 15, 2024, your Second Line Supervisor of record denied your request for non-deployment citing the forgoing essential functions required for job performance. In addition, Ms. Hunter cited that Max’s “acknowledgment that he cannot leave his house to deploy under any circumstances contributes to my decision. Finally, his branch (Infrastructure Branch, Recovery Division) supports disaster deployments on an almost daily basis. His temporary accommodation cannot continue as assignments of duties are totally unrelated to his current position of record and cannot be continued.”

On August 26, 2024, you informed the Office of Civil Rights of your desire to enter the reassignment process as an accommodation of last resort to an equivalent, vacant, funded


position. On October 30, 2024, the Talent Recruitment & Acquisition Division informed you there are no vacant positions which could serve as an accommodation of last resort.

As is readily apparent from a review of the above-noted essential job functions, your position is not suitable for non-deployment and/or telework. That is because there are a substantial number of essential job tasks that require your ability to travel and to deploy to disaster events. We determined that, based on all the information known to us after conducting an individualized assessment of the relevant circumstances, including the essential functions of the specific job and the requested accommodation(s), that the accommodation requested would have required the agency to lower performance standards, production standards, or otherwise fundamentally change the nature of the position. The Rehabilitation Act does not require that FEMA modify or eliminate essential functions of a job to provide an accommodation. As such, FEMA has exhausted all efforts to accommodate you through the reasonable accommodation process and will proceed with a final denial.

### **Right to Equal Employment Opportunity**

If you believe that this denial constitutes unlawful discrimination and wish to file an Equal Employment Opportunity Complaint pursuant to 29 C.F.R. 1614, contact an EEO Counselor in the Office of Civil Rights by emailing [FEMA-OCR-EEO@fema.dhs.gov](mailto:FEMA-OCR-EEO@fema.dhs.gov) or calling 202-212-3535 within 45 days from the date of this denial of reasonable accommodation or 45 days from the date you became aware of the action.

Anthony In  
Supervisory Emergency Management Specialist

  
\_\_\_\_\_  
Signature of Deciding Official

12/02/2024  
\_\_\_\_\_  
Date

### **Acknowledgement of Receipt:**

*Please sign the acknowledgement of receipt below. Your signature does not indicate agreement with this decision, and by signing, you do not forfeit any of your rights cited above. Your signature only represents your receipt of this decision on the date signed.*

\_\_\_\_\_  
Max Meindl

\_\_\_\_\_  
Date